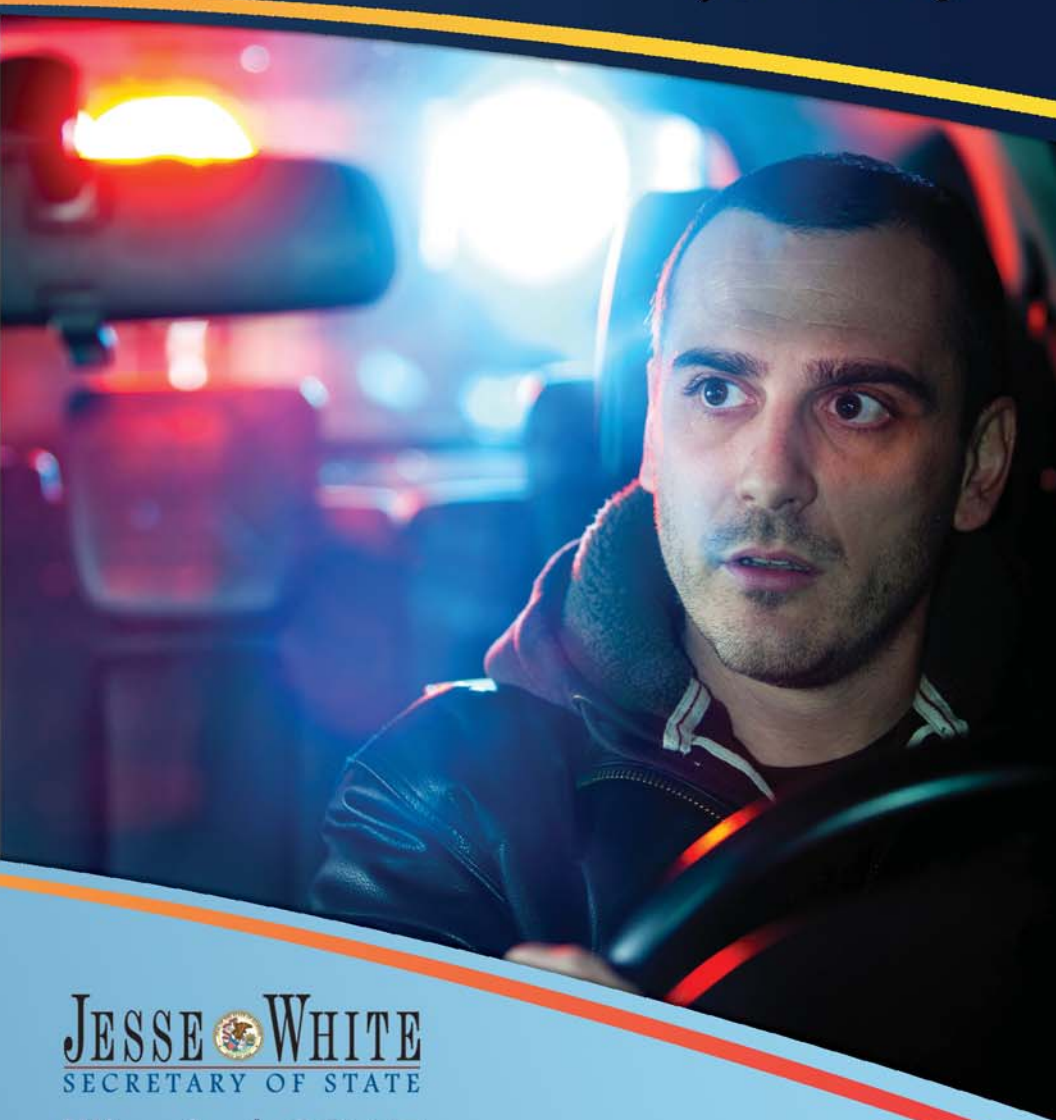


# DUI *fact book*



JESSE  WHITE  
SECRETARY OF STATE

Illinois | 2015



## A message from Secretary of State Jesse White

# 2015 DUI Fact Book

I am pleased to provide this *2015 Illinois DUI Fact Book*, which features factual information about Illinois' efforts to combat drunk driving.

Illinois' roadways continue to be among the safest in the nation due to our tough laws on drunk and distracted driving and restrictions on teen drivers. Our state continues to receive national recognition for its prevention efforts.

On January 1, 2014, the use of cannabis (marijuana) for medicinal purposes became legal in Illinois. However, like alcohol, driving under the influence of it is illegal. More information about this new law is on page 6.

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 people about the consequences of drinking and driving. To request a video, speaker or publications for you, your school or a 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 *2015 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)

 Printed on recycled paper.

Printed by authority of the State of Illinois. January 2015 — 8M — DSD A 118.18

---

# Table of Contents

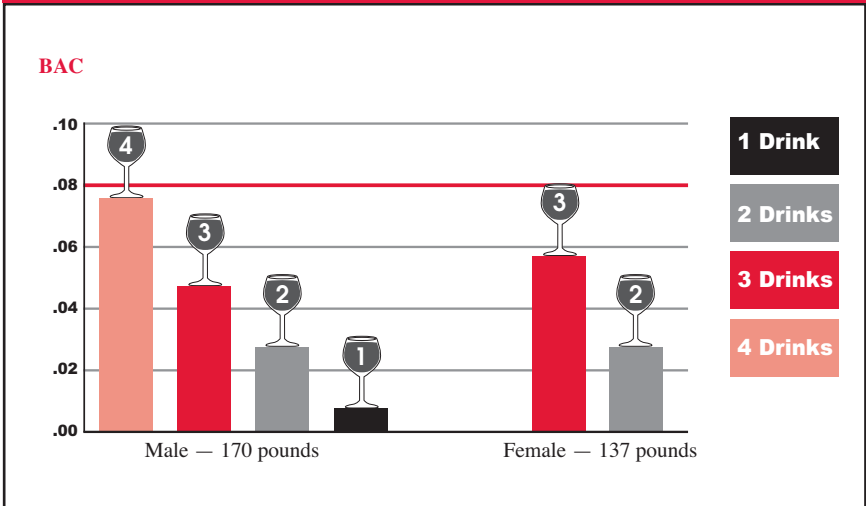
---

Illegal BAC Limits in Illinois . . . . .	4
Driving Under the Influence (DUI) . . . . .	5
Blood-Alcohol Content (BAC) . . . . .	5
Medical Cannabis (Marijuana) . . . . .	6
2013 Illinois DUI Arrest Rate Chart . . . . .	6
Chronology of a DUI Arrest . . . . .	7
2013 Illinois DUI Facts . . . . .	8
New Laws Concerning DUI in Illinois . . . . .	8
Statutory Summary Suspension/Revocation . . . . .	8
Failing Chemical Testing . . . . .	9
Refusing to Submit to Chemical Testing . . . . .	9
Judicial Hearings . . . . .	10
Administrative Driver’s License Revocation . . . . .	10
Penalties for a DUI Conviction . . . . .	11
Aggravated DUI . . . . .	12
Additional Consequences of DUI . . . . .	13
Vehicle Impoundment . . . . .	14
Breath Alcohol Ignition Interlock Device (BAIID) . . . . .	14
Driving Permits . . . . .	15
Monitoring Device Driving Permit (MDDP) . . . . .	15
Restricted Driving Permit (RDP) . . . . .	16
Driver’s License Reinstatement . . . . .	16
Statutory Summary Suspension . . . . .	16
Revocation (Including Statutory Summary Revocation) . . . . .	17
Case Dispositions . . . . .	18
Average Cost of a DUI Conviction in Illinois . . . . .	19
Additional Costs Associated with a DUI . . . . .	19
Penalties for Underage Drinking & Related Offenses . . . . .	20
Zero Tolerance Violations & Under 21 Arrests Chart . . . . .	21
Other DUI-Related Offenses & Penalties . . . . .	22
Illegal Transportation Convictions Chart . . . . .	23
Victims’ Rights . . . . .	25
Reporting of Injured Impaired Drivers . . . . .	26
Secretary of State DUI Programs . . . . .	26
DUI Penalty Chart . . . . .	27
Zero Tolerance Violations by County (2011-2013) . . . . .	28
Drivers Arrested for DUI by County (2011-2013) . . . . .	30

# 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



## 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 including cannabis (marijuana) prescribed for medical purposes, or intoxicating compounds and methamphetamine. In Illinois, a driver is legally considered to be under the influence if he/she has a blood-alcohol content (BAC) of .08 or more, has used any illegal substance or is impaired by medication. Illinois’ .08 limit has been in effect since July 2, 1997.

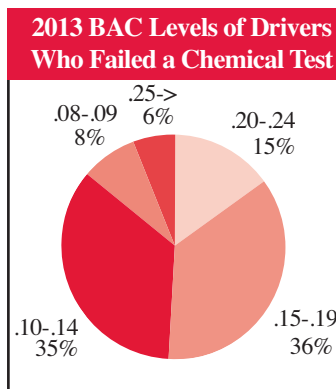
### Blood-Alcohol Content (BAC)

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 shows the driver was impaired.

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



The average DUI offender is:

- male (77 percent arrested are men);
- age 34 (58 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.

— Office of the Illinois Secretary of State

**FACT**

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.)

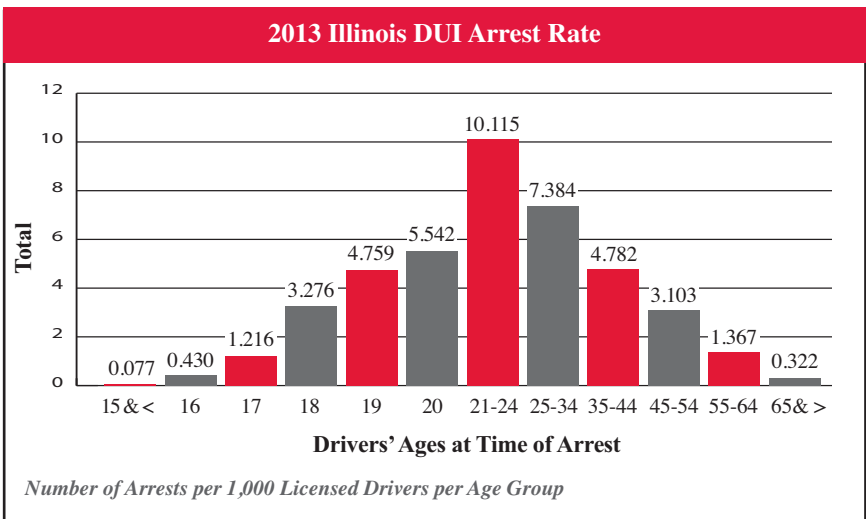
## Medical Cannabis (Marijuana)

Illinois allows for the use of cannabis for medicinal purposes.

Individuals authorized to use cannabis must be registered with the Illinois Department of Public Health (IDPH) and secure a written certification from a physician licensed in Illinois. The IDPH will issue a registry ID card and a notation will be made on the registrant’s Illinois driving record, which will be available to law enforcement.

A driver may not operate a motor vehicle while under the influence of cannabis prescribed for medicinal purposes and may not transport medicinal cannabis in a vehicle unless it is contained in a tamper-evident container and kept in an area that is inaccessible while the vehicle is in motion. If a police officer stops a vehicle driven by a person who holds a medical cannabis registry card and the officer has reasonable suspicion to believe the person is impaired by the use of cannabis, the driver must submit to field sobriety testing. Refusal to submit to testing or failure of the field sobriety tests will result in the suspension of the person’s driver’s license.

Driving while impaired by the use of medical cannabis or driving with an open container may result in the loss of driving privileges as well as revocation of the driver’s medical cannabis card.



## 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 proof of insurance.
- 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 chemical testing of breath, urine or blood.
- If a tested driver's BAC is more than .05 but less than .08 and no drugs are found in their system, no statutory summary suspension (see page 8) 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 is a first-time DUI offender, he/she may be eligible for a Monitoring Device Driving Permit. (See page 15.)
- If the driver's test results show a BAC of .08 or more, or any trace of a drug (including cannabis), 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.

The rate of alcohol impairment among drivers involved in fatal crashes is 4.5 times higher at night than during the day.

— *National Highway Traffic  
Safety Administration*

**FACT**



## 2013 Illinois DUI Facts

- 317 people were killed in alcohol-related crashes, which was 32 percent of the 991 total crash fatalities.
- 34,611 DUI arrests were recorded by the Secretary of State's office.
- 93 percent of all drivers arrested for DUI, who were eligible, lost their driving privileges.
- 931 drivers under age 21 lost their driving privileges due to Zero Tolerance law violations.
- 23 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 15 per 1,000 licensed drivers).
- 86 percent of all drivers arrested for DUI are first offenders.

---

## New Laws Concerning DUI in Illinois

---

### Effective Jan. 1, 2015

- It is unlawful for a parent or guardian (instead of any person) to knowingly permit any vehicle, watercraft, or conveyance to be used in a manner that violates the underage drinking statute.
- Restores the statute allowing criminal penalties for any person to knowingly authorize or permit a residence that he or she occupies to be used by someone under the age 21 if the person knows that the underage person possesses or is consuming alcohol.

For a complete history of DUI laws in Illinois, visit the Secretary of State's website at [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com).

---

## Statutory Summary Suspension/Revocation

---

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 and 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.

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. The DUI criminal charge is prosecuted and adjudicated in the courts. This charge is separate from the statutory summary suspension penalties, which is the administrative process. For more information on the criminal penalties for a DUI conviction, see pages 11-12.

### **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).

A police officer is required to request a chemical test when there is probable cause to suspect DUI is a factor when a crash results in personal injury or death. A driver who refuses to submit to such testing will have their driving privileges revoked for a minimum of one year.

A driver subject to chemical testing may be liable for the medical costs associated with the blood test (up to \$500) if the driver is consequently convicted of DUI.

In 2013, 93 percent of drivers arrested for DUI who refused to submit to or failed chemical testing lost their driving privileges; 85 percent of those were first offenders.

— *Office of the Illinois Secretary of State*

**FACT**

A person's driver's license may be subject to multiple suspensions or revocations simultaneously. No single suspension or revocation serves to negate, invalidate, cancel, postpone or lessen the effect of any other suspension or revocation.

*\*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. For more information, see pages 14-15.*

---

## Judicial Hearings

---

A driver may request a judicial hearing to challenge a statutory summary suspension or statutory summary revocation 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 five issues may be considered:

- Whether the person was arrested for DUI.
- Whether there were reasonable grounds to believe that at the time of arrest 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.
- 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.
- Whether, in the case of a statutory summary revocation, the driver was involved in a motor vehicle crash that caused personal injury or death.

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

---

## Administrative Driver's License Revocation

---

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.

---

## Penalties for a DUI Conviction

---

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 page 27 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 a 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 one or more persons age 18 or younger (Class 4 felony).
- DUI committed while driving a vehicle for-hire carrying one or more passengers (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 14 for more information.)

An average of one alcohol-impaired driving fatality occurs every 53 minutes.

— *National Highway Traffic  
Safety Administration*

**FACT**

- The offender is required to carry high-risk auto insurance for 3 years.
- The offender's vehicle registration will be suspended.

## Vehicle Impoundment

The vehicle 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.
- Committing a DUI while uninsured.

---

## Breath Alcohol Ignition Interlock Device (BAIID)

---

The majority of states, including Illinois, require first-time DUI offenders to have a Breath Alcohol Ignition Interlock Device (BAIID) installed on their vehicles. Illinois also requires a camera unit on the BAIID to capture the image of the driver as they perform their breath test.

In 2013, 4,818 BAIID devices were installed on Illinois vehicles following an alcohol-related offense. On average, approximately 12,000 individuals are driving with a BAIID device installed on their car or truck.

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 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 any time 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.

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 15.)

A person who has two or three DUI convictions must install a BAIID on all vehicles registered in his/her name for 12 consecutive months as a prerequisite for full reinstatement of driving privileges. A judge also may require a driver to have a BAIID 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.

A DUI offender is responsible for all costs associated with the issuance, installation and monitoring of the BAIID. For a listing of certified BAIID vendors and installation sites, visit [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com) (click Departments, BAIID).

---

## Driving Permits

---

### Monitoring Device Driving Permit (MDDP)

- A first-time DUI offender may obtain an MDDP from the Secretary of State 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 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 driven during the suspension period. An offender may drive anywhere at any time 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 not drive any vehicle for which a CDL is required.
- An offender is ineligible for an MDDP if the driver's license is otherwise invalid or if death or great bodily harm to another resulted from the DUI arrest.
- An offender is ineligible for an MDDP if previously 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.
- A driver under age 18 is not eligible for an MDDP.

## **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 is not eligible for an RDP during the statutory summary suspension period.
- A driver under age 16 whose driving privileges are revoked is not eligible for an RDP.
- To obtain an RDP, the offender may have to 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. The offender is responsible for all costs associated with the BAIID during this period.
- Upon application for a formal hearing for an RDP or reinstatement of driving privileges, a \$50 nonrefundable filing fee is required.

---

# **Driver's License Reinstatement**

---

## **Statutory Summary Suspension**

Driving privileges may be reinstated at the end of the statutory summary suspension period. 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 driving privileges becomes valid when 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.



---

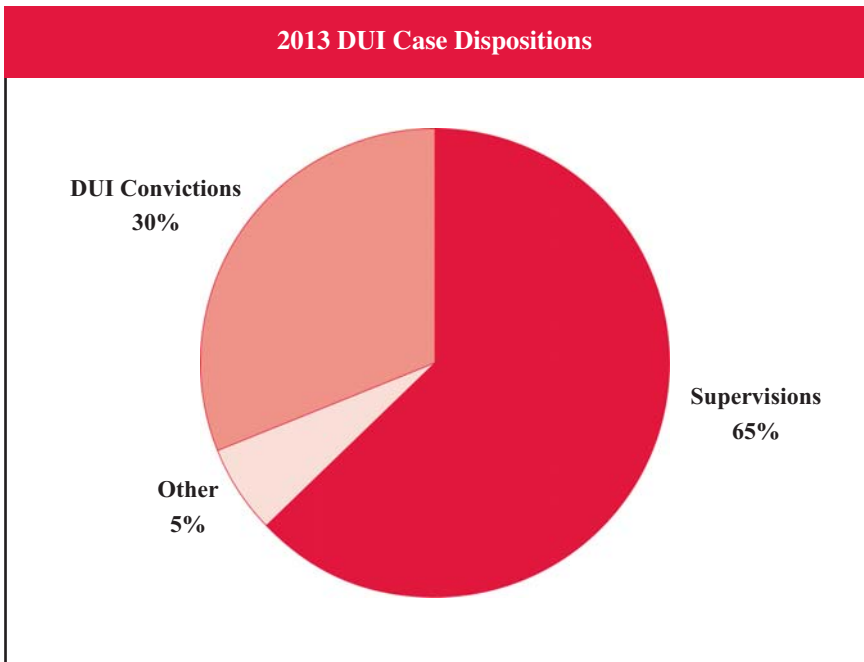
## Case Dispositions

---

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 2013, 34,611 statutory summary suspensions were recorded by the Secretary of State's office. As of Dec. 31, 2013, court dispositions were reported for 41 percent (14,067) of these cases. Of those dispositions, 30 percent (4,215) resulted in convictions and 65 percent (9,188) received court supervision. In 5 percent (664) of the cases, other dispositions such as convictions for reckless driving were received. Of the dispositions received, 21 percent of first offenders received a DUI conviction, and 90 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; Formal hearing fee — \$50.	<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>

---

# Penalties for Underage Drinking & Related Offenses

---

Drivers under age 21 face a minimum 2-year driver's license revocation for a first DUI conviction in addition to the 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 2013, DUI arrests have 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 2013, 931 drivers under age 21 were suspended for driving with a BAC of more than .00 or for refusing to submit to chemical testing. Additionally, 2,233 underage drivers were arrested for DUI and received suspensions. For a listing of arrest numbers by county, see pages 28-29.

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

## Parental Responsibility

It is illegal for a parent or legal guardian to allow persons under age 21 to consume alcoholic beverages on their private property, or on any property under their control or any vehicle or water craft under their control by either allowing the consumption of alcohol or by failing to control access to the alcohol. If a death or personal injury occurs as a result of consumption, the parent or legal guardian may face criminal penalties.

## 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.

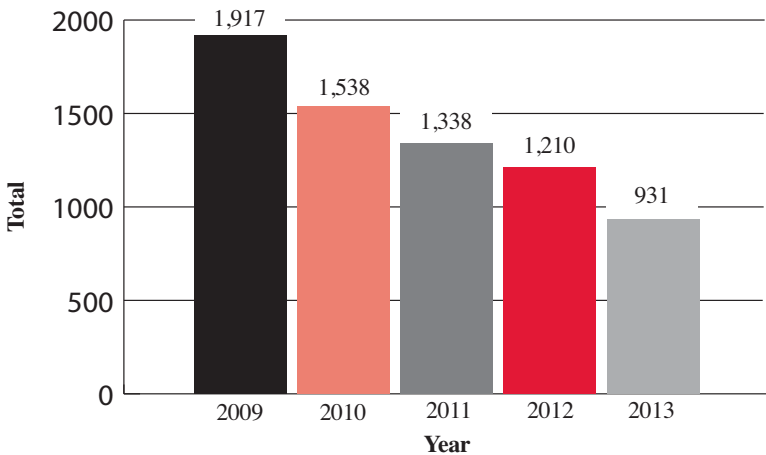
## Providing Alcohol to a Person Under Age 21

- Class A misdemeanor.

## Illegal Transportation of Alcohol

- **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.

Under 21 DUI Arrests & Zero Tolerance Violations



## 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).

---

## Other DUI-Related Offenses & Penalties

---

### 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** — Revocation of driving privileges.

### 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.

### Out-of-State DUI Conviction

If a driver is convicted of DUI in another state, the conviction will be added to his/her Illinois driving record and result in the revocation of driving privileges. The length of the revocation will be based upon the driver's previous Illinois driving history.

### Personal Injury and Fatal Motorboat crashes

A person who is involved in a personal injury or fatal boating crash while operating or in physical control of a motorboat and is issued a citation for any offense (other than an equipment violation) is deemed to have given consent to a breath test. A person who refuses, does not complete or fails chemical testing will have his/her driver's license suspended. The length of the suspension will be the same as those listed on page 9 under Statutory Summary Suspension/Revocation.

### 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. If the original suspension or revocation was for reckless homicide, DUI, refusing a chemical test or leaving the scene of a crash involving personal injury or death, it is a Class 2 felony.
- **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. If the original suspension or revocation was for reckless homicide, DUI, refusing a chemical test or leaving the scene of a crash involving personal injury or death, it is a Class 1 felony.
- **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. If the original suspension or revocation was for a reckless homicide, DUI, refusing a chemical test or leaving the scene of a crash involving personal injury or death, it is a Class 1 felony.
- **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.





## 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 or medical cannabis in the passenger compartment of a motor vehicle. Alcohol must be in the original container with the seal unbroken. Cannabis must be in a tamper-evident container and kept in an area that is inaccessible to the medical cannabis card holder. 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.

## 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)

- Attempting to obtain a fraudulent driver's license.
- 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.

Of the driver's license revocations in 2013, 2,725 were for second offenses, 734 were for third offenses, and 380 were for fourth or subsequent offenses resulting in lifetime revocation.

— *Office of the Illinois Secretary of State*

**FACT**

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

- Possessing or assisting another in obtaining a fraudulent driver’s license or permit.
- 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.

---

## Victims’ Rights

---

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 and to be free from harassment, intimidation and abuse throughout the criminal justice process.
- The right to notice and to a hearing before a court ruling on a request to access to any of the victim’s records, information or communications which are privileged or confidential by law.
- Be notified in a timely manner of all court proceedings.
- Communicate with the prosecution.
- Be heard at any post-arraignment court proceeding in which a right of the victim is at issue and any court proceeding involving a post-arraignment release decision, plea or sentencing.
- Be notified of the conviction, sentence, imprisonment and release of the accused.
- Timely disposition of the case following the arrest of the accused.
- Be reasonably protected 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 and 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.*

---

## Reporting of Injured Impaired Drivers

---

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. This law has 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.

---

## Secretary of State DUI Programs

---

- **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. Video is 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.
- **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 presentation 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 also 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.

- **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.

---

## DUI Penalty Chart

---

### **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**

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

# Zero Tolerance Violations

County	2011	2012	2013	County	2011	2012	2013
Adams	16	4	6	Jefferson	9	4	3
Alexander	1	1	1	Jersey	5	3	4
Bond	0	1	2	Jo Daviess	4	4	5
Boone	6	15	5	Johnson	1	1	3
Brown	3	4	1	Kane	45	46	35
Bureau	10	4	3	Kankakee	14	6	3
Calhoun	0	1	0	Kendall	16	19	11
Carroll	2	0	2	Knox	11	7	9
Cass	3	3	2	Lake	67	41	56
Champaign	18	15	12	LaSalle	27	17	19
Christian	15	11	3	Lawrence	4	2	1
Clark	3	5	1	Lee	10	7	11
Clay	2	7	2	Livingston	6	2	2
Clinton	8	6	2	Logan	4	6	2
Coles	8	13	4	McDonough	12	20	11
Cook				McHenry	33	42	30
—Dist 1	22	9	12	McLean	28	27	35
—Dist 2	39	55	28	Macon	8	11	3
—Dist 3	82	55	48	Macoupin	12	8	7
—Dist 4	47	41	26	Madison	23	16	12
—Dist 5	80	84	49	Marion	6	6	7
—Dist 6	40	24	23	Marshall	0	1	2
Crawford	2	1	1	Mason	2	2	2
Cumberland	3	4	1	Massac	2	7	2
DeKalb	42	29	23	Menard	9	2	7
DeWitt	2	4	6	Mercer	3	5	2
Douglas	2	4	3	Monroe	3	3	0
DuPage	118	106	78	Montgomery	3	4	4
Edgar	0	1	2	Morgan	7	1	7
Edwards	2	2	0	Moultrie	3	2	2
Effingham	20	13	10	Ogle	8	12	6
Fayette	6	7	7	Peoria	21	14	8
Ford	3	4	1	Perry	7	1	4
Franklin	2	4	8	Piatt	6	1	0
Fulton	1	0	0	Pike	6	5	3
Gallatin	4	0	0	Pope	2	0	0
Greene	4	2	2	Pulaski	1	1	0
Grundy	12	11	9	Putnam	1	2	1
Hamilton	1	2	2	Randolph	4	3	3
Hancock	3	4	6	Richland	1	3	5
Hardin	0	2	1	Rock Island	28	30	21
Henderson	3	2	2	St. Clair	30	43	24
Henry	12	9	5	Saline	5	2	2
Iroquois	8	7	6	Sangamon	27	14	20
Jackson	11	19	5	Schuyler	0	1	0
Jasper	1	4	3	Scott	0	3	0

## Zero Tolerance Violations (continued)

County	2011	2012	2013	County	2011	2012	2013
Shelby	1	0	0	Washington	1	1	1
Stark	0	1	0	Wayne	4	4	1
Stephenson	7	5	1	White	1	5	3
Tazewell	18	17	15	Whiteside	10	7	16
Union	1	4	2	Will	59	63	44
Vermilion	4	5	3	Williamson	9	15	13
Wabash	2	4	3	Winnebago	17	17	15
Warren	9	2	3	Woodford	4	4	4
				Cook	310	268	186
				Downstate	1,028	942	745
				Statewide	1,338	1,210	931

## Drivers Arrested for DUI

COUNTY	2011	2012	2013
Adams	255	210	195
Alexander	36	29	17
Bond	27	39	27
Boone	283	236	218
Brown	23	30	13
Bureau	52	57	45
Calhoun	9	16	9
Carroll	50	39	50
Cass	41	60	72
Champaign	574	598	569
Christian	92	67	83
Clark	77	66	68
Clay	56	58	48
Clinton	48	72	62
Coles	300	288	234
Cook			
—Dist 1	3,175	3,326	3,587
—Dist 2	1,197	1,210	1,106
—Dist 3	1,977	1,832	1,810
—Dist 4	1,116	1,169	1,150
—Dist 5	1,534	1,168	1,496
—Dist 6	1,176	1,185	1,115
Crawford	95	79	83
Cumberland	65	53	45
DeKalb	565	509	478
DeWitt	55	67	82
Douglas	44	60	54
DuPage	4,045	3,724	3,329
Edgar	62	65	50
Edwards	23	19	19
Effingham	248	233	193
Fayette	91	82	65
Ford	63	63	44
Franklin	131	155	141
Fulton	134	150	145
Gallatin	40	24	19
Greene	41	49	19
Grundy	201	151	139
Hamilton	25	15	28
Hancock	38	34	26
Hardin	10	17	16
Henderson	146	150	98
Henry	204	170	107
Iroquois	65	46	49

## Drivers Arrested for DUI (continued)

COUNTY	2011	2012	2013
Jackson	189	264	202
Jasper	41	35	30
Jefferson	140	166	138
Jersey	128	108	70
Jo Daviess	124	86	100
Johnson	23	38	37
Kane	1,417	1,259	1,071
Kankakee	270	292	284
Kendall	241	238	198
Knox	189	207	165
Lake	2,593	2,338	2,256
LaSalle	573	490	425
Lawrence	60	52	46
Lee	118	116	134
Livingston	144	118	70
Logan	94	81	82
McDonough	163	162	186
McHenry	942	892	859
McLean	788	651	694
Macon	571	503	551
Macoupin	141	150	140
Madison	1,046	1,013	790
Marion	197	161	158
Marshall	36	33	31
Mason	30	44	21
Massac	87	91	67
Menard	50	46	45
Mercer	72	63	46
Monroe	116	111	105
Montgomery	123	116	97
Morgan	117	92	82
Moultrie	39	39	36
Ogle	152	146	125
Peoria	660	580	499
Perry	85	71	77
Piatt	47	49	38
Pike	42	71	47
Pope	21	10	14
Pulaski	24	26	24
Putnam	12	12	10
Randolph	64	56	53
Richland	58	75	96
Rock Island	987	792	737
St. Clair	994	1,133	917
Saline	92	69	59
Sangamon	1,190	1,114	914



## Drivers Arrested for DUI (continued)

COUNTY	2011	2012	2013
Schuyler	19	18	22
Scott	5	8	10
Shelby	58	64	51
Stark	12	15	12
Stephenson	149	132	96
Tazewell	537	597	562
Union	75	71	88
Vermilion	211	165	172
Wabash	61	49	61
Warren	128	96	106
Washington	37	42	63
Wayne	73	69	40
White	89	77	86
Whiteside	227	180	145
Will	1,623	1,424	1,484
Williamson	249	273	294
Winnebago	1,289	1,331	1,212
Woodford	83	86	78
Cook	10,175	10,390	10,264
Downstate	28,529	26,736	24,347
Statewide	38,704	37,126	34,611



## **EMERGENCY CONTACT DATABASE**

The Emergency Contact Database keeps a record of two emergency contacts per registered driver/ID card holder that law enforcement can access if you become involved in an automobile crash or emergency medical situation. With this free online service, law enforcement can quickly notify your family during this time of need. All information is confidential and only accessible to law enforcement. To submit information in the Emergency Contact Database, visit [www.cyberdriveillinois.com](http://www.cyberdriveillinois.com).

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

***WWW.CYBERDRIVEILLINOIS.COM***