

**VILLAGE OF GURNEE**

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2023 - 45

**AN ORDINANCE AMENDING THE GURNEE MUNICIPAL CODE, CHAPTER 78,  
SECTION 41 REGARDING THE IMPOUNDMENT OF MOTOR VEHICLES**

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ADOPTED BY THE PRESIDENT AND BOARD OF TRUSTEES

OF THE

VILLAGE OF GURNEE, ILLINOIS

ON

July 24, 2023

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Published in pamphlet form by authority of the Village Board of the  
Village of Gurnee, Lake County, Illinois,  
This 25<sup>th</sup> day of July 2023.

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THOMAS B HOOD

President

JEANNE BALMES

Trustee

ANDY HARRIS

Clerk

GREG GARNER

Trustee

BRYAN WINTER

Attorney

QUIN O'BRIEN

Trustee

CHERYL G. ROSS

Trustee

KAREN THORSTENSON

Trustee

KEVIN WOODSIDE

Trustee

**AN ORDINANCE AMENDING THE GURNEE MUNICIPAL CODE, CHAPTER 78,  
SECTION 41 REGARDING THE IMPOUNDMENT OF MOTOR VEHICLES**

**WHEREAS**, the Village of Gurnee (hereinafter "the Village") is a home rule unit of government pursuant to Section 6(a), Article VII of the 1970 Illinois Constitution; and,

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate regulations that pertain to public safety, and,

**WHEREAS**, the Gurnee Municipal Code currently sets forth certain regulations for the impoundment of motor vehicles, and,

**WHEREAS**, Village Authorities recognize the need to amend, update and clarify existing regulations from time to time; and,

**WHEREAS**, the Police Department recommends that Chapter 78, Section 78-41 be amended to utilize consistent language to describe the unlawful conduct, which shall result in the impoundment of a motor vehicle; and,

**WHEREAS**, the Corporate Authorities of the Village have determined that it is in the best interest of the Village to amend the Municipal Code, Chapter 78, Section 41, as set forth in this ordinance.

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF GURNEE, LAKE COUNTY, ILLINOIS, IN THE EXERCISE OF ITS HOME RULE POWERS, AS FOLLOWS:**

**SECTION I:** The above recitals are incorporated into this Ordinance and shall have the same force and effect as though fully set forth herein.

**SECTION II:** That Chapter 78, Section 41, of the Gurnee Municipal Code is hereby amended by adding a provision to subsection 78-41(a)(2) and shall hereafter state as follows (single underlines, denotes inserted language and strikethroughs, denote deleted language):

**CHAPTER 78. TRAFFIC AND VEHICLES**

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**Sec. 78-41. - Use of motor vehicles for unlawful purposes.**

- (a) *Conduct prohibited.* A motor vehicle that is used in connection with any of the following violations may be subject to seizure and impoundment by the village, and the owner of record of said vehicle shall be liable to the village for an administrative fee as prescribed herein, plus any applicable towing and storage fees prior to the vehicle being released to the owner:

- (1) Driving under the influence, as provided in section 78-1 of this Code or section 11-501(a) of the state vehicle code (625 ILCS 5/11-501(a)). The administrative fee for said violations shall as set forth in section 32-37, in addition to any applicable towing and storage fees.
  - (2) Driving with a suspended or revoked license, as provided in section 6-303 of the state vehicle code (625 ILCS 5/6-303), as a result of a conviction pursuant to section 11-501(a) of the state vehicle code, section 78-1 of this Code, or similar provision in this or any other state or province of another ~~municipal ordinance~~, or suspension under 625 ILCS 5/11-501.1. The administrative fee for said violations shall be as set forth in section 32-37, in addition to any applicable towing and storage fees.
  - (3) Driving while license suspended or revoked, as provided in section 5/6-303 of the state vehicle code (625 ILCS 5/6-303), as a result of having two or more driver's license suspensions or revocations in effect on their driver's license in this or any other state or province, except that vehicles shall not be subject to seizure or impoundment if the suspension is for an unpaid citation (parking or moving), failure to pay child support as set forth in 625 ILCS 5/7-702, or due to failure to comply with emission testing as set forth in 625 ILCS 5/11-208.7(6) et seq., as amended. The administrative fee for said violations shall be as set forth in section 32-37, in addition to any applicable towing and storage fees.
  - (4) Driving while license suspended or revoked, as provided in section 5/6-303 of the state vehicle code (625 ILCS 5/6-303), as a result of having three or more convictions for any moving offenses within the immediately preceding 12 months in this or any other state or province, except that vehicles shall not be subject to seizure or impoundment if the suspension is for an unpaid citation (parking or moving) or due to failure to comply with emission testing as set forth in 625 ILCS 5/11-208.7(6) et seq., as amended. The administrative fee for said violations shall be as set forth in section 32-37, in addition to any applicable towing and storage fees.
- (b) It shall not be necessary for criminal charges to be filed, prosecuted, and/or proven in order to demonstrate that one or more of the violations has/have been committed.

**SECTION III:** Nothing in this Ordinance shall be construed to affect any suit or proceedings pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action arising, acquired or existing under any act or ordinance or portion thereof hereby repealed or amended by this ordinance; nor shall any just or legal right, claim, penalty or remedy of any character of the corporate authority existing on the effective date hereof by lost, impaired or affected by this Ordinance.

**SECTION IV:** If any provision, clause, sentence, paragraph, section, or part of this ordinance or application thereof to any person, firm, corporation, public agency or circumstance, shall, for any

reason, be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this ordinance and the application of such provision to other persons, firms, corporation, or circumstances, but shall be confined in its operation to the provision, clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person, firm, corporation, or circumstances involved. It is hereby declared to be the legislative intent of the corporate authorities that this ordinance would have been adopted had such unconstitutional or invalid provision, clause, sentence, paragraph, section, or part thereof not been included.

**SECTION V:** That this Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as required by law.

**Passed this 24<sup>th</sup> day of July 2023**

|                   | <b>Ayes:</b> | <b>Nays:</b>      | <b>Absent/Abstain:</b> |
|-------------------|--------------|-------------------|------------------------|
| Jeanne E. Balmes  | <u>x</u>     | <u>          </u> | <u>          </u>      |
| Greg Garner       | <u>x</u>     | <u>          </u> | <u>          </u>      |
| Quin O'Brien      | <u>x</u>     | <u>          </u> | <u>          </u>      |
| Cheryl G. Ross    | <u>x</u>     | <u>          </u> | <u>          </u>      |
| Karen Thorstenson | <u>x</u>     | <u>          </u> | <u>          </u>      |
| Kevin Woodside    | <u>x</u>     | <u>          </u> | <u>          </u>      |

**APPROVED:**

**By:**



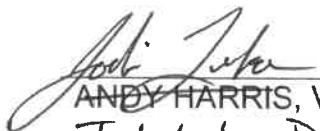
THOMAS B. HOOD, Village President

**Date:**

7-24-23

**ATTEST:**

**By:**

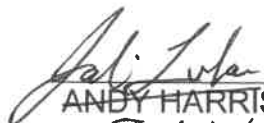


ANDY HARRIS, Village Clerk

*Todi Luka, Deputy Village Clerk*

Presented and read, or reading having been waived, at a duly convened meeting of the Corporate Authorities on July 24, 2023.

I hereby certify that the above ordinance was published in pamphlet form on the 25<sup>th</sup> day of July 2023, as provided by law.



ANDY HARRIS, Village Clerk

*Todi Luka, Deputy Village Clerk*

STATE OF ILLINOIS     )  
                                      ) **SS.**  
COUNTY OF LAKE        )


**CERTIFICATE**

I, ANDY HARRIS, certify that I am the duly elected and acting municipal clerk of the Village of Gurnee, Lake County, Illinois.

I certify that on the 24<sup>th</sup> day of July 2023, the Corporate Authorities of such municipality passed and approved Ordinance 2023 - 45, entitled, **"AN ORDINANCE AMENDING THE GURNEE MUNICIPAL CODE, CHAPTER 78, SECTION 41 REGARDING THE IMPOUNDMENT OF MOTOR VEHICLES"** which provided by its terms that it should be published in pamphlet form.

The pamphlet form of Ordinance No. 2023 - 45, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the municipal building, commencing on the 25<sup>th</sup> day of July 2023, and continuing for at least ten days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the municipal clerk.

Dated at Gurnee, Illinois, this 25<sup>th</sup> day of July 2023.

  
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ANDY HARRIS, Village Clerk  
*Jodi Lulek, Deputy Clerk*

West's Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 625. Vehicles

Act 5. Illinois Vehicle Code (Refs & Annos)

Chapter 6. The Illinois Driver Licensing Law (Refs & Annos)

Article III. Violation of License Provisions

**625 ILCS 5/6-303**

Formerly cited as IL ST CH 95 1/2 ¶ 6-303

5/6-303. Driving while driver's license, permit, or privilege to operate a motor vehicle is suspended or revoked

Effective: July 1, 2023

Currentness

<Text of section effective July 1, 2023. See, also, text of section 625 ILCS 5/6-303, effective until July 1, 2023.>

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

(a) Except as otherwise provided in subsection (a-5) or (a-7), any person who drives or is in actual physical control of a motor vehicle on any highway of this State at a time when such person's driver's license, permit, or privilege to do so or the privilege to obtain a driver's license or permit is revoked or suspended as provided by this Code or the law of another state, except as may be specifically allowed by a judicial driving permit issued prior to January 1, 2009, monitoring device driving permit, family financial responsibility driving permit, probationary license to drive, or a restricted driving permit issued pursuant to this Code or under the law of another state, shall be guilty of a Class A misdemeanor.

(a-3) A second or subsequent violation of subsection (a) of this Section is a Class 4 felony if committed by a person whose driving or operation of a motor vehicle is the proximate cause of a motor vehicle crash that causes personal injury or death to another. For purposes of this subsection, a personal injury includes any Type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A Type A injury includes severe bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(a-5) Any person who violates this Section as provided in subsection (a) while his or her driver's license, permit, or privilege is revoked because of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state, is guilty of a Class 4 felony. The person shall be required to undergo a professional evaluation, as provided in Section 11-501 of this Code, to determine if an alcohol, drug, or intoxicating compound problem exists and the extent of the problem, and to undergo the imposition of treatment as appropriate.

(a-7) Any person who violates this Section as provided in subsection (a) while his or her driver's license or privilege to drive is suspended under Section 6-306.5 or 7-702 of this Code shall receive a Uniform Traffic Citation from the law enforcement officer.

A person who receives 3 or more Uniform Traffic Citations under this subsection (a-7) without paying any fees associated with the citations shall be guilty of a Class A misdemeanor.

(a-10) A person's driver's license, permit, or privilege to obtain a driver's license or permit may be subject to multiple revocations, multiple suspensions, or any combination of both simultaneously. No revocation or suspension shall serve to negate, invalidate, cancel, postpone, or in any way lessen the effect of any other revocation or suspension entered prior or subsequent to any other revocation or suspension.

(b) (Blank).

(b-1) Except for a person under subsection (a-7) of this Section, upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle during the time when the person's driver's license, permit, or privilege was suspended by the Secretary of State or the driver's licensing administrator of another state, except as specifically allowed by a probationary license, judicial driving permit, restricted driving permit, or monitoring device driving permit, the Secretary shall extend the suspension for the same period of time as the originally imposed suspension unless the suspension has already expired, in which case the Secretary shall be authorized to suspend the person's driving privileges for the same period of time as the originally imposed suspension.

(b-2) Except as provided in subsection (b-6) or (a-7), upon receiving a report of the conviction of any violation indicating a person was operating a motor vehicle when the person's driver's license, permit, or privilege was revoked by the Secretary of State or the driver's license administrator of any other state, except as specifically allowed by a restricted driving permit issued pursuant to this Code or the law of another state, the Secretary shall not issue a driver's license for an additional period of one year from the date of such conviction indicating such person was operating a vehicle during such period of revocation.

(b-3) (Blank).

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

(b-5) Any person convicted of violating this Section shall serve a minimum term of imprisonment of 30 consecutive days or 300 hours of community service when the person's driving privilege was revoked or suspended as a result of a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(b-6) Upon receiving a report of a first conviction of operating a motor vehicle while the person's driver's license, permit, or privilege was revoked where the revocation was for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or

drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, the Secretary shall not issue a driver's license for an additional period of 3 years from the date of such conviction.

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

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

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

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

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

(c-1) Except as provided in subsections (a-7), (c-5), and (d), any person convicted of a second violation of this Section shall be ordered by the court to serve a minimum of 100 hours of community service. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

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

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

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

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

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

(c-5) Any person convicted of a second violation of this Section is guilty of a Class 2 felony, is not eligible for probation or conditional discharge, and shall serve a mandatory term of imprisonment, if:



(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012,<sup>1</sup> relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense; and

(2) the prior conviction under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code.

(d) Any person convicted of a second violation of this Section shall be guilty of a Class 4 felony and shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior conviction under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(d-1) Except as provided in subsections (a-7), (d-2), (d-2.5), and (d-3), any person convicted of a third or subsequent violation of this Section shall serve a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court. The court may give credit toward the fulfillment of community service hours for participation in activities and treatment as determined by court services.

(d-2) Any person convicted of a third violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 30 days, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

(d-2.5) Any person convicted of a third violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, and must serve a mandatory term of imprisonment, if:

(1) the current violation occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense. The person's driving privileges shall be revoked for the remainder of the person's life; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code.

(d-3) Any person convicted of a fourth, fifth, sixth, seventh, eighth, or ninth violation of this Section is guilty of a Class 4 felony and must serve a minimum term of imprisonment of 180 days, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

(d-3.5) Any person convicted of a fourth or subsequent violation of this Section is guilty of a Class 1 felony, is not eligible for probation or conditional discharge, must serve a mandatory term of imprisonment, and is eligible for an extended term, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense, or was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code.

(d-4) Any person convicted of a tenth, eleventh, twelfth, thirteenth, or fourteenth violation of this Section is guilty of a Class 3 felony, and is not eligible for probation or conditional discharge, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

(d-5) Any person convicted of a fifteenth or subsequent violation of this Section is guilty of a Class 2 felony, and is not eligible for probation or conditional discharge, if:

(1) the current violation occurred when the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, or a similar out-of-state offense, or a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code; and

(2) the prior convictions under this Section occurred while the person's driver's license was suspended or revoked for a violation of Section 11-401 or 11-501 of this Code, a similar out-of-state offense, a similar provision of a local ordinance, or a statutory summary suspension or revocation under Section 11-501.1 of this Code, or for a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012, relating to the offense of reckless homicide, or a violation of

subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar out-of-state offense.

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

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

(g) The motor vehicle used in a violation of this Section is subject to seizure and forfeiture as provided in Sections 36-1 and 36-2 of the Criminal Code of 2012 if the person's driving privilege was revoked or suspended as a result of:

(1) a violation of Section 11-501 of this Code, a similar provision of a local ordinance, or a similar provision of a law of another state;

(2) a violation of paragraph (b) of Section 11-401 of this Code, a similar provision of a local ordinance, or a similar provision of a law of another state;

(3) a statutory summary suspension or revocation under Section 11-501.1 of this Code or a similar provision of a law of another state; or

(4) a violation of Section 9-3 of the Criminal Code of 1961 or the Criminal Code of 2012 relating to the offense of reckless homicide, or a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of this Code, relating to the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, or a similar provision of a law of another state.

#### Credits

P.A. 76-1586, § 6-303, eff. July 1, 1970. Amended by P.A. 77-2720, § 1, eff. Jan. 1, 1973; P.A. 80-1462, § 1, eff. Jan. 1, 1979; P.A. 83-206, § 2, eff. Jan. 1, 1984; P.A. 84-272, § 7, eff. Jan. 1, 1986; P.A. 84-1394, § 5, eff. Sept. 18, 1986; P.A. 88-383, § 5, eff. Jan. 1, 1994; P.A. 88-680, Art. 20, § 20-900, eff. Jan. 1, 1995; P.A. 89-8, Art. 1, § 1-5, eff. March 21, 1995; P.A. 89-92, § 10, eff. July 1, 1996; P.A. 89-156, § 5, eff. Jan. 1, 1996; P.A. 89-626, Art. 2, § 2-66, eff. Aug. 9, 1996; P.A. 90-400, § 5, eff. Aug. 15, 1997; P.A. 90-738, § 5, eff. Jan. 1, 1999; **Re-enacted by P.A. 91-692, Art. 20, § 20-900, eff. April 13, 2000.** Amended by P.A. 92-340, § 5, eff. Aug. 10, 2001; P.A. 92-688, § 5, eff. July 16, 2002; P.A. 94-112, § 5, eff. Jan. 1, 2006; P.A. 95-27, § 5, eff. Jan. 1, 2008; P.A. 95-377, § 5, eff. Jan. 1, 2008; P.A. 95-400, § 10, eff. Jan. 1, 2009; P.A. 95-578, § 5, eff. June 1, 2008; P.A. 95-876, § 300, eff. Aug. 21, 2008; P.A. 95-991, § 5, eff. June 1, 2009; P.A. 96-502, § 5, eff. Jan. 1, 2010; P.A. 96-607, § 5, eff. Aug. 24, 2009; P.A. 96-1000, § 575, eff. July 2, 2010; P.A. 96-1344, § 5, eff. July 1, 2011; P.A. 97-984, § 5, eff. Jan. 1, 2013; P.A. 97-1150, § 575, eff. Jan. 25, 2013; P.A. 98-285, § 5, eff. Jan. 1, 2014; P.A. 98-418, § 5, eff. Aug. 16, 2013; P.A. 98-573, § 5, eff. Aug. 27, 2013; P.A. 98-756, § 675, eff. July 16, 2014; P.A. 99-290, § 5, eff. Jan. 1, 2016; P.A. 100-149, § 5, eff. Jan. 1, 2018; P.A. 100-575, § 10, eff. Jan. 8, 2018; P.A. 100-1004, § 5, eff. Jan. 1, 2019; P.A. 101-81, § 670, eff. July 12, 2019; P.A. 102-982, § 105, eff. July 1, 2023.

**Formerly** Ill.Rev.Stat.1991, ch. 95 ½, ¶ 6-303.

### Footnotes

<sup>1</sup> 720 ILCS 5/9-3.

625 I.L.C.S. 5/6-303, IL ST CH 625 § 5/6-303

Current through P.A. 103-26 of the 2023 Reg. Sess. Some statute sections may be more current, see credits for details.



West's Smith-Hurd Illinois Compiled Statutes Annotated

Chapter 625. Vehicles

Act 5. Illinois Vehicle Code (Refs & Annos)

Chapter 11. Rules of the Road (Refs & Annos)

Article V. Driving While Under the Influence, Transporting Alcoholic Liquor, and Reckless Driving

**625 ILCS 5/11-501.01**

**5/11-501.01. Additional administrative sanctions**

Effective: August 20, 2021

Currentness

**§ 11-501.01. Additional administrative sanctions.**

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

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

(c) (Blank).

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

(e) The Secretary of State shall require the use of ignition interlock devices for a period not less than 5 years on all vehicles owned by a person who has been convicted of a second or subsequent offense of Section 11-501 or a similar provision of a local ordinance. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 for each month that he or she uses the device. The Secretary shall establish by rule and regulation the procedures for certification and use of the interlock system, the amount of the fee, and the procedures, terms, and conditions relating to these fees. During the time period in which a person is required to install an ignition interlock device under this subsection (e), that person shall only operate vehicles in which ignition interlock devices have been installed, except as allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of this Code.

(f) (Blank).

(g) The Secretary of State Police DUI Fund is created as a special fund in the State treasury and, subject to appropriation, shall be used for enforcement and prevention of driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds or any combination thereof, as defined by Section 11-501 of this Code, including, but not limited to, the purchase of law enforcement equipment and commodities to assist in the prevention of alcohol-related criminal violence throughout the State; police officer training and education in areas related to alcohol-related crime, including, but not limited to, DUI training; and police officer salaries, including, but not limited to, salaries for hire back funding for safety checkpoints, saturation patrols, and liquor store sting operations.

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

(i) (Blank).

(j) A person that is subject to a chemical test or tests of blood under subsection (a) of Section 11-501.1 or subdivision (c)(2) of Section 11-501.2 of this Code, whether or not that person consents to testing, shall be liable for the expense up to \$500 for blood withdrawal by a physician authorized to practice medicine, a licensed physician assistant, a licensed advanced practice registered nurse, a registered nurse, a trained phlebotomist, a licensed paramedic, or a qualified person other than a police officer approved by the Illinois State Police to withdraw blood, who responds, whether at a law enforcement facility or a health care facility, to a police department request for the drawing of blood based upon refusal of the person to submit to a lawfully requested breath test or probable cause exists to believe the test would disclose the ingestion, consumption, or use of drugs or intoxicating compounds if:

(1) the person is found guilty of violating Section 11-501 of this Code or a similar provision of a local ordinance; or

(2) the person pleads guilty to or stipulates to facts supporting a violation of Section 11-503 of this Code or a similar provision of a local ordinance when the plea or stipulation was the result of a plea agreement in which the person was originally charged with violating Section 11-501 of this Code or a similar local ordinance.

#### **Credits**

P.A. 76-1586, § 11-501.01, added by P.A. 95-578, § 5, eff. June 1, 2008. Amended by P.A. 95-848, § 5, eff. Jan. 1, 2009; P.A. 96-1342, § 5, eff. Jan. 1, 2011; P.A. 97-931, § 5, eff. Jan. 1, 2013; P.A. 97-1050, § 5, eff. Jan. 1, 2013; P.A. 98-292, § 5, eff. Jan. 1, 2014; P.A. 98-463, § 440, eff. Aug. 16, 2013; P.A. 98-973, § 55, eff. Aug. 15, 2014; P.A. 99-289, § 5, eff. Aug. 6, 2015; P.A. 99-296, § 5, eff. Jan. 1, 2016; P.A. 99-642, § 525, eff. July 28, 2016; P.A. 100-513, § 305, eff. Jan. 1, 2018; P.A. 100-987, § 905-45, eff. July 1, 2019; P.A. 101-81, § 670, eff. July 12, 2019; P.A. 102-538, § 935, eff. Aug. 20, 2021.

625 IL.C.S. 5/11-501.01, IL ST CH 625 § 5/11-501.01

Current through P.A. 103-26 of the 2023 Reg. Sess. Some statute sections may be more current, see credits for details.

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