
History of Illinois DUI Laws

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SECRETARY OF STATE

Effective Jan. 1, 1958

- Established .15 as the illegal BAC limit.

Effective Jan. 1, 1967

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

Effective Jan. 1, 1980

- Established 21 as the minimum drinking age.

Effective Jan. 1, 1984

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

Effective Jan. 1, 1986

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

Effective Sept. 12, 1986

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

Effective Jan. 1, 1988

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

Effective Sept. 21, 1989

- Provided that any driver who refuses to submit to chemical testing for a second or subsequent time will have his/her driving privileges suspended for a minimum of 2 years. Offenders may not apply for a Restricted Driving Permit for the first 6 months of the suspension period.

Effective Jan. 1, 1991

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

Effective July 1, 1991

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

Effective Nov. 3, 1992

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

Effective Jan. 1, 1993

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

Effective Jan. 1, 1994

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

Effective Jan. 1, 1995

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

Effective July 21, 1995

- Prohibited a driver from receiving an RDP if he/she received a statutory summary suspension for a subsequent alcohol offense within 5 years for refusing to submit to chemical testing.

Effective Jan. 1, 1997

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

Effective July 2, 1997

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

Effective Dec. 1, 1997

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

Effective Jan. 1, 1998

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

Effective Jan. 1, 1999

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

Effective Jan. 1, 2000

- Mandated the Breath Alcohol Ignition Interlock Device (BAIID) for certain drivers convicted of DUI.

- Prohibited a driver with an out-of-state DUI or a reckless driving conviction from receiving court supervision for the same offense in Illinois.

Effective Oct. 1, 2000

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

Effective July 27, 2001

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

Effective Aug. 3, 2001

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

Effective Aug. 10, 2001

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

Effective Aug. 17, 2001

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

Effective Jan. 1, 2002

- Required a person convicted of DUI to pay an additional \$100 fine, which is deposited into the Trauma Center Fund for distribution to Illinois hospitals and trauma centers.
- Prohibited a person sentenced to prison for a conviction of reckless homicide from having his/her driving privileges reinstated until 2 years after the date of

his/her release from prison. This period does not commence until the expiration of any period of mandatory supervised release or parole.

Effective July 16, 2002

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

Effective Jan. 1, 2003

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

Effective July 18, 2003

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

Effective Jan. 1, 2004

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

Effective June 1, 2004

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

Effective July 6, 2004

- Established Leaving the Scene of a Crash as a Class 4 felony, with possible imprisonment of 1-3 years.

- Decreased the time allowed to report leaving the scene of a crash to local law enforcement from one hour to 30 minutes.

Effective July 12, 2004

- Provided that a person convicted in another state of an offense similar to the Illinois reckless homicide statute may not be granted full driving privileges for 2 years from the date of the person's suspension or revocation, or within 2 years of the driver being released from a prison term for the offense.
- Established the offense of Aggravated DUI for a person committing DUI who was previously convicted in another state of an offense similar to the Illinois reckless homicide statute and the driver's intoxication was an element of the offense.

Effective Oct. 1, 2004

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

Effective Jan. 1, 2005

- Provided that a driver convicted in another state of an offense similar to the Illinois reckless homicide statute may not be granted driving privileges for 2 years from the date of the person's suspension or revocation, or within 2 years of the driver being released from a prison term for the offense.
- Established that a person who commits DUI is guilty of Aggravated DUI if he/she has previously been convicted in another state of an offense similar to the Illinois reckless homicide statute.

Effective July 7, 2005

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

Effective Jan. 1, 2006

- Provided that a driver seeking a Judicial Driving Permit (JDP), who is subsequently charged with driving on a suspended driver's license or with another DUI before the JDP has been issued, is no longer eligible for a JDP. If a driver has been issued a JDP and is charged with another DUI, the JDP will be canceled.
- Increased the penalties for DUI while transporting a child under age 16.
- Provided that a person charged with a felony DUI may not be prosecuted by a municipal attorney, and the state's attorney is prohibited from giving a municipal attorney this authority.
- Increased the penalties for a fifth or subsequent conviction of driving on a suspended or revoked driver's license.

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

Effective May 8, 2006

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

Effective June 28, 2006

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

Effective Aug. 31, 2007

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

Effective Jan. 1, 2008

- Required local liquor commissioners to report to the Secretary of State's office court supervisions for violations relating to the transfer, possession and consumption of alcohol for persons under age 21.

- Increased penalties for driving with a revoked driver's license, permit or privilege to operate a motor vehicle if the revocation was the result of a reckless homicide offense.

Effective June 1, 2008

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

Effective Aug. 4, 2008

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

Effective Aug. 15, 2008

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

Effective Jan. 1, 2009

- Required a first-time DUI offender to have a BAIID installed on his/her vehicle as a condition of driving relief. The driver must drive only a vehicle equipped with a BAIID.
- Replaced the Judicial Driving Permit with the Monitoring Device Driving Permit (MDDP) for first-time DUI offenders.
- Required a driver with a BAIID installed in his/her vehicle because of a second or subsequent DUI conviction to submit to the Secretary of State DUI Administration Fund an amount not exceeding \$30 for each month he/she uses the device.
- Established a \$30 administrative fee paid by the offender for issuance of an MDDP to be deposited into the Monitoring Device Driving Permit Administration Fee Fund.

- Allowed a DUI offender who initially chose not to request an MDDP to petition the court for an MDDP later in the suspension period. An offender is not eligible for an MDDP if he/she was previously convicted of Aggravated DUI involving a death.
- Allowed an MDDP to be canceled if an offender is convicted of or placed on court supervision for specified offenses, or if an offender attempts to remove the BAID from his/her vehicle without Secretary of State authorization.
- Increased the suspension period for a first offense for failing chemical testing to 6 months, and 12 months for a first offense for refusing to submit to chemical testing.
- Allowed a driver with an RDP to transport children living in the person's household to and from day care or an acceptable educational institution.

Effective Aug. 11, 2009

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

Effective Jan. 1, 2010

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

Effective Jan. 1, 2011

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

Effective Feb. 14, 2011

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

Effective July 1, 2011

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

Effective Aug. 8, 2011

- An employee who incurs injuries while involved in an Aggravated DUI or Reckless Homicide and is subsequently convicted is not eligible for workers' compensation benefits.

Effective Aug. 22, 2011

- If a law enforcement officer has probable cause to believe a driver is operating a vehicle under the influence, the officer may request that the driver submit to a chemical test.

Effective Jan. 1, 2012

- Local municipalities may impound vehicles and impose administrative fees on a vehicle where the driver was arrested for driving under the influence. If unclaimed, the vehicle can be disposed of as determined by the municipality. The registered owner of the vehicle may request a hearing to contest the fees.
- Employers of school bus drivers may request an alcohol/drug test if there is reasonable suspicion that a driver may be under the influence. The employer must report to the Secretary of State within 48 hours if the school bus driver refuses to submit to testing, or if the driver's test reveals a BAC of more than 0.00 or any type of illegal drugs. A positive test or a refusal to submit to testing results in a 3-year suspension of the school bus driver's permit.

Effective July 20, 2012

- The Secretary of State shall immediately revoke the driving privileges of a person convicted of a second or subsequent conviction of illegal possession while operating or in control of a motor vehicle. A first-time conviction shall result in suspension of driving privileges for a period of 1 year.

Effective Jan. 1, 2013

- Parents or guardians who knowingly permit their residence, or any other private property under their control (instead of just their residence), to be used by an invitee under age 21 for the purposes of underage consumption of alcohol, is guilty of a Class A misdemeanor.
- A motor vehicle used by an individual who is driving on a suspended or revoked license is subject to seizure and forfeiture if the person's driving privileges were revoked or suspended as a result of: (1) DUI; (2) leaving the scene of a motor vehicle accident involving personal injury or death; (3) failure to submit to drug or alcohol testing; or (4) reckless homicide.

- A driver under age 25 who is arrested or charged and receiving court supervision for a misdemeanor violation of the reckless driving statute, and who has no other conviction for DUI or reckless driving, is not eligible for sealing or expungement of the violation from his/her record until age 25.

Effective Jan. 1, 2014

- A person diagnosed by a physician with a debilitating medical condition may be issued a registry ID card by the Illinois Department of Public Health that allows the person to legally possess no more than 2.5 ounces of usable cannabis (marijuana) during a 14-day period. The law prohibiting motorists from having any amount of cannabis in their system does not apply to a registry card holder. However, it is illegal for a card holder to drive while impaired by cannabis, and he/she may be charged with DUI in those circumstances. Possession of medical cannabis in a vehicle is prohibited unless the product is in a secured and sealed tamper-evident container that is inaccessible while the vehicle is in motion.
- A person can be charged with Aggravated DUI if he/she is driving a vehicle for-hire carrying passengers.
- Persons subject to blood tests for refusal to submit to a breath test may be liable for the cost (up to \$500) of employing a medical professional to perform the test if the person is found guilty or pleads guilty to DUI.
- The penalties for driving on a suspended or revoked driver's license are increased if the suspension or revocation was for reckless homicide, DUI, refusing a chemical test or leaving the scene of a crash involving personal injury or death.
- A person operating a watercraft under the influence and involved in a crash resulting in personal injury or death is subject to the same chemical testing as a person operating a motor vehicle under the influence. If the person refuses chemical testing, he/she faces a driver's license suspension.

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/she occupies to be used by someone under the age 21 if the person knows that the underage person possesses or is consuming alcohol.

Effective Jan. 1, 2016

- A first-time DUI offender is now eligible to apply for a Monitoring Device Driving Permit during the first 30 days of a statutory summary suspension.
- A repeat DUI offender is now eligible to apply for a Restricted Driving Permit during a statutory summary suspension (previously no driving relief was available).

- A person whose driver's license has been revoked for life as the result of 4 DUI convictions may apply for a Restricted Driving Permit after serving a 5-year revocation and proving a minimum of 3 years of abstinence. The person may only drive vehicles that have been equipped with a Breath Alcohol Ignition Interlock Device.
- A person with 2 or 3 DUI convictions must obtain a restricted driving permit, install a Breath Alcohol Ignition Interlock Device on all vehicles owned by the person and may only drive vehicles equipped with the device for a period of 5 years before full driving privileges are restored.
- A person who has resided in Illinois for a minimum of 10 years and whose driver's license was revoked in his/her former state of residence may seek an administrative hearing to ask for the issuance of an Illinois driver's license.
- A person under age 21 may not be charged with possession or consumption of alcohol by a minor if that person (1) requested medical assistance for an individual due to alcohol consumption; (2) remained at the scene after contacting authorities; and (3) provided his/her full name, other relevant information and cooperated fully with law enforcement officers.

Effective Jan. 1, 2012

- Local municipalities may impound vehicles and impose administrative fees on a vehicle where the driver was arrested for driving under the influence. If unclaimed, the vehicle can be disposed of as determined by the municipality. The registered owner of the vehicle may request a hearing to contest the fees.
- Employers of school bus drivers may request an alcohol/drug test if there is reasonable suspicion that a driver may be under the influence. The employer must report to the Secretary of State within 48 hours if the school bus driver refuses to submit to testing, or if the driver's test reveals a BAC of more than 0.00 or any type of illegal drugs. A positive test or a refusal to submit to testing results in a 3-year suspension of the school bus driver's permit.

Effective July 29, 2016

- Any person with a THC level of 5 nanograms or more per milliliter of whole blood or 10 nanograms or more per milliliter of other bodily substances may be charged with DUI.

Effective Aug. 12, 2016

- The Chief Judge of the circuit court of any Illinois county may order the establishment of a program for electronic monitoring of offenders for alcohol and drug consumption.

Effective Jan. 1, 2017

- A guilty plea will not be accepted until all penalties have been explained including the possible loss of driving privileges.
- The Secretary of State shall notify the driver and the Illinois Department of Public Health will revoke a medical cannabis card for a driver convicted of a felony

violation of the state or federal Control Substance Act, the Cannabis Control Act of the Methamphetamine Control Act.

Effective Aug. 11, 2017

- Public officials shall report to the Secretary of State when a juvenile has been convicted or received court supervision for a DUI while operating a snowmobile or watercraft.

Effective Aug. 22, 2017

- Enhanced penalties apply upon conviction for driving while revoked if the driver is revoked for aggravated DUI that resulted in death. The prosecution may be commenced at any time.

Effective Jan. 1, 2019

- An aggravating factor in DUI sentencing includes if the defendant was driving his or her vehicle the wrong way on a one-way road.