

# Illinois 2011 **DUI** **FACT BOOK**



**JESSE**  **WHITE**  
SECRETARY OF STATE



## **A message from Secretary of State Jesse White**

# **2011 DUI Fact Book**

I am pleased to provide this *2011 Illinois DUI Fact Book*, which features factual information about Illinois' efforts to combat drunk driving.

In the last 10 years, Illinois has gained nationwide recognition for its endeavors to decrease fatalities on our roadways. One of these initiatives was a requirement that first-time DUI offenders install a Breath Alcohol Ignition Interlock Device (BAIID) on their vehicles in order to regain some driving privileges. Since the program began in 2009, we have seen a 150 percent increase in the number of DUI offenders utilizing the program and a steady decline in alcohol-related deaths.

My office offers free copies of our award-winning DUI videos and public service announcements, as well as traffic safety speakers and publications to educate the public about the consequences of drinking and driving. To request a video, speaker or publications for your school or civic organization, please call the Traffic Safety Hotline at 866-247-0213.

I look forward to continuing our efforts toward making Illinois roadways safer.

A handwritten signature in cursive script that reads "Jesse White".

**Jesse White**  
Secretary of State

The statistics presented in this 2011 Illinois DUI Fact Book are the most recent numbers available at the time of publication. This manual does not cover every aspect of Illinois' DUI laws and should not be cited as a legal authority in court.

[WWW.CYBERDRIVEILLINOIS.COM](http://WWW.CYBERDRIVEILLINOIS.COM)

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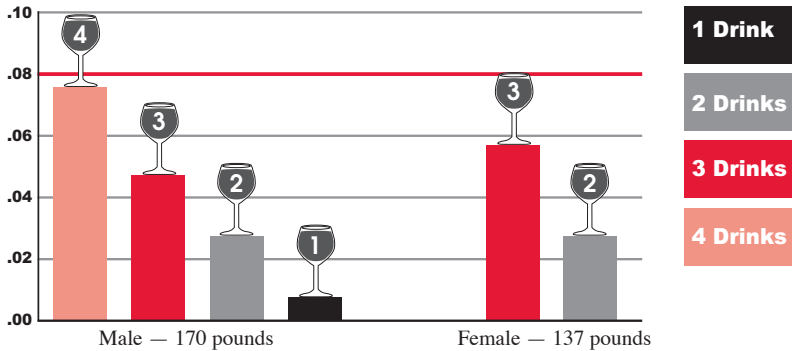
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# Illegal BAC Limits in Illinois

Drivers under age 21 .....	.00
School bus drivers .....	.00
Commercial driver's license holders .....	.04
Drivers age 21 and over .....	.08

## Number of drinks and BAC level in ONE HOUR of drinking

BAC



**1 drink = .54 ounces of pure alcohol\***

All contain an equivalent amount of alcohol

- 1 can of beer
- 1 glass of wine
- 1 shot of liquor

\* The amount of alcohol in a poured/mixed drink is dependent on the type of drink and the person who pours it.

# Driving Under the Influence (DUI)

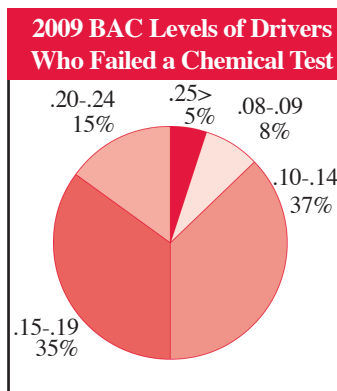
“Driving Under the Influence” is defined as operating a motor vehicle while impaired by alcohol, other drugs or intoxicating compounds and methamphetamine. In Illinois, a driver is legally considered to be under the influence if he/she has a blood-alcohol concentration (BAC) of .08 or more, has used any illegal substance, or is impaired by medication. A driver’s BAC is based on the ratio of alcohol to blood or breath. However, an individual with a BAC between .05 and .08 may be convicted of DUI if additional evidence determines that the driver was impaired. In 1997, the Illinois General Assembly passed legislation to lower the illegal BAC limit from .10 to .08. Illinois was the 15th state to impose such a change.

The effect of alcohol on an individual is determined primarily by two factors: the amount of alcohol consumed and the rate at which it is absorbed by the body. Other contributing factors include gender, body weight, alcohol tolerance, mood, environment and the amount of food consumed.

From the first drink, alcohol affects coordination and judgment. Even with a BAC well below .08, a person’s reaction time slows. The risk of being in a crash begins to climb with a BAC between .04 and .05 and increases rapidly thereafter.

By the time a driver reaches a BAC of .06, he/she is twice as likely to be involved in a fatal crash as a non-drinking driver. By the time a driver reaches a BAC of .08, he/she is 11 times more likely to be killed in a single-vehicle crash than a non-drinking driver.

The only way to rid the body of alcohol is time. Fresh air, coffee, a shower and food cannot help a person become sober. It takes about one hour for the body to metabolize one drink. Each of the following has a comparable amount of alcohol and counts as one drink: one 12-ounce mug of beer, one 5-ounce glass of wine or one 1.5-ounce shot of hard liquor. (The amount of alcohol in a poured/mixed drink is dependent on the type of drink and the person who pours it.)



The average DUI offender is:

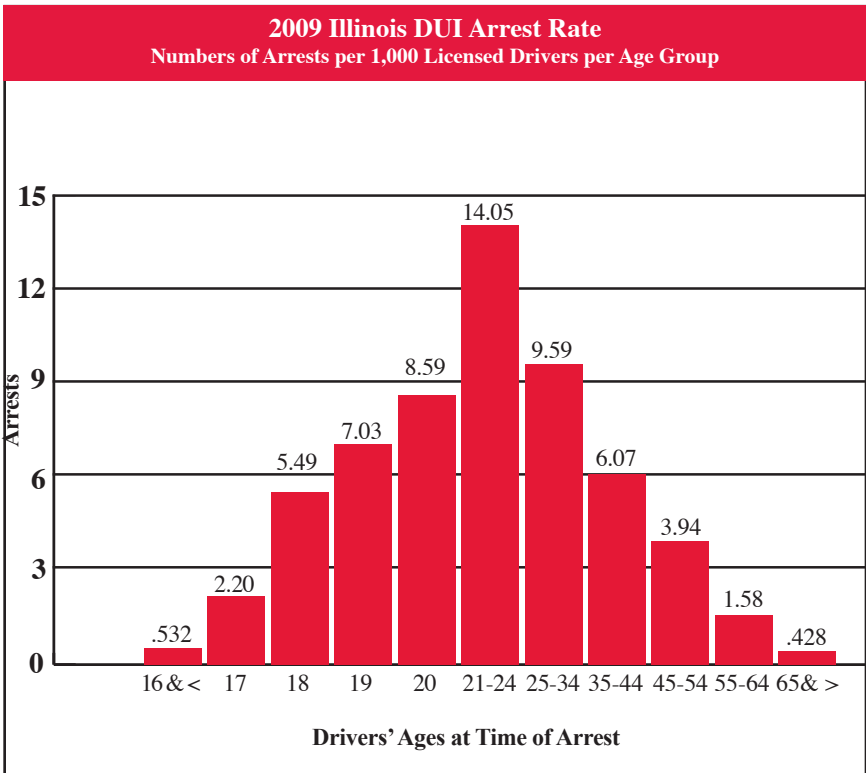
- male (78 percent arrested are men);
- age 34 (60 percent are under age 35);
- arrested between 11 p.m. and 4 a.m. on a weekend; and
- caught driving with a BAC of .16 — twice the illegal limit.

— *Illinois Secretary of State*

**FACT**

## 2009 Illinois DUI Facts

- 309 people were killed in alcohol-related crashes, which was 36 percent of the 854 total crash fatalities.
- More than 45,900 DUI arrests were recorded by the Secretary of State's office.
- 92 percent of all drivers arrested for DUI, who were eligible, lost their driving privileges.
- 1,917 drivers under age 21 lost their driving privileges due to Zero Tolerance law violations.
- 22 percent of those arrested for DUI are women, who represent 50 percent of all licensed drivers.
- Males ages 21-24 had the highest DUI arrest rate (about 21 per 1,000 licensed drivers). This rate was four times greater than that of all other drivers arrested for DUI (5 per 1,000 licensed drivers).
- 84 percent of all drivers arrested for DUI are first offenders.



## 2009 National DUI Facts

- Alcohol-related crash fatalities in 2009 totaled 10,839, which was 32 percent of all crash fatalities for the year.
- Drivers with a BAC of more than .08 who were killed in crashes were 10 times as likely to have a prior conviction for driving while intoxicated.
- Eleven states, including Illinois, now require a first-time DUI offender to have a Breath Alcohol Interlock Device (BAIID) installed on his/her vehicle. Other states are Alaska, Arkansas, Arizona, Colorado, Hawaii, Louisiana, Nebraska, New Mexico, Utah and Washington.

## Facts About .08

- Illinois' .08 illegal BAC limit was signed into law July 2, 1997. .08 is a measurement of the blood-alcohol concentration level at which drivers are considered intoxicated and, therefore, are prohibited from driving on Illinois roadways.
- All 50 states, the District of Columbia and Puerto Rico have .08 BAC per se laws.
- At .08, all drivers are impaired to the point that critical driving skills are greatly diminished. Studies indicate that at .08, a driver's steering, braking, speed control, lane changing, gear changing and judgments of speed and distance are all significantly impaired.
- To reach .08, a 170-pound male would have to consume **four** or more drinks in one hour on an empty stomach. A 137-pound female would have to consume **three** drinks in one hour to reach .08. A drink is considered a 12-ounce beer, a 5-ounce glass of wine or a cocktail containing 1.5 ounces of 80-proof liquor.
- At .08, a driver is three times more likely to be involved in a car crash than a sober driver, and 11 times more likely to be killed in a single-vehicle crash.
- About 80 percent of alcohol-related crash fatalities are caused by drivers with no arrests for drunk driving during the previous three years.

The rate of alcohol impairment among drivers involved in fatal crashes is four times higher at night than during the day.

— *National Highway Traffic  
Safety Administration*

**FACT**



## Chronology of a DUI Arrest

- An officer stops a vehicle at a roadside safety check or for probable cause, reasonable suspicion or unusual operation.
- The officer observes the driver and requests a driver's license, vehicle registration and insurance card.
- If the officer suspects the driver is under the influence, the driver is asked to submit to field sobriety tests.
- If the officer does not suspect the driver is under the influence, the driver is released with any applicable violations.
- If the officer has probable cause based on the field sobriety tests, the driver is placed under arrest for DUI and taken to the police station. The driver is asked to submit to a chemical testing of breath, urine or blood.
- If the chemical test determines the driver is not under the influence, the driver is released with any applicable violations.
- If a tested driver's BAC is more than .05 but less than .08 and no drugs are found in the system, no statutory summary suspension (see page 9) will apply; however, the associated DUI charge will remain until appropriate action is taken by the court.
- If the driver refuses to submit to or fails to complete testing, the statutory summary suspension will apply. A repeat offender who refuses to submit to testing is not eligible for a Restricted Driving Permit (RDP) during the 3-year suspension. A repeat offender who takes the test and fails is not eligible for an RDP during the 1-year suspension.
- If the driver's test results show a BAC of .08 or more, or any trace of a drug, illegal substance or intoxicating compound, the driver will be issued a law enforcement sworn report notifying the driver of a statutory summary suspension.
- If the driver's license is valid, a receipt is issued allowing driving for 45 days.
- A driver may obtain additional testing at his/her own expense; the results are admissible in court.
- The offender is required to post bond and may be detained until bond is posted.
- The offender's vehicle may be towed, impounded or seized.

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# Statutory Summary Suspension/Revocation

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A statutory summary suspension provides for the automatic suspension of driving privileges of a driver arrested for DUI who fails, refuses to submit to, or fails to complete chemical testing. Failure of chemical testing means a person's BAC was .08 or more or the test showed a trace of other drugs. Statutory summary suspensions are automatic, effective on the 46th day from the date of the suspension notice. This suspension does not replace criminal penalties for a DUI conviction. An offender may request a judicial hearing to challenge the arrest; however, the request does not stop the suspension from taking effect. If an Illinois driver refuses to submit to chemical testing in another state, his/her driving privileges will be suspended. A statutory summary suspension does not apply to a person with a BAC of less than .08. If a person has a BAC of more than .05, and additional evidence such as an open container warrants a DUI arrest, the outcome of the court case will determine if penalties apply. If a commercial driver's license holder receives a statutory summary suspension, his/her CDL privileges will be disqualified for one year for a first offense; a lifetime disqualification applies for a second offense.

## Failing Chemical Testing

- **First offense** — Suspension of driving privileges for 6 months (eligible for MDDP on 31st day of suspension).\*
- **Second or subsequent offense within 5 years** — Suspension of driving privileges for 1 year (not eligible for driving relief).

## Refusing to Submit to Chemical Testing

- **First offense** — Suspension of driving privileges for 12 months (eligible for MDDP on 31st day of suspension).\*
- **Second or subsequent offense** — Suspension of driving privileges for 3 years (not eligible for driving relief).

## Effective July 1, 2011

If a driver refuses to submit to chemical testing after being involved in a crash in which a serious injury or death occurred, his/her driving privileges will be revoked for a minimum of 1 year.

*\*A DUI offender eligible for driving relief and issued a Monitoring Device Driving Permit (MDDP) must operate only vehicles installed with a Breath Alcohol Ignition Interlock Device (BAIID), unless exempted by employment. The offender is subject to all MDDP rules and BAIID fees.*

In 2009, 92 percent of drivers arrested for DUI who refused to submit to or failed chemical testing lost their driving privileges; 84 percent of those were first offenders.

— Illinois Secretary of State

# FACT

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# Penalties for a DUI Conviction

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## Driving Under the Influence (DUI)

Penalties for DUI in Illinois vary depending on the circumstances of the arrest and conviction. These circumstances may include the driver's age, the driver's BAC level, whether the driver was transporting a child under age 16, and whether the driver has previous DUI convictions. Any DUI offense resulting in felony charges is classified as Aggravated DUI. (See inside back cover for specific penalties for misdemeanor and felony convictions.)

### First Conviction

Class A misdemeanor; minimum revocation of driving privileges for 1 year (2 years if driver is under age 21); suspension of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any penalties or fines, mandatory minimum fine of \$500 and mandatory minimum 100 hours of community service.
- If committed while transporting a child under age 16 — In addition to any penalties or fines, possible imprisonment of up to 6 months, mandatory minimum fine of \$1,000 and 25 days of community service in a program benefiting children.
- If committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Aggravated DUI); Class 4 felony — In addition to any other criminal or administrative sanctions, mandatory fine of \$2,500 and 25 days of community service in a program benefiting children.

### Second Conviction

Class A misdemeanor; mandatory minimum imprisonment of 5 days or 240 hours of community service; revocation of driving privileges for a minimum of 5 years for a second conviction within 20 years; suspension of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any penalties or fines, mandatory imprisonment of 2 days and mandatory minimum fine of \$1,250.
- If committed while transporting a child under age 16 (Aggravated DUI); Class 4 felony.
- If committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Aggravated DUI); Class 2 felony — In addition to any other criminal or administrative sanctions, mandatory fine of \$5,000 and 25 days of community service in a program benefiting children.

### Third Conviction (Aggravated DUI)

Class 2 felony; revocation of driving privileges for a minimum of 10 years; suspension of vehicle registration.

- If committed with BAC of .16 or more — In addition to any other criminal or administrative sanctions, mandatory imprisonment of 90 days and mandatory minimum fine of \$2,500.

- If committed while transporting a child under age 16 — In addition to any other criminal or administrative sanctions, mandatory fine of \$25,000 and 25 days of community service in a program benefiting children.

#### **Fourth Conviction (Aggravated DUI)**

Class 2 felony; revocation of driving privileges for life with no relief available; suspension of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any other criminal or administrative sanctions, mandatory minimum fine of \$5,000.
- If committed while transporting a child under age 16 — In addition to any other criminal or administrative sanctions, mandatory fine of \$25,000 and 25 days of community service in a program benefiting children.

#### **Fifth Conviction (Aggravated DUI)**

Class 1 felony; revocation of driving privileges for life with no relief available; suspension of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any other criminal or administrative sanctions, mandatory minimum fine of \$5,000.
- If committed while transporting a child under age 16 — In addition to any other criminal or administrative sanctions, mandatory fine of \$25,000 and 25 days of community service in a program benefiting children.

#### **Sixth or Subsequent Conviction (Aggravated DUI)**

Class X felony; revocation of driving privileges for life with no relief available; suspension of vehicle registration.

- If committed with a BAC of .16 or more — In addition to any other criminal or administrative sanctions, mandatory minimum fine of \$5,000.
- If committed while transporting a child under age 16 — In addition to any other criminal or administrative sanctions, mandatory fine of \$25,000 and 25 days of community service in a program benefiting children.

### **Aggravated DUI**

Any DUI offense resulting in felony charges is classified as Aggravated DUI. Any mandatory term of imprisonment or community service is not subject to suspension or reduction. Any person sentenced to probation or conditional discharge also must serve a minimum 480 hours of community service or 10 days imprisonment.

Aggravated DUI includes the following offenses:

- Third or subsequent DUI (Class 2 felony; penalties vary according to offense).
- DUI committed while driving a school bus carrying persons age 18 or younger (Class 4 felony).
- DUI resulting in great bodily harm, permanent disability or disfigurement (Class 4 felony). Revocation of driving privileges for a minimum of 2 years.

- Second or subsequent DUI committed while transporting a child under age 16 (Class 2 felony; penalties vary according to offense).
- DUI committed while transporting a child under age 16 and involved in a crash that resulted in bodily harm to the child (Class 2 felony; penalties vary according to offense).
- DUI committed without a valid driver's license or permit (Class 4 felony).
- DUI committed without vehicle liability insurance (Class 4 felony).
- DUI committed after a previous conviction for reckless homicide while DUI or Aggravated DUI involving a death (Class 3 felony).
- DUI committed in a school zone while the restricted speed limit is in effect and involved in a crash that resulted in bodily harm (Class 4 felony).
- DUI committed while revoked or suspended for DUI, reckless homicide or leaving the scene of a personal injury or death (Class 4 felony). Any penalty imposed is in addition to the penalty for any subsequent DUI violation. Revocation period determined by offense.
- DUI resulting in a death (Class 2 felony). Revocation of driving privileges for a minimum of 2 years from the effective date of the revocation or from the date of release from incarceration for the offense.

## **Additional Consequences of DUI**

- A DUI conviction is a permanent part of an offender's driving record.
- The offender may lose work time.
- The offender is required to complete an alcohol/drug evaluation and an alcohol/drug remedial education course or substance abuse treatment program before driving privileges are reinstated.
- The offender must meet the requirements of the Secretary of State's Department of Administrative Hearings prior to obtaining an RDP.
- A BAIID may be installed on the offender's vehicle as a condition of driving relief. (See page 13 for more information.)
- The offender is required to carry high-risk auto insurance for 3 years.
- The offender's vehicle registration will be suspended.

The vehicle (vessel or aircraft) of any driver may be seized or impounded by local authorities for:

- committing a DUI while driving privileges are suspended/revoked for a previous DUI or reckless homicide;
- committing a DUI with a previous conviction of reckless homicide, aggravated DUI with death or great bodily harm;
- committing a third or subsequent DUI;
- committing a DUI without a valid driver's license or permit; or
- committing a DUI while uninsured.

The DUI criminal charge is prosecuted and adjudicated in the courts. This charge is separate from the statutory summary suspension, which is an administrative process. A person convicted of DUI whose driving privileges were suspended because of a statutory summary suspension will have that time credited to the minimum period of revocation of driving privileges.

If a driver is convicted of DUI in another state, the conviction will be added to his/her Illinois driving record and result in revocation of driving privileges.

An average of one alcohol-impaired driving fatality occurs every 48 minutes.

— *National Highway Traffic  
Safety Administration*

**FACT**

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## **Breath Alcohol Ignition Interlock Device (BAIID)**

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Any first-time DUI offender who wishes to obtain and is eligible for driving relief during the period of statutory summary suspension is required to have a Breath Alcohol Ignition Interlock Device (BAIID) installed on his/her vehicle.

To be eligible for driving relief, the offender must obtain a Monitoring Device Driving Permit (MDDP), and a BAIID will be installed on his/her vehicle through the Secretary of State's office. An MDDP and installation of a BAIID allow an offender to drive anywhere at anytime as long as he/she is driving a vehicle installed with a BAIID. The Secretary of State's office monitors and reads the BAIID throughout the duration of the permit. The BAIID will alert the Secretary of State's office if the driver attempts any incidents of driving under the influence or tampers with the BAIID device.

A DUI offender may decline to have an MDDP and BAIID and instead choose to restrain from driving during the suspension period. However, an offender who chooses not to participate in the program and is subsequently caught driving a vehicle during the suspension period is guilty of a Class 4 felony. Additionally, an offender who participates in the BAIID program and is subsequently caught driving a vehicle without a BAIID device installed is guilty of a Class 4 felony. (For more information on the MDDP, see page 18.)

A BAIID also is required as a condition of receiving a Restricted Driving Permit (RDP) for a person who has two or three DUI convictions (no time limit between

offenses); or two statutory summary suspensions (as a result of two DUI arrests); or one DUI conviction with a statutory summary suspension from a separate DUI arrest, with both of the latter combinations of offenses occurring within 10 years.

An RDP allows a person to drive on a restricted basis according to his/her permit. (For more information on the RDP, see page 18.)

A person who has two or three DUI convictions must install a BAID on all vehicles registered in his/her name for 12 consecutive months as a prerequisite for full reinstatement of his/her driver's license. A judge also may require a driver to have a BAID installed on a vehicle. In such cases, it is the responsibility of the courts to monitor and record all information, not the Secretary of State's office.

The DUI offender is responsible for all costs associated with the issuance, installation and monitoring of the BAID.

For a listing of certified BAID vendors and installation sites, please visit [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com) (click Departments, then BAID).

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## Penalties for Other DUI-Related Offenses

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### Possession of Drugs in a Vehicle

Illegal possession of a controlled substance or cannabis by a driver; violations must be entered in court records and reported to the Secretary of State.

- **First conviction** — Suspension of driving privileges for 1 year.
- **Second conviction within 5 years** — Suspension of driving privileges for 5 years.

### Knowingly Permitting a Driver Under the Influence to Operate a Vehicle

- Class A misdemeanor; possible imprisonment of up to 1 year; fines of up to \$2,500.

### Driving on a Suspended or Revoked License

- **First conviction** — Class A misdemeanor; mandatory imprisonment of 10 days in jail or 30 days of community service; fines of up to \$2,500; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.
- **Second conviction** — Class 4 felony; minimum 30 days in jail or 300 hours of community service; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.

- **Third conviction** — Class 4 felony; minimum 30 days in jail or 300 hours of community service; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.
- **Fourth through ninth conviction** — Class 4 felony; minimum 180 days in jail; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.
- **10th through 14th conviction** — Class 3 felony; not eligible for probation or conditional discharge; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.
- **15th or subsequent conviction** — Class 2 felony; not eligible for probation or conditional discharge; suspension of driving privileges for double the original suspension period or additional revocation of 1 year; may result in seizure or forfeiture of vehicle.

Of the driver's license revocations in 2009, 3,716 were for second offenses, 973 were for third offenses, and 529 were for fourth or subsequent offenses, which resulted in a lifetime revocation.

— *Illinois Secretary of State*

**FACT**

## Dram Shop

An employee or owner of an establishment may be held liable for a crash resulting from the unlawful selling, giving or delivery of alcohol in that establishment to a minor, intoxicated person or person known to be under legal disability or in need of mental treatment.

- Liability is limited to \$50,467 for property damage or personal injury.
- Liability extends to \$61,682 for a loss of means of support due to death or injury.

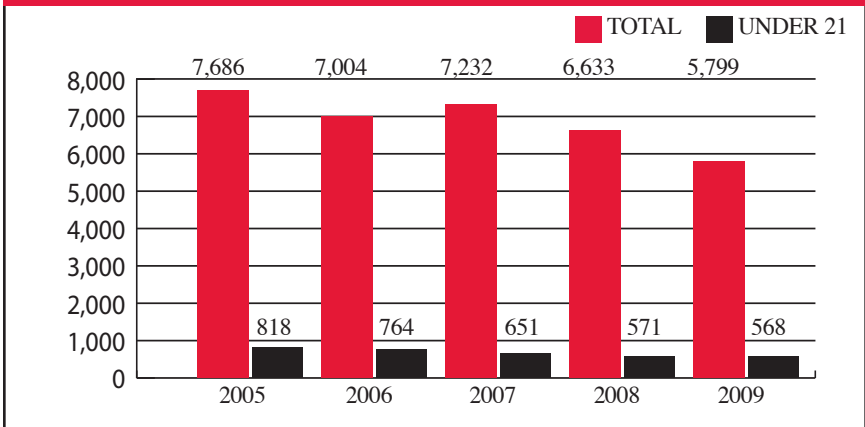
## Illegal Transportation/Open Container

It is illegal to transport, carry, possess or have any alcoholic beverages in the passenger compartment of a motor vehicle, except in the original container with the seal unbroken. Limousines, motor homes, mini motor homes and chartered buses not hired for school purposes are exceptions to the law.

- Maximum fine of \$1,000 and points-assigned violation on driver's record.
- Suspension of driving privileges for 1 year or revocation for a second conviction within 1 year.
- If the offender is under age 21 — Mandatory suspension of driving privileges for 1 year for first offense; mandatory revocation of driving privileges for a second offense.



## Illegal Transportation Convictions



## Fraudulent IDs and Driver's Licenses

It is illegal to assist in obtaining or to fraudulently obtain, distribute, use or possess a fraudulent state ID card or driver's license. The Secretary of State has the authority to suspend or revoke driving privileges for up to one year without a conviction for anyone involved in the following offenses:

### **Class A misdemeanors** (subsequent offenses are Class 4 felonies)

- Possessing, attempting to obtain or assisting another in obtaining a fraudulent driver's license or permit (first offense).
- Allowing another person to use your driver's license or permit.
- Displaying or representing as one's own any driver's license or permit issued to someone else.
- Allowing any unlawful use of one's driver's license or permit.

### **Class 4 felonies** (subsequent offenses may be Class 3 felonies)

- Possessing, attempting to obtain or assisting another in obtaining a fraudulent driver's license or permit (second or subsequent offense).
- Issuing or assisting in the issuance of a fraudulent driver's license.
- Manufacturing, possessing or providing any document for the purpose of obtaining a fraudulent driver's license.
- Possessing a driver's license-making or permit-making implement.

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# Administrative Driver's License Revocation

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An administrative driver's license revocation, administered by the Secretary of State's office in cooperation with county state's attorneys, allows for the quick revocation of driving privileges of a person who has been involved in a serious injury or fatal crash. A driver charged with DUI or another serious offense may have his/her driving privileges revoked without a hearing only after the Secretary of State's office receives sufficient evidence from a state's attorney. Unless the revocation is contested through an administrative hearing, the privileges remain revoked until the case is adjudicated.

The Illinois Supreme Court ruled in 1986 that an administrative revocation does not violate a person's right to due process. While acknowledging a driver's license is a privilege deserving of protection, the court ruled the privilege is outweighed by the public interest to promote safe highways.

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## Judicial Hearings

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A driver may request a judicial hearing to challenge a statutory summary suspension within 90 days after the notice date. The hearing must be conducted within 30 days of the request or on the first court date scheduled to consider the criminal charges. Legally, only four issues may be considered:

- Whether the person was properly arrested;
- Whether there were reasonable grounds to believe at the time of arrest that the person was driving or in physical control of the vehicle while under the influence of alcohol or other drugs;
- Whether the driver, after being informed of the impending summary suspension, refused to submit to chemical testing; and
- Whether, after being advised of the suspension, the driver submitted to chemical testing that showed a BAC of .08 or more or any trace of cannabis, controlled substance, methamphetamine and/or intoxicating compounds.

The suspension is rescinded if the court rules in favor of the driver. The result of the hearing is entered on the driver's record.

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## Driving Permits

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A driver who has had his/her driver's license suspended or revoked may be granted limited driving privileges. Temporary driving permits are issued only for employment, education and/or medical purposes when no other form of transportation is available. An offender may be required to have a Breath Alcohol Ignition Interlock Device (BAIID) installed on his/her vehicle as a condition of driving relief.

## Monitoring Device Driving Permit (MDDP)

- A driver under age 18 is not eligible for an MDDP.
- A first-time DUI offender may accept an offer for an MDDP from the court to allow unlimited driving during the statutory summary suspension. (A first-time offender is a driver who has not received a previous statutory summary suspension in the past five years, been convicted of DUI or assigned court supervision for DUI in Illinois, or who has not been convicted of DUI in another state within 5 years.)
- An offender must have a Breath Alcohol Ignition Interlock Device (BAIID) installed and maintained on any vehicle he/she plans to drive during the suspension period. An offender may drive anywhere at anytime once the permit is issued and the BAIID installed.
- An MDDP is not effective until the 31st day of the suspension.
- A commercial driver's license holder may be eligible for an MDDP for base driving privileges if he/she is a first offender.
- An offender is ineligible for an MDDP if his/her driver's license is otherwise invalid or if death or great bodily harm resulted from the DUI arrest.
- An offender is ineligible for an MDDP if he/she has previously been convicted of Reckless Homicide or Aggravated DUI that resulted in a death.
- The offender is responsible for all costs associated with the MDDP and BAIID.

## Restricted Driving Permit (RDP)

- If eligible, a person convicted of DUI may apply to the Secretary of State's office for an RDP.
- A multiple offender whose BAC test results were .08 or more or whose chemical test indicated any amount of a controlled substance, is not eligible for an RDP during the statutory summary suspension period.
- A multiple offender who refuses to submit to or fails to complete chemical testing is not eligible for an RDP during the suspension period.
- A driver under age 16 whose driving privileges are revoked is not eligible for an RDP.
- To obtain an RDP, the offender must prove a hardship exists, provide a current professional alcohol/drug evaluation and, when appropriate, provide proof of remedial education or treatment.
- An offender must appear before a hearing officer in the Secretary of State's Department of Administrative Hearings. The driving record is reviewed to ensure that the driver would not threaten public safety if allowed to drive on a limited basis.
- An offender with two or more alcohol-related driving incidents on his/her driving record within 10 years is required to have a BAIID installed on his/her vehicle for the duration of the RDP. As required by statute, the offender is responsible for the fee required for the BAIID during this period.
- An offender requesting a formal hearing for an RDP or reinstatement of his/her driving privileges will be charged a \$50 nonrefundable filing fee when requesting the formal hearing.

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# Driver's License Reinstatement

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## Statutory Summary Suspension

Driving privileges may be reinstated at the end of the statutory summary suspension period unless the court instructs the Secretary of State's office otherwise.

Before driving privileges can be reinstated:

- Other suspensions or revocations on the driving record must be cleared.
- A \$250 reinstatement fee must be paid to the Secretary of State, \$30 of which goes to the Department of Human Services, Office of Alcoholism and Substance Abuse, to help defray the cost of professional alcohol/drug evaluations for indigent offenders.
- If a repeat offender, a \$500 reinstatement fee must be paid to the Secretary of State's office, \$60 of which goes to the Illinois Road Fund, \$190 to the Drunk and Drugged Driving Prevention Fund, and \$250 to the General Revenue Fund.
- Reinstatement of a statutory summary suspension becomes valid when it is entered on the driver's record in the Secretary of State's office provided the provisional termination date has passed.
- Payment for the reinstatement fee must be mailed to: Secretary of State, DUI Section, 2701 S. Dirksen Pkwy., Springfield, IL 62723. If paying by credit card, please call 217-782-3619 (debit cards not accepted).

## Revocation (Including Statutory Summary Revocation)

To have driving privileges reinstated, a driver convicted of DUI must:

- Have a clear driving record other than the revocation sanction.
- Undergo an alcohol/drug evaluation. If an alcohol/drug problem is indicated, proof of treatment must be submitted.
- Complete an alcohol/drug remedial education program. Even if the evaluation does not recommend treatment, the driver is still required to complete a remedial education program.
- Appear before a Secretary of State hearing officer. For a first offense, an informal hearing may be conducted by visiting a hearing officer at one of the regional Driver Services facilities. Multiple offenders must request in writing, pay a \$50 nonrefundable filing fee and attend a formal hearing in Chicago, Springfield, Mt. Vernon or Joliet.
- Demonstrate during the hearing that public safety will not be endangered if driving privileges are restored. The hearing officer considers the seriousness of the offense, the offender's overall driving record and the driver's remedial efforts.
- File proof of financial responsibility prior to reinstatement, pay a \$500 reinstatement fee, pass the driver's license exam (written, vision and driving) and pay the appropriate application fee.

- Payment for a revocation must be mailed to: Secretary of State, Traffic Violations Section, 2701 S. Dirksen Pkwy., Springfield, IL 62723. If paying by credit card, please call 217-785-8619 (debit cards not accepted).
- An offender requesting a formal hearing for reinstatement of his/her driving privileges must pay a \$50 nonrefundable filing fee when requesting the formal hearing.

A reinstatement becomes valid when it is entered on the driver's record in the Secretary of State's office.

**For more information on driver's license reinstatement  
and driving permits, please contact:**

**Secretary of State Administrative Hearings Department  
291 Howlett Bldg.  
Springfield, IL 62756  
217-782-7065**

**or**

**17 N. State St., #1200  
Chicago, IL 60602  
312-793-3862**

**For more information on the BAIID program, please contact:**

**Secretary of State BAIID Unit  
211 Howlett Bldg.  
Springfield, IL 62756  
217-524-0660**

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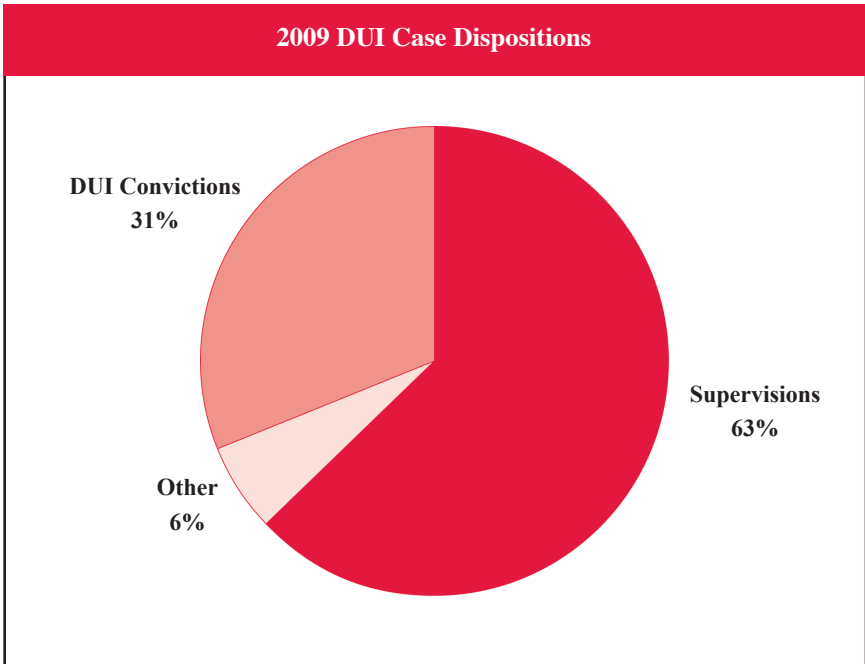
## Case Dispositions

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Since implementation of the Statutory Summary Suspension law in 1986, the Secretary of State's office has been able to track DUI cases from arrest to case disposition. All courts have been required to report all DUI case dispositions to the Secretary of State since 1984.

If a judge grants a driver court supervision for an offense, the driver is not subject to the mandatory penalties of the conviction; the judge determines the penalties. Judges are prohibited from granting court supervision to a driver more than once in a lifetime for a DUI offense, and then only if there was no previous conviction. Because the Secretary of State's office records all court supervisions, repeat offenders are more easily identified, enabling judges to impose appropriate penalties.

During 2009, 45,946 statutory summary suspensions were recorded by the Secretary of State's office. As of Dec. 31, 2009, court dispositions were reported for 41 percent (18,770) of these cases. Of those dispositions, 33 percent (6,167) resulted in convictions and 62 percent (11,681) received court supervision. In 5 percent (918) of the cases, other dispositions such as convictions for reckless driving were received. Of the dispositions received, 24 percent of first offenders received a DUI conviction, and 94 percent of multiple offenders were convicted.



# Average Cost of a DUI Conviction in Illinois

Item	Costs	Final Cost
<b>Insurance</b>	High-risk insurance (Additional \$1,500 per year, required for 3 years.)	<b>\$4,500</b>
		+
<b>Legal Fees</b>	Uncontested plea and hardship driving permit.	<b>\$2,000</b>
		+
<b>Court Costs</b>	Fine of up to \$2,500. Court costs — \$750. Reimbursements to law enforcement, towing and storage fees — \$250. Trauma center fund — \$100.	<b>\$3,600</b>
		+
<b>Income Loss</b>	Loss of 4 weeks income due to jail or community service, evaluations and remedial education classes. (Loss based on average yearly income of \$55,000.)	<b>\$4,230</b>
		+
<b>Rehabilitation</b>	Remedial substance abuse class — \$50. Counseling fees — \$200.	<b>\$250</b>
		+
<b>Driver's License Reinstatement</b>	\$500 plus \$30 for a new license; \$50 — formal hearing fee.	<b>\$580</b>
		+
<b>BAIID</b>	Installation — \$100; rental fee — \$80 per month/\$960 per year; monitoring fee — \$30 per month/\$360 per year.	<b>\$1,420</b>
		+
	<b>Total Average Cost</b>	<b>= \$16,580</b>

## Additional Costs Associated with a DUI

Medical treatment for a crash involving injuries or fatalities	<b>\$100,000 +</b>
Compensatory damages awarded to crash survivors	<b>\$10,000 +</b>
In-patient substance abuse programs	<b>\$3,500 +</b>
Legal fees for jury trials and civil proceedings	<b>\$5,000 +</b>

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# Penalties of Underage Drinking

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Drivers under age 21 face a minimum 2-year driver's license revocation for a first DUI conviction in addition to the same penalties that apply for DUI offenders age 21 and older. The offender is not eligible for an RDP until the second year of the revocation period. An offender under age 18 on a statutory summary suspension is not eligible for an MDDP and may be subject to remedial education and/or retesting prior to reinstatement of his/her driving privileges.

A person under age 21 convicted of DUI may be ordered by a judge, as a condition of probation or discharge, to participate in the Youthful Intoxicated Driver's Visitation Program. The offender will undergo a comprehensive counseling session prior to visitation to determine if the program is appropriate. If approved, the offender may be sent on a supervised visit to a location where the results of alcoholism or DUI crashes may be viewed.

From 1986 to 2009, DUI arrests decreased for drivers under age 21. The decline can be attributed to many factors, including tougher laws for DUI and fraudulent IDs, youth DUI prevention programs, visually distinctive driver's licenses and state ID cards, and training programs like Operation Straight ID.

## Zero Tolerance

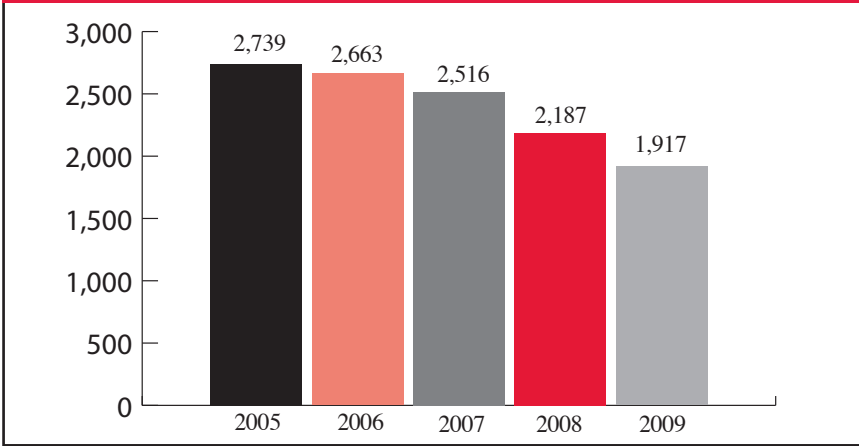
- **First offense** — Suspension of driving privileges for 3 months for a BAC of more than .00; suspension of driving privileges for 6 months for refusal to submit to or failure to complete testing.
- **Second offense** — Suspension of driving privileges for 1 year for a BAC of more than .00; suspension of driving privileges for 2 years for refusal to submit to or failure to complete testing.

During 2009, 1,917 drivers under age 21 were suspended for driving with a BAC of more than .00 or for refusing to submit to chemical testing. Additionally, 3,698 underage drivers were arrested for DUI and received suspensions.

Under the Zero Tolerance law, a police officer also may initiate a DUI arrest based on field sobriety tests or additional evidence.



## Zero Tolerance Violations and Under 21 DUI Arrests



### Purchase, Possession, Receipt or Consumption of Alcohol by a Minor

- Any person under age 21 convicted of violating the Liquor Control Act for the illegal purchase, possession, receipt or consumption of alcohol will have his/her driving privileges suspended for 6 months for a first conviction, 12 months for a second conviction and revocation of driving privileges for a subsequent conviction.
- Any person under age 21 who receives court supervision for violating the Liquor Control Act for the purchase, possession, receipt or consumption of alcohol will have his/her driving privileges suspended for 3 months.

### Providing Alcohol to a Person Under Age 21

- Class A misdemeanor.

### Parental Responsibility

- A parent/legal guardian who knowingly allows persons under age 21 to consume alcoholic beverages at a private residence is guilty of a Class A misdemeanor.
- A parent/legal guardian who knowingly allows persons under age 21 to consume alcoholic beverages by failing to control access to either the private residence or to alcoholic beverages in the residence, and bodily harm results to any person as a result of this access, is guilty of a Class 4 felony.
- It is unlawful for any parent/legal guardian to knowingly allow his/her property to be used for the illegal consumption of alcoholic beverages. If the consumption of alcohol results in great bodily harm or death to any person, the parent/guardian is guilty of a Class 4 felony.

## Illegal Transportation

- **First offense** — Suspension of driving privileges for 1 year.
- **Subsequent offense while under age 21** — Revocation of driving privileges for a minimum of 1 year.

## Hotel/Motel Responsibility

This offense applies to any hotel/motel employee who rents a room to a person under age 21 knowing that alcoholic beverages will be consumed there; or any person age 21 or older paying for a hotel room or facility knowing alcoholic beverages will be consumed there by individuals under age 21.

- Class A misdemeanor.
- Persons over age 21 paying for the hotel/motel room are held liable for any injuries or damage to persons or property caused by the underage drinker(s).

## Crashes Causing Injury or Death

- Any person under age 18 who has been charged with an offense as a result of a crash in which a passenger was seriously injured or killed may be denied a driver's license or driver's license renewal by the Secretary of State's office.

# Zero Tolerance Violations

County	2007	2008	2009	County	2007	2008	2009
Adams	32	26	12	Jefferson	8	4	5
Alexander	3	3	3	Jersey	17	7	3
Bond	2	1	1	JoDaviess	14	9	11
Boone	17	10	23	Johnson	3	6	5
Brown	3	4	1	Kane	97	61	77
Bureau	10	7	3	Kankakee	16	17	14
Calhoun	2	0	0	Kendall	31	20	25
Carroll	2	4	1	Knox	19	10	7
Cass	1	1	2	Lake	121	111	110
Champaign	29	34	23	LaSalle	48	43	52
Christian	15	20	9	Lawrence	3	3	6
Clark	7	2	2	Lee	13	15	16
Clay	5	4	4	Livingston	13	13	11
Clinton	21	14	5	Logan	11	7	11
Coles	12	23	11	McDonough	21	17	15
Cook				McHenry	74	76	55
—Dist 1	58	34	23	McLean	43	51	57
—Dist 2	66	77	49	Macon	21	27	20
—Dist 3	132	102	101	Macoupin	24	23	12
—Dist 4	59	83	54	Madison	55	53	36
—Dist 5	124	95	109	Marion	16	18	19
—Dist 6	72	37	33	Marshall	0	2	3
Crawford	1	11	3	Mason	6	4	2
Cumberland	3	7	5	Massac	5	5	3
DeKalb	55	52	43	Menard	4	7	7
DeWitt	5	3	1	Mercer	8	6	8
Douglas	15	8	6	Monroe	11	8	4
DuPage	261	216	184	Montgomery	22	22	17
Edgar	5	4	0	Morgan	12	24	11
Edwards	3	0	3	Moultrie	6	2	1
Effingham	28	26	15	Ogle	25	15	18
Fayette	5	8	5	Peoria	20	21	10
Ford	9	6	4	Perry	11	5	4
Franklin	22	26	10	Piatt	4	2	6
Fulton	14	6	5	Pike	10	9	6
Gallatin	2	3	1	Pope	0	0	2
Greene	3	5	9	Pulaski	0	1	0
Grundy	10	5	10	Putnam	0	1	2
Hamilton	0	0	3	Randolph	8	7	5
Hancock	6	8	4	Richland	2	3	1
Hardin	1	0	1	Rock Island	28	22	34
Henderson	1	3	0	St. Clair	97	68	46
Henry	34	15	16	Saline	7	2	10
Iroquois	6	11	16	Sangamon	42	61	52
Jackson	26	22	28	Schuyler	2	7	2
Jasper	5	5	5	Scott	3	2	0

<b>County</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>County</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Shelby	9	12	6	Washington	6	8	4
Stark	2	1	0	Wayne	12	11	10
Stephenson	7	13	6	White	6	7	8
Tazewell	24	18	19	Whiteside	22	12	15
Union	11	7	7	Will	123	100	121
Vermilion	13	7	7	Williamson	27	13	12
Wabash	9	1	1	Winnebago	33	33	28
Warren	10	9	6	Woodford	9	7	3
				Cook	511	428	369
				Downstate	2,005	1,759	1,548
				Statewide	2,516	2,187	1,917

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# Secretary of State DUI Programs

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- **Faces of DUI Video** — A 20-minute video of interviews with DUI victims and victim families, DUI offenders, law enforcement, and members of the legal and medical communities (available in closed caption).
- **DUI Public Service Announcements**
  - **“The Grave Spot”** is a sobering anti-DUI message from the perspective of someone whose life was taken due to drinking and driving.
  - **“The Bottle”** focuses on how the small opening of a bottle of beer causes so much damage when mixed with driving.
  - **“Dionne”** is the story of a young woman who was struck by a drunk driver coming home from a high school volleyball game and now is disabled.
  - **“The Pact”** features young adults making a deal with one another to ensure that friends don’t let each other drink and drive.
- **Get The Point!** — A DUI awareness program offering payroll inserts and presentations to educate people on the limits and laws on drinking and driving.
- **DUI Victim Wall** — A display of pictures and testimonials from victims and their families on the deadly effects of drinking and driving.
- **Adult Traffic Safety Presentation** — A program that explains Illinois traffic safety laws, DUI and impaired driving, moving violations, parental responsibility, mandatory insurance, organ/tissue donation and other topics. A Fatal Vision goggles demonstration, an arrest procedure and field sobriety tests may be covered.
- **Youth Drinking and Driving Prevention Presentation** — A presentation designed for large school assemblies that discusses Zero Tolerance and DUI laws. During the Fatal Vision goggles demonstration, participants simulate what it is like to be impaired by alcohol or other drugs.
- **“Graduate to Safety”/Illinois Graduated Driver Licensing Program** — A program that discusses the three-tiered Illinois driver licensing program, Zero Tolerance and DUI laws.
- **Operation Straight ID** — A program that trains law enforcement and the owners and employees of liquor stores and bars on identifying fraudulent and fictitious driver’s licenses and ID cards. For more information, call 800-596-2522.

For more information on these programs, please contact: Secretary of State, Driver Services Department, Speakers Bureau, 2701 S. Dirksen Pkwy., Springfield, IL 62723, or call the Traffic Safety Hotline at 866-247-0213.

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# Victims' Rights

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Illinois recognizes DUI as a violent crime; therefore, victims of DUI are recognized as victims of violent crimes. Victims' rights are protected by statute and guaranteed by the Illinois Crime Victims' Rights Constitutional Amendment.

## **Victims of DUI have the right to:**

- Be treated with fairness and respected for their dignity and privacy throughout the criminal justice process.
- Be notified of court proceedings.
- Communicate with the prosecution.
- Make a statement to the court at sentencing.
- Information about the conviction, sentencing, imprisonment and release of the accused.
- Timely disposition of the case following the arrest of the accused.
- Protection from the accused through the criminal justice process.
- Be present at the trial and all the court proceedings on the same basis as the accused, unless the victim is to testify and the court determines that the victim's testimony would be materially affected if the victim hears other testimony at the trial.
- Have present at all court proceedings, subject to the rules of evidence, an advocate or other support person of the victim's choice.
- Restitution.

**Secretary of State Jesse White emphasizes that DUI-related crash victims and families will be notified of the offender's driver's license hearings if they request this information by sending a letter to:**

**Secretary of State, Director of Administrative Hearings,  
291 Howlett Building, Springfield, IL 62756.**

**This request is separate from any court  
notification or victim impact statement.**

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## Reporting of Injured Impaired Drivers

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Illinois law requires emergency medical personnel to report to law enforcement agencies, if requested, the results of blood or urine tests performed to determine the content of alcohol and/or drugs of an individual receiving emergency medical treatment as the result of a motor vehicle crash. The law has already proven to be an important tool in the fight against drunk driving.

Emergency room physicians and nurses are in a unique position to identify injured impaired drivers because of their access to hospital test results. By bringing the injured impaired driver to the attention of law enforcement, these medical professionals increase the likelihood that the driver will receive alcohol and/or drug evaluations and treatment because of legal or administrative requirements.

Under the law, the reporting of test result information does not violate physician-patient confidentiality. In addition, no one will be held liable for civil damages or receive professional discipline for making a report.

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# History of Illinois DUI Laws

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## Effective Jan. 1, 1958

- Established .15 as the illegal BAC limit.

## Effective Jan. 1, 1967

- Lowered the illegal BAC limit from .15 to .10.

## Effective Jan. 1, 1980

- Established 21 as the minimum drinking age.

## Effective Jan. 1, 1984

- Established mandatory imprisonment of 48 hours or 10 days of community service for a second or subsequent DUI conviction.
- Expanded the Crime Victims Compensation Act to include DUI victims.
- Required courts to notify the Secretary of State's office of DUI case dispositions, court supervisions and other serious offenses.

## Effective Jan. 1, 1986

- Established the Statutory Summary Suspension Program to allow for the automatic suspension of a person's driving privileges for refusing to submit to or failing chemical testing following a DUI arrest.
- Expanded the Crime Victims Bill of Rights to include DUI victims.
- Provided that any person who refuses to submit to chemical testing while operating a vehicle in another state will have his/her driving privileges suspended.

## Effective Sept. 12, 1986

- Provided that any driver under age 21 convicted of a second DUI will have his/her driving privileges revoked until he/she turns 21 or for one additional year, whichever is longer.

## Effective Jan. 1, 1988

- Provided that any driver under age 21 convicted of a second DUI will have his/her driving privileges revoked for a minimum of 3 years. If convicted of a third or subsequent DUI, a driver will have his/her driving privileges revoked for a minimum of 6 years.

## Effective Sept. 21, 1989

- Provided that any driver who refuses to submit to chemical testing for a second or subsequent time will have his/her driving privileges suspended for a minimum of 2 years. Offenders may not apply for a Restricted Driving Permit for the first six months of the suspension period.



### **Effective Jan. 1, 1991**

- Provided that any driver found at fault in a vehicle crash where serious personal injury or death occurs and who refuses to submit to or fails chemical testing (.10 BAC or more) will have his/her driving privileges suspended.

### **Effective July 1, 1991**

- Provided that any driver who violates the Cannabis Control Act or the Illinois Controlled Substances Act while operating a motor vehicle will have his/her driver's license cancelled.

### **Effective Nov. 3, 1992**

- Established the Crime Victims' Rights Constitutional Amendment, which guarantees and protects the rights of crime victims, including those victimized by DUI.

### **Effective Jan. 1, 1993**

- Prohibited any driver convicted of DUI within the last 10 years (rather than 5 years) from receiving court supervision.
- Established the Child Endangerment Law, which states that any driver convicted of DUI while transporting a person age 16 or younger is subject to a minimum fine and mandatory community service in a program benefiting children.

### **Effective Jan. 1, 1994**

- Provided that any driver under age 21 convicted of illegal transportation of alcohol will have his/her driving privileges suspended for 1 year. For a second or subsequent conviction, a driver will have his/her driving privileges revoked.

### **Effective Jan. 1, 1995**

- Established the Zero Tolerance law, which states that any driver under age 21 caught with any trace of alcohol in his/her system will lose his/her driving privileges.

### **Effective July 21, 1995**

- Prohibited a driver from receiving an RDP if he received a statutory summary suspension for a subsequent alcohol offense within five years for refusing to submit to chemical testing.

### **Effective Jan. 1, 1997**

- Established a lifetime limit of one court supervision for a DUI offense.
- Provided that results of a driver's blood or urine tests, performed for the purpose of determining the content of alcohol, other drugs or both, conducted during medical treatment in a hospital emergency room, may be reported to the Illinois State Police or local law enforcement agencies.

## **Effective July 2, 1997**

- Lowered the illegal BAC limit from .10 to .08.

## **Effective Dec. 1, 1997**

- Increased the driver's license revocation period to 5 years for a driver convicted of a second DUI. Increased the revocation period to 10 years for a third or subsequent conviction within 20 years.
- Increased the driver's license revocation period to 2 years for a driver convicted of reckless homicide (DUI).

## **Effective Jan. 1, 1998**

- Established a zero tolerance law for school bus drivers. A school bus driver caught driving a school bus with any trace of alcohol in his/her system will lose his/her school bus driver permit.
- Increased the maximum fines for criminal penalties and the penalty for a petty offense to \$1,000, a misdemeanor up to \$2,500 and a felony up to \$25,000.

## **Effective Jan. 1, 1999**

- Prohibited a driver with a fourth DUI conviction on his/her record from applying for a driver's license.
- Increased criminal penalties for a person driving on a suspended or revoked driver's license and who is convicted of DUI during the suspension or revocation period. The offender's vehicle is subject to seizure by local law enforcement.
- Increased the statutory summary suspension period to 3 years (from 2 years) for a repeat DUI offender who refuses to submit to or fails to complete chemical testing.
- Established a \$250 statutory summary suspension and revocation fee for a driver charged with a second or subsequent DUI offense.
- Increased the period of time in which the vehicle of a suspected DUI offender may be impounded to a graduated scale depending on the number of times the offender has been previously arrested for DUI.
- Prohibited a driver charged with driving on a suspended or revoked driver's license for a previous DUI from receiving court supervision if he/she has been convicted of or received court supervision for driving on a suspended or revoked driver's license within the last 10 years.
- Included the term "intoxicating compounds," such as sniffing paint and glue, in Illinois DUI law.
- Required hospital emergency rooms to report chemical test results of a person treated in a vehicle crash to Illinois State Police or law enforcement officials upon request.

## **Effective Jan. 1, 2000**

- Mandated the Breath Alcohol Ignition Interlock Device (BAIID) for certain drivers convicted of DUI.
- Prohibited a driver with an out-of-state DUI or a reckless driving conviction from receiving court supervision for the same offense in Illinois.

## **Effective Oct. 1, 2000**

- Required all court supervisions, regardless of offense, to be reported to the Secretary of State's office.

## **Effective July 27, 2001**

- Prohibited a sentence of probation for a driver convicted of a fourth or subsequent DUI while his/her driver's license is suspended or revoked for a prior DUI conviction, or for a conviction for a crash involving death or personal injury.

## **Effective Aug. 3, 2001**

- Prohibited the Secretary of State's office from issuing an RDP for 1 year to a driver with a second or subsequent revocation of his/her driving privileges for DUI.
- Increased penalties for a second DUI violation committed within 5 years, including 48 consecutive hours to 5 days imprisonment and 100 hours to 30 days of community service.

## **Effective Aug. 10, 2001**

- Established mandatory minimum jail time and community service for anyone convicted of driving with a suspended or revoked driver's license as a result of a conviction for DUI, reckless homicide, leaving the scene of an accident or a statutory summary suspension.
- Authorized judicial authorities to seize or immobilize the vehicle of a driver convicted for a fourth DUI violation.

## **Effective Aug. 17, 2001**

- Extended the prison sentence for a felony DUI conviction.
- Created and defined the category of Driving Under the Extreme Influence as a driver with a BAC of .16 or more. A driver convicted of this offense is subject to enhanced penalties with mandatory minimum sentencing requirements.
- Enhanced penalties for a driver convicted of DUI with a child under age 16 in the vehicle, including mandatory minimum imprisonment and community service.
- Required a driver with two or more alcohol incidents on his/her driving record to have a BAIID installed on his/her vehicle. A monthly fee, paid by the driver, is established for the maintenance of the BAIID.

## **Effective Jan. 1, 2002**

- Required a person convicted of DUI to pay an additional \$100 fine, which is deposited into the Trauma Center Fund for distribution to Illinois hospitals and trauma centers.
- Prohibited a person sentenced to prison for a conviction of reckless homicide from having his/her driving privileges reinstated until 2 years after the date of his/her release from prison. This period does not commence until the expiration of any period of mandatory supervised release or parole.

## **Effective July 16, 2002**

- Provided for the seizure or forfeiture of the vehicle of a person convicted of driving while his/her driving privileges are suspended or revoked as a result of a DUI, leaving the scene of a personal injury accident, reckless homicide, or for a statutory summary suspension related to the use of alcohol, drugs or intoxicating compounds.

## **Effective Jan. 1, 2003**

- Required local liquor commissioners to report to the Secretary of State's office any conviction of a person under age 21 who purchases, accepts, possesses or consumes alcohol. An underage person who violates this provision will receive a 1-year suspension or revocation of his/her driving privileges.
- Established mandatory minimum fines of \$500 for a first offense and \$2,000 for a second offense for a person convicted of providing alcohol to a person under age 21. If the underage person is involved in an incident where a death occurs, the person who provided the alcohol may be convicted of a Class 4 felony, which carries possible imprisonment of 1-3 years and a fine of up to \$25,000.

## **Effective July 18, 2003**

- Established Aggravated DUI involving a death as a Class 2 felony, with possible imprisonment of 3-13 years if the violation results in the death of one person or 6-21 years if the violation involves the deaths of two or more persons.

## **Effective Jan. 1, 2004**

- Prohibited the operation of a watercraft or snowmobile while under the influence of intoxicating compounds.
- Provided that a person convicted of or pleading guilty to DUI, including any person receiving court supervision for the offense, may be required by the court to attend a victim impact panel.
- Authorized the court to order a defendant charged with DUI to refrain from operating a vehicle not equipped with a BAIID as a condition of bail.

## **Effective June 1, 2004**

- Changed the Reckless Homicide provision to include any person convicted of reckless driving in a construction or maintenance zone that results in the death of an individual. The offense is a Class 2 felony with possible imprisonment of 3-14 years; possible imprisonment of 6-28 years if a single incident involving the deaths of two or more persons.

## **Effective July 6, 2004**

- Established Leaving the Scene of a Crash as a Class 4 felony, with possible imprisonment of 1-3 years.
- Decreased the time allowed to report leaving the scene of a crash to local law enforcement from one hour to 30 minutes.

## **Effective July 12, 2004**

- Provided that a person convicted in another state of an offense similar to the Illinois reckless homicide statute may not be granted full driving privileges for two years from the date of the person's suspension or revocation, or within two years of the driver being released from a prison term for the offense.
- Established the offense of Aggravated DUI for a person committing DUI who was previously convicted in another state of an offense similar to the Illinois reckless homicide statute and the driver's intoxication was an element of the offense.

## **Effective Oct. 1, 2004**

- Established a legal right of action for unlimited civil damages against any person over age 18 who provides or contributes alcohol or illegal drugs to anyone under age 18 and the provision of alcohol results in a death. Allows such suit for damages, injury or death if caused by the impaired minor.

## **Effective Jan. 1, 2005**

- Provided that a driver convicted in another state of an offense similar to the Illinois reckless homicide statute may not be granted driving privileges for two years from the date of the person's suspension or revocation, or within two years of the driver being released from a prison term for the offense.
- Established that a person who commits DUI is guilty of Aggravated DUI if he/she has previously been convicted in another state of an offense similar to the Illinois reckless homicide statute.

## **Effective July 7, 2005**

- Authorized Illinois courts to impose more severe jail or prison sentences for a driver convicted of reckless homicide or DUI while operating a vehicle in excess of 20 mph over the posted speed limit.

## **Effective Jan. 1, 2006**

- Provided that a driver seeking a Judicial Driving Permit (JDP), who is subsequently charged with driving on a suspended driver's license or with another DUI before the JDP has been issued, is no longer eligible for a JDP. If a driver has been issued a JDP and is charged with another DUI, the JDP will be cancelled.
- Increased the penalties for DUI while transporting a child under age 16.
- Provided that a person charged with a felony DUI may not be prosecuted by a municipal attorney, and the state's attorney is prohibited from giving a municipal attorney this authority.
- Increased the penalties for a fifth or subsequent conviction of driving on a suspended or revoked driver's license.
- Increased the penalties for a driver convicted of Aggravated DUI causing the death of one or more persons.
- Increased the penalties for a third, fourth or fifth DUI conviction.
- Classified a sixth or subsequent DUI conviction as a Class X felony.
- Required a driver arrested for leaving the scene of an accident involving a death or personal injury to be subject to chemical testing and a statutory summary suspension if he/she refuses to submit to or fails chemical testing. A driver is subject to testing within 12 hours of the accident.
- Provided that a person charged with DUI, who has no valid driver's license or is not covered by liability insurance, may be charged with Aggravated DUI and his/her vehicle is subject to seizure and forfeiture.
- Provided that a driver involved in a fatal crash or a crash resulting in severe injuries that result in the injured party being carried from the scene is required to undergo chemical testing.
- Established tougher penalties for a person over age 21 convicted of DUI while transporting a child under age 16 that results in a crash and bodily harm to the child.
- Provided that a driver convicted of Aggravated DUI because the DUI violation is the cause of death of one or more persons will be sentenced to imprisonment, unless the court determines that extraordinary circumstances exist and require probation.

## **Effective May 8, 2006**

- Authorized municipalities to charge a DUI offender with a municipal misdemeanor offense for any conduct that constitutes felony DUI if the state's attorney rejects or denies felony charges for that conduct.

## **Effective June 28, 2006**

- Authorized the circuit court to collect additional fines from drivers convicted of DUI to be used for DUI enforcement and prevention.

## **Effective Aug. 31, 2007**

- Prohibited a parent/legal guardian from knowingly authorizing or permitting any person under age 21 to consume alcohol in his/her home by failing to control access to the alcohol in the residence.
- Prohibited a parent/legal guardian from knowingly allowing access to alcohol in his/her residence to persons under age 21, and from knowingly allowing persons under age 21 to consume alcohol in his/her residence.

## **Effective Jan. 1, 2008**

- Required local liquor commissioners to report to the Secretary of State's office court supervisions for violations relating to the transfer, possession and consumption of alcohol for persons under age 21.
- Increased penalties for driving with a revoked driver's license, permit or privilege to operate a motor vehicle if the revocation was the result of a reckless homicide offense.

## **Effective June 1, 2008**

- Required that a petition to contest the suspension of a person's driving privileges be filed within 90 days of the effective date of the suspension if the suspension was the result of refusal to undergo alcohol/drug testing, or because drugs, intoxicating compounds or alcohol were found in the driver's system. Eligibility for driving relief is dependent upon whether the denial of all driving privileges may cause undue hardship.
- Prohibited a driver convicted of four or more DUI offenses, leaving the scene of an accident involving death or personal injury, and/or reckless homicide from receiving an RDP.
- Authorized the Secretary of State's office to revoke the driving privileges of any person under age 21 convicted in another state of an offense similar to the Illinois DUI statute.
- Established the offense of Reckless Homicide for a driver who kills a person in a posted school, construction or maintenance zone while driving more than 10 mph over the posted speed limit or under the influence of alcohol or other drugs.

## **Effective Aug. 4, 2008**

- Established as a Class 4 felony if a person commits DUI outside the State of Illinois while his/her Illinois driving privileges are revoked or suspended due to a previous DUI or a similar provision of the Illinois Vehicle Code.

## **Effective Aug. 15, 2008**

- Allowed unused, opened wine purchased in a restaurant to be transported in accordance with Illinois law.
- Prohibited charter buses being used for school purposes from transporting, carrying or possessing alcohol in the vehicle.

## **Effective Jan. 1, 2009**

- Required a first-time DUI offender to have a BAIID installed on his/her vehicle as a condition of driving relief. The driver must drive only a vehicle equipped with a BAIID or use an alternative alcohol monitoring device 24 hours a day.
- Replaced the Judicial Driving Permit with the Monitoring Device Driving Permit for first-time DUI offenders.
- Required a driver with a BAIID installed in his/her vehicle because of a second or subsequent DUI conviction to submit to the Secretary of State DUI Administration Fund an amount not exceeding \$30 for each month he/she uses the device.
- Established a \$30 administrative fee paid by the offender for issuance of an MDDP to be deposited into the Monitoring Device Driving Permit Administration Fee Fund.
- Allowed a DUI offender who initially chose not to request an MDDP to petition the court for an MDDP later in the suspension period. An offender is not eligible for an MDDP if he/she was previously convicted of Aggravated DUI involving a death.
- Allowed an MDDP to be cancelled if an offender is convicted of or placed on court supervision for specified offenses, or if an offender attempts to remove the BAIID from his/her vehicle without Secretary of State authorization.
- Increased the suspension period for a first offense for failing chemical testing to 6 months, and 12 months for a first offense for refusing to submit to chemical testing.
- Allowed a driver with an RDP to transport children living in the person's household to and from day care or an acceptable educational institution.

## **Effective Aug. 11, 2009**

- Increased the penalties for a DUI conviction following a conviction of reckless homicide or a similar provision in any other state to a Class 3 felony (rather than a Class 4) with possible imprisonment of 2-5 years and a \$25,000 fine.
- Established mandatory court-ordered restitution for all defendants convicted of DUI that caused personal injury or real or personal property damage.

## **Effective Jan. 1, 2010**

- Allowed for vehicle seizure and forfeiture for driving with a revoked or suspended driver's license due to a reckless homicide conviction.

## **Effective Jan. 1, 2011**

- Provides for the immediate revocation of driving privileges for any person convicted of an offense involving the unlawful operation of a motor vehicle that resulted in the proximate cause of the death of any person.



- An RDP may be issued to a driver convicted of DUI to transport children, elderly persons or disabled persons who do not have driving privileges and are living in the driver's household.
- Allows for vehicle forfeiture for committing DUI and knowing that the vehicle being driven was not covered by liability insurance.
- Increases the amount of an administrative sanction imposed upon a person convicted of DUI from \$500 to \$750.
- Requires that a person accompanying or providing driving instruction to a minor driver holding an instruction permit must not be under the influence of alcohol, drugs, intoxicating compounds or any combination thereof.

### **Effective Feb. 14, 2011**

- Provides for the automatic issuance of an MDDP by the Secretary of State (rather than issued by the court at the request of the offender) to an eligible first-time DUI offender. The offender may file a petition to decline issuance of the MDDP with the court.

### **Effective July 1, 2011**

- Requires a statutory summary revocation of commercial driver's license privileges for a CDL holder who refuses chemical testing after being involved in a vehicle accident resulting in serious injury or death to another person.

# Drivers Arrested for DUI

COUNTY	2007	2008	2009
Adams	383	384	372
Alexander	87	112	82
Bond	48	36	47
Boone	301	338	315
Brown	32	34	36
Bureau	115	127	93
Calhoun	27	18	9
Carroll	33	37	36
Cass	67	84	49
Champaign	699	767	686
Christian	98	104	109
Clark	87	65	67
Clay	78	55	60
Clinton	90	98	76
Coles	235	268	313
Cook			
—Dist 1	5,624	4,338	3,862
—Dist 2	1,677	1,446	1,373
—Dist 3	3,076	2,897	2,495
—Dist 4	1,169	1,171	1,146
—Dist 5	1,782	1,732	1,693
—Dist 6	1,008	920	806
Crawford	122	147	139
Cumberland	87	81	68
DeKalb	684	662	594
DeWitt	75	84	65
Douglas	104	75	73
DuPage	5,152	5,301	4,576
Edgar	112	103	67
Edwards	31	22	18
Effingham	256	286	348
Fayette	98	112	148
Ford	66	62	72
Franklin	184	210	238
Fulton	147	179	197
Gallatin	51	41	43
Greene	40	59	62
Grundy	158	157	187
Hamilton	11	25	12
Hancock	85	51	52
Hardin	19	21	25
Henderson	77	55	72
Henry	304	229	201
Iroquois	109	84	101

<b>COUNTY</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>
Jackson	372	267	299
Jasper	43	46	37
Jefferson	182	165	160
Jersey	210	169	160
JoDaviess	144	139	137
Johnson	54	53	42
Kane	1,699	1,733	1,744
Kankakee	349	356	389
Kendall	323	271	334
Knox	201	214	259
Lake	3,683	3,283	3,029
LaSalle	620	647	625
Lawrence	84	58	96
Lee	129	178	152
Livingston	173	147	145
Logan	89	110	120
McDonough	191	205	184
McHenry	1,414	1,259	1,119
McLean	729	794	852
Macon	516	895	944
Macoupin	177	229	193
Madison	1,386	1,555	1,488
Marion	291	278	304
Marshall	38	59	35
Mason	55	53	41
Massac	120	146	110
Menard	47	35	48
Mercer	57	88	61
Monroe	162	176	131
Montgomery	197	162	149
Morgan	111	132	150
Moultrie	72	49	32
Ogle	208	195	196
Peoria	698	524	681
Perry	115	103	97
Piatt	49	51	79
Pike	104	113	103
Pope	23	18	29
Pulaski	48	31	57
Putnam	24	16	12
Randolph	147	176	151
Richland	67	100	104
Rock Island	862	958	1,069
St. Clair	1,369	1,521	1,529
Saline	173	153	157
Sangamon	1,097	1,194	1,077

<b>COUNTY</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>
Schuyler	15	25	27
Scott	14	22	18
Shelby	120	98	91
Stark	5	6	6
Stephenson	138	130	119
Tazewell	587	648	669
Union	97	111	135
Vermilion	341	360	299
Wabash	95	112	112
Warren	89	110	130
Washington	64	62	79
Wayne	72	74	70
White	83	70	72
Whiteside	290	262	245
Will	1,946	1,880	1,882
Williamson	531	298	361
Winnebago	1,447	1,580	1,517
Woodford	100	84	121
Cook	14,336	12,504	11,375
Downstate	35,288	35,609	34,571
Statewide	49,624	48,113	45,946

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# DUI Penalty Chart

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## **Class A misdemeanor**

- Possible imprisonment of up to 1 year; fines of up to \$2,500.

## **Class 4 felony**

- Possible imprisonment of 1-3 years; fines of up to \$25,000.
- Aggravated DUI involving injury — Possible imprisonment of 1-12 years; fines of up to \$25,000.

## **Class 3 felony**

- Possible imprisonment of 2-5 years; fines of up to \$25,000.

## **Class 2 felony**

- DUI — Possible imprisonment of 3-7 years; fines of up to \$25,000.
- Aggravated DUI with 1 death — Possible imprisonment of 3-14 years; fines of up to \$25,000.
- Aggravated DUI with multiple deaths — Possible imprisonment of 6-28 years; fines of up to \$25,000.

## **Class 1 felony**

- Possible imprisonment of 4-15 years; fines of up to \$25,000.

## **Class X felony**

- Possible imprisonment of 6-30 years; fines of up to \$25,000.

# EMERGENCY CONTACT DATABASE



The Secretary of State's office Emergency Contact Database allows Illinois driver's license and ID cardholders to enter emergency, disability and special needs contact information into a voluntary, secure database. In the event of a motor vehicle crash or other emergency situation when a person is unable to communicate directly, law enforcement can access the database to help reach the person's designated contacts.

For more information, please visit

[WWW.CYBERDRIVEILLINOIS.COM](http://WWW.CYBERDRIVEILLINOIS.COM)