

1 AN ACT in relation to alcoholic liquor.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 4-4 as follows:

6 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

7 Sec. 4-4. Each local liquor control commissioner shall
8 also have the following powers, functions and duties with
9 respect to licenses, other than licenses to manufacturers,
10 importing distributors, distributors, foreign importers,
11 non-resident dealers, non-beverage users, brokers, railroads,
12 airplanes and boats.

13 1. To grant and or suspend for not more than thirty
14 days or revoke for cause all local licenses issued to
15 persons for premises within his jurisdiction;

16 2. To enter or to authorize any law enforcing
17 officer to enter at any time upon any premises licensed
18 hereunder to determine whether any of the provisions of
19 this Act or any rules or regulations adopted by him or by
20 the State Commission have been or are being violated, and
21 at such time to examine said premises of said licensee in
22 connection therewith;

23 3. To notify the Secretary of State where a club
24 incorporated under the General Not for Profit Corporation
25 Act of 1986 or a foreign corporation functioning as a
26 club in this State under a certificate of authority
27 issued under that Act has violated this Act by selling or
28 offering for sale at retail alcoholic liquors without a
29 retailer's license;

30 4. To receive complaint from any citizen within his
31 jurisdiction that any of the provisions of this Act, or

1 any rules or regulations adopted pursuant hereto, have
2 been or are being violated and to act upon such
3 complaints in the manner hereinafter provided;

4 5. To receive local license fees and pay the same
5 forthwith to the city, village, town or county treasurer
6 as the case may be.

7 Each local liquor commissioner also has the duty to
8 notify the Secretary of State of (a) any convictions for a
9 violation of Section 6-20 of this Act or a similar provision
10 of a local ordinance or (b) any finding of a violation of a
11 similar provision of a local ordinance in an administrative
12 proceeding.

13 In counties and municipalities, the local liquor control
14 commissioners shall also have the power to levy fines in
15 accordance with Section 7-5 of this Act.

16 (Source: P.A. 91-357, eff. 7-29-99; 92-804, eff. 1-1-03.)

17 Section 10. The Illinois Vehicle Code is amended by
18 changing Section 6-206 as follows:

19 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

20 Sec. 6-206. Discretionary authority to suspend or revoke
21 license or permit; Right to a hearing.

22 (a) The Secretary of State is authorized to suspend or
23 revoke the driving privileges of any person without
24 preliminary hearing upon a showing of the person's records or
25 other sufficient evidence that the person:

26 1. Has committed an offense for which mandatory
27 revocation of a driver's license or permit is required
28 upon conviction;

29 2. Has been convicted of not less than 3 offenses
30 against traffic regulations governing the movement of
31 vehicles committed within any 12 month period. No
32 revocation or suspension shall be entered more than 6

1 months after the date of last conviction;

2 3. Has been repeatedly involved as a driver in
3 motor vehicle collisions or has been repeatedly convicted
4 of offenses against laws and ordinances regulating the
5 movement of traffic, to a degree that indicates lack of
6 ability to exercise ordinary and reasonable care in the
7 safe operation of a motor vehicle or disrespect for the
8 traffic laws and the safety of other persons upon the
9 highway;

10 4. Has by the unlawful operation of a motor vehicle
11 caused or contributed to an accident resulting in death
12 or injury requiring immediate professional treatment in a
13 medical facility or doctor's office to any person, except
14 that any suspension or revocation imposed by the
15 Secretary of State under the provisions of this
16 subsection shall start no later than 6 months after being
17 convicted of violating a law or ordinance regulating the
18 movement of traffic, which violation is related to the
19 accident, or shall start not more than one year after the
20 date of the accident, whichever date occurs later;

21 5. Has permitted an unlawful or fraudulent use of a
22 driver's license, identification card, or permit;

23 6. Has been lawfully convicted of an offense or
24 offenses in another state, including the authorization
25 contained in Section 6-203.1, which if committed within
26 this State would be grounds for suspension or revocation;

27 7. Has refused or failed to submit to an
28 examination provided for by Section 6-207 or has failed
29 to pass the examination;

30 8. Is ineligible for a driver's license or permit
31 under the provisions of Section 6-103;

32 9. Has made a false statement or knowingly
33 concealed a material fact or has used false information
34 or identification in any application for a license,

1 identification card, or permit;

2 10. Has possessed, displayed, or attempted to
3 fraudulently use any license, identification card, or
4 permit not issued to the person;

5 11. Has operated a motor vehicle upon a highway of
6 this State when the person's driving privilege or
7 privilege to obtain a driver's license or permit was
8 revoked or suspended unless the operation was authorized
9 by a judicial driving permit, probationary license to
10 drive, or a restricted driving permit issued under this
11 Code;

12 12. Has submitted to any portion of the application
13 process for another person or has obtained the services
14 of another person to submit to any portion of the
15 application process for the purpose of obtaining a
16 license, identification card, or permit for some other
17 person;

18 13. Has operated a motor vehicle upon a highway of
19 this State when the person's driver's license or permit
20 was invalid under the provisions of Sections 6-107.1 and
21 6-110;

22 14. Has committed a violation of Section 6-301,
23 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
24 14B of the Illinois Identification Card Act;

25 15. Has been convicted of violating Section 21-2 of
26 the Criminal Code of 1961 relating to criminal trespass
27 to vehicles in which case, the suspension shall be for
28 one year;

29 16. Has been convicted of violating Section 11-204
30 of this Code relating to fleeing from a peace officer;

31 17. Has refused to submit to a test, or tests, as
32 required under Section 11-501.1 of this Code and the
33 person has not sought a hearing as provided for in
34 Section 11-501.1;

1 18. Has, since issuance of a driver's license or
2 permit, been adjudged to be afflicted with or suffering
3 from any mental disability or disease;

4 19. Has committed a violation of paragraph (a) or
5 (b) of Section 6-101 relating to driving without a
6 driver's license;

7 20. Has been convicted of violating Section 6-104
8 relating to classification of driver's license;

9 21. Has been convicted of violating Section 11-402
10 of this Code relating to leaving the scene of an accident
11 resulting in damage to a vehicle in excess of \$1,000, in
12 which case the suspension shall be for one year;

13 22. Has used a motor vehicle in violating paragraph
14 (3), (4), (7), or (9) of subsection (a) of Section 24-1
15 of the Criminal Code of 1961 relating to unlawful use of
16 weapons, in which case the suspension shall be for one
17 year;

18 23. Has, as a driver, been convicted of committing
19 a violation of paragraph (a) of Section 11-502 of this
20 Code for a second or subsequent time within one year of a
21 similar violation;

22 24. Has been convicted by a court-martial or
23 punished by non-judicial punishment by military
24 authorities of the United States at a military
25 installation in Illinois of or for a traffic related
26 offense that is the same as or similar to an offense
27 specified under Section 6-205 or 6-206 of this Code;

28 25. Has permitted any form of identification to be
29 used by another in the application process in order to
30 obtain or attempt to obtain a license, identification
31 card, or permit;

32 26. Has altered or attempted to alter a license or
33 has possessed an altered license, identification card, or
34 permit;

1 27. Has violated Section 6-16 of the Liquor Control
2 Act of 1934;

3 28. Has been convicted of the illegal possession,
4 while operating or in actual physical control, as a
5 driver, of a motor vehicle, of any controlled substance
6 prohibited under the Illinois Controlled Substances Act
7 or any cannabis prohibited under the provisions of the
8 Cannabis Control Act, in which case the person's driving
9 privileges shall be suspended for one year, and any
10 driver who is convicted of a second or subsequent
11 offense, within 5 years of a previous conviction, for the
12 illegal possession, while operating or in actual physical
13 control, as a driver, of a motor vehicle, of any
14 controlled substance prohibited under the provisions of
15 the Illinois Controlled Substances Act or any cannabis
16 prohibited under the Cannabis Control Act shall be
17 suspended for 5 years. Any defendant found guilty of this
18 offense while operating a motor vehicle, shall have an
19 entry made in the court record by the presiding judge
20 that this offense did occur while the defendant was
21 operating a motor vehicle and order the clerk of the
22 court to report the violation to the Secretary of State;

23 29. Has been convicted of the following offenses
24 that were committed while the person was operating or in
25 actual physical control, as a driver, of a motor vehicle:
26 criminal sexual assault, predatory criminal sexual
27 assault of a child, aggravated criminal sexual assault,
28 criminal sexual abuse, aggravated criminal sexual abuse,
29 juvenile pimping, soliciting for a juvenile prostitute
30 and the manufacture, sale or delivery of controlled
31 substances or instruments used for illegal drug use or
32 abuse in which case the driver's driving privileges shall
33 be suspended for one year;

34 30. Has been convicted a second or subsequent time

1 for any combination of the offenses named in paragraph 29
2 of this subsection, in which case the person's driving
3 privileges shall be suspended for 5 years;

4 31. Has refused to submit to a test as required by
5 Section 11-501.6 or has submitted to a test resulting in
6 an alcohol concentration of 0.08 or more or any amount of
7 a drug, substance, or compound resulting from the
8 unlawful use or consumption of cannabis as listed in the
9 Cannabis Control Act, a controlled substance as listed in
10 the Illinois Controlled Substances Act, or an
11 intoxicating compound as listed in the Use of
12 Intoxicating Compounds Act, in which case the penalty
13 shall be as prescribed in Section 6-208.1;

14 32. Has been convicted of Section 24-1.2 of the
15 Criminal Code of 1961 relating to the aggravated
16 discharge of a firearm if the offender was located in a
17 motor vehicle at the time the firearm was discharged, in
18 which case the suspension shall be for 3 years;

19 33. Has as a driver, who was less than 21 years of
20 age on the date of the offense, been convicted a first
21 time of a violation of paragraph (a) of Section 11-502 of
22 this Code or a similar provision of a local ordinance;

23 34. Has committed a violation of Section 11-1301.5
24 of this Code;

25 35. Has committed a violation of Section 11-1301.6
26 of this Code;

27 36. Is under the age of 21 years at the time of
28 arrest and has been convicted of not less than 2 offenses
29 against traffic regulations governing the movement of
30 vehicles committed within any 24 month period. No
31 revocation or suspension shall be entered more than 6
32 months after the date of last conviction;

33 37. Has committed a violation of subsection (c) of
34 Section 11-907 of this Code;

1 38. Has been (a) convicted of a violation of
2 Section 6-20 of the Liquor Control Act of 1934 or a
3 similar provision of a local ordinance or (b) been found
4 to be in violation of a similar provision of a local
5 ordinance in an administrative proceeding; or

6 39. Has committed a second or subsequent violation
7 of Section 11-1201 of this Code.

8 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
9 and 27 of this subsection, license means any driver's
10 license, any traffic ticket issued when the person's driver's
11 license is deposited in lieu of bail, a suspension notice
12 issued by the Secretary of State, a duplicate or corrected
13 driver's license, a probationary driver's license or a
14 temporary driver's license.

15 (b) If any conviction forming the basis of a suspension
16 or revocation authorized under this Section is appealed, the
17 Secretary of State may rescind or withhold the entry of the
18 order of suspension or revocation, as the case may be,
19 provided that a certified copy of a stay order of a court is
20 filed with the Secretary of State. If the conviction is
21 affirmed on appeal, the date of the conviction shall relate
22 back to the time the original judgment of conviction was
23 entered and the 6 month limitation prescribed shall not
24 apply.

25 (c) 1. Upon suspending or revoking the driver's license
26 or permit of any person as authorized in this Section,
27 the Secretary of State shall immediately notify the
28 person in writing of the revocation or suspension. The
29 notice to be deposited in the United States mail, postage
30 prepaid, to the last known address of the person.

31 2. If the Secretary of State suspends the driver's
32 license of a person under subsection 2 of paragraph (a)
33 of this Section, a person's privilege to operate a
34 vehicle as an occupation shall not be suspended, provided

1 an affidavit is properly completed, the appropriate fee
2 received, and a permit issued prior to the effective date
3 of the suspension, unless 5 offenses were committed, at
4 least 2 of which occurred while operating a commercial
5 vehicle in connection with the driver's regular
6 occupation. All other driving privileges shall be
7 suspended by the Secretary of State. Any driver prior to
8 operating a vehicle for occupational purposes only must
9 submit the affidavit on forms to be provided by the
10 Secretary of State setting forth the facts of the
11 person's occupation. The affidavit shall also state the
12 number of offenses committed while operating a vehicle in
13 connection with the driver's regular occupation. The
14 affidavit shall be accompanied by the driver's license.
15 Upon receipt of a properly completed affidavit, the
16 Secretary of State shall issue the driver a permit to
17 operate a vehicle in connection with the driver's regular
18 occupation only. Unless the permit is issued by the
19 Secretary of State prior to the date of suspension, the
20 privilege to drive any motor vehicle shall be suspended
21 as set forth in the notice that was mailed under this
22 Section. If an affidavit is received subsequent to the
23 effective date of this suspension, a permit may be issued
24 for the remainder of the suspension period.

25 The provisions of this subparagraph shall not apply
26 to any driver required to obtain a commercial driver's
27 license under Section 6-507 during the period of a
28 disqualification of commercial driving privileges under
29 Section 6-514.

30 Any person who falsely states any fact in the
31 affidavit required herein shall be guilty of perjury
32 under Section 6-302 and upon conviction thereof shall
33 have all driving privileges revoked without further
34 rights.

1 3. At the conclusion of a hearing under Section
2 2-118 of this Code, the Secretary of State shall either
3 rescind or continue an order of revocation or shall
4 substitute an order of suspension; or, good cause
5 appearing therefor, rescind, continue, change, or extend
6 the order of suspension. If the Secretary of State does
7 not rescind the order, the Secretary may upon
8 application, to relieve undue hardship, issue a
9 restricted driving permit granting the privilege of
10 driving a motor vehicle between the petitioner's
11 residence and petitioner's place of employment or within
12 the scope of his employment related duties, or to allow
13 transportation for the petitioner, or a household member
14 of the petitioner's family, to receive necessary medical
15 care and if the professional evaluation indicates,
16 provide transportation for alcohol remedial or
17 rehabilitative activity, or for the petitioner to attend
18 classes, as a student, in an accredited educational
19 institution; if the petitioner is able to demonstrate
20 that no alternative means of transportation is reasonably
21 available and the petitioner will not endanger the public
22 safety or welfare.

23 If a person's license or permit has been revoked or
24 suspended due to 2 or more convictions of violating
25 Section 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense,
27 arising out of separate occurrences, that person, if
28 issued a restricted driving permit, may not operate a
29 vehicle unless it has been equipped with an ignition
30 interlock device as defined in Section 1-129.1.

31 If a person's license or permit has been revoked or
32 suspended 2 or more times within a 10 year period due to
33 a single conviction of violating Section 11-501 of this
34 Code or a similar provision of a local ordinance or a

1 similar out-of-state offense, and a statutory summary
2 suspension under Section 11-501.1, or 2 or more statutory
3 summary suspensions, or combination of 2 offenses, or of
4 an offense and a statutory summary suspension, arising
5 out of separate occurrences, that person, if issued a
6 restricted driving permit, may not operate a vehicle
7 unless it has been equipped with an ignition interlock
8 device as defined in Section 1-129.1. The person must
9 pay to the Secretary of State DUI Administration Fund an
10 amount not to exceed \$20 per month. The Secretary shall
11 establish by rule the amount and the procedures, terms,
12 and conditions relating to these fees. If the restricted
13 driving permit was issued for employment purposes, then
14 this provision does not apply to the operation of an
15 occupational vehicle owned or leased by that person's
16 employer. In each case the Secretary may issue a
17 restricted driving permit for a period deemed
18 appropriate, except that all permits shall expire within
19 one year from the date of issuance. The Secretary may
20 not, however, issue a restricted driving permit to any
21 person whose current revocation is the result of a second
22 or subsequent conviction for a violation of Section
23 11-501 of this Code or a similar provision of a local
24 ordinance relating to the offense of operating or being
25 in physical control of a motor vehicle while under the
26 influence of alcohol, other drug or drugs, intoxicating
27 compound or compounds, or any similar out-of-state
28 offense, or any combination of those offenses, until the
29 expiration of at least one year from the date of the
30 revocation. A restricted driving permit issued under
31 this Section shall be subject to cancellation,
32 revocation, and suspension by the Secretary of State in
33 like manner and for like cause as a driver's license
34 issued under this Code may be cancelled, revoked, or

1 suspended; except that a conviction upon one or more
2 offenses against laws or ordinances regulating the
3 movement of traffic shall be deemed sufficient cause for
4 the revocation, suspension, or cancellation of a
5 restricted driving permit. The Secretary of State may,
6 as a condition to the issuance of a restricted driving
7 permit, require the applicant to participate in a
8 designated driver remedial or rehabilitative program.
9 The Secretary of State is authorized to cancel a
10 restricted driving permit if the permit holder does not
11 successfully complete the program.

12 (c-5) The Secretary of State may, as a condition of the
13 reissuance of a driver's license or permit to an applicant
14 whose driver's license or permit has been suspended before he
15 or she reached the age of 18 years pursuant to any of the
16 provisions of this Section, require the applicant to
17 participate in a driver remedial education course and be
18 retested under Section 6-109 of this Code.

19 (d) This Section is subject to the provisions of the
20 Drivers License Compact.

21 (e) The Secretary of State shall not issue a restricted
22 driving permit to a person under the age of 16 years whose
23 driving privileges have been suspended or revoked under any
24 provisions of this Code.

25 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
26 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
27 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)