



Filed: 3/31/2004

09300HB6200ham001

LRB093 15751 DRH 49382 a

1 AMENDMENT TO HOUSE BILL 6200

2 AMENDMENT NO. _____. Amend House Bill 6200 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-206 as follows:

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

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

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without preliminary
11 hearing upon a showing of the person's records or other
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

16 2. Has been convicted of not less than 3 offenses
17 against traffic regulations governing the movement of
18 vehicles committed within any 12 month period. No
19 revocation or suspension shall be entered more than 6
20 months after the date of last conviction;

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of

1 ability to exercise ordinary and reasonable care in the
2 safe operation of a motor vehicle or disrespect for the
3 traffic laws and the safety of other persons upon the
4 highway;

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

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

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

22 7. Has refused or failed to submit to an examination
23 provided for by Section 6-207 or has failed to pass the
24 examination;

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

27 9. Has made a false statement or knowingly concealed a
28 material fact or has used false information or
29 identification in any application for a license,
30 identification card, or permit;

31 10. Has possessed, displayed, or attempted to
32 fraudulently use any license, identification card, or
33 permit not issued to the person;

34 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to
2 obtain a driver's license or permit was revoked or
3 suspended unless the operation was authorized by a judicial
4 driving permit, probationary license to drive, or a
5 restricted driving permit issued under this Code;

6 12. Has submitted to any portion of the application
7 process for another person or has obtained the services of
8 another person to submit to any portion of the application
9 process for the purpose of obtaining a license,
10 identification card, or permit for some other person;

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

14 14. Has committed a violation of Section 6-301,
15 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
16 of the Illinois Identification Card Act;

17 15. Has been convicted of violating Section 21-2 of the
18 Criminal Code of 1961 relating to criminal trespass to
19 vehicles in which case, the suspension shall be for one
20 year;

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

23 17. Has refused to submit to a test, or tests, as
24 required under Section 11-501.1 of this Code and the person
25 has not sought a hearing as provided for in Section
26 11-501.1;

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

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

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

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

5 22. Has used a motor vehicle in violating paragraph
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
7 the Criminal Code of 1961 relating to unlawful use of
8 weapons, in which case the suspension shall be for one
9 year;

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

14 24. Has been convicted by a court-martial or punished
15 by non-judicial punishment by military authorities of the
16 United States at a military installation in Illinois of or
17 for a traffic related offense that is the same as or
18 similar to an offense specified under Section 6-205 or
19 6-206 of this Code;

20 25. Has permitted any form of identification to be used
21 by another in the application process in order to obtain or
22 attempt to obtain a license, identification card, or
23 permit;

24 26. Has altered or attempted to alter a license or has
25 possessed an altered license, identification card, or
26 permit;

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

29 28. Has been convicted of the illegal possession, while
30 operating or in actual physical control, as a driver, of a
31 motor vehicle, of any controlled substance prohibited
32 under the Illinois Controlled Substances Act or any
33 cannabis prohibited under the provisions of the Cannabis
34 Control Act, in which case the person's driving privileges

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

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

26 30. Has been convicted a second or subsequent time for
27 any combination of the offenses named in paragraph 29 of
28 this subsection, in which case the person's driving
29 privileges shall be suspended for 5 years;

30 31. Has refused to submit to a test as required by
31 Section 11-501.6 or has submitted to a test resulting in an
32 alcohol concentration of 0.08 or more or any amount of a
33 drug, substance, or compound resulting from the unlawful
34 use or consumption of cannabis as listed in the Cannabis

1 Control Act, a controlled substance as listed in the
2 Illinois Controlled Substances Act, or an intoxicating
3 compound as listed in the Use of Intoxicating Compounds
4 Act, in which case the penalty shall be as prescribed in
5 Section 6-208.1;

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

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

15 34. Has committed a violation of Section 11-1301.5 of
16 this Code;

17 35. Has committed a violation of Section 11-1301.6 of
18 this Code;

19 36. Is under the age of 21 years at the time of arrest
20 and has been convicted of not less than 2 offenses against
21 traffic regulations governing the movement of vehicles
22 committed within any 24 month period, unless the person
23 successfully completes a driver safety course approved by
24 the Secretary. The Secretary shall adopt rules for
25 implementing this subdivision (a)36. No revocation or
26 suspension shall be entered more than 6 months after the
27 date of last conviction;

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

30 38. Has been convicted of a violation of Section 6-20
31 of the Liquor Control Act of 1934 or a similar provision of
32 a local ordinance; or

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

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

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

17 (c) 1. Upon suspending or revoking the driver's license or
18 permit of any person as authorized in this Section, the
19 Secretary of State shall immediately notify the person in
20 writing of the revocation or suspension. The notice to be
21 deposited in the United States mail, postage prepaid, to
22 the last known address of the person.

23 2. If the Secretary of State suspends the driver's
24 license of a person under subsection 2 of paragraph (a) of
25 this Section, a person's privilege to operate a vehicle as
26 an occupation shall not be suspended, provided an affidavit
27 is properly completed, the appropriate fee received, and a
28 permit issued prior to the effective date of the
29 suspension, unless 5 offenses were committed, at least 2 of
30 which occurred while operating a commercial vehicle in
31 connection with the driver's regular occupation. All other
32 driving privileges shall be suspended by the Secretary of
33 State. Any driver prior to operating a vehicle for
34 occupational purposes only must submit the affidavit on

1 forms to be provided by the Secretary of State setting
2 forth the facts of the person's occupation. The affidavit
3 shall also state the number of offenses committed while
4 operating a vehicle in connection with the driver's regular
5 occupation. The affidavit shall be accompanied by the
6 driver's license. Upon receipt of a properly completed
7 affidavit, the Secretary of State shall issue the driver a
8 permit to operate a vehicle in connection with the driver's
9 regular occupation only. Unless the permit is issued by the
10 Secretary of State prior to the date of suspension, the
11 privilege to drive any motor vehicle shall be suspended as
12 set forth in the notice that was mailed under this Section.
13 If an affidavit is received subsequent to the effective
14 date of this suspension, a permit may be issued for the
15 remainder of the suspension period.

16 The provisions of this subparagraph shall not apply to
17 any driver required to obtain a commercial driver's license
18 under Section 6-507 during the period of a disqualification
19 of commercial driving privileges under Section 6-514.

20 Any person who falsely states any fact in the affidavit
21 required herein shall be guilty of perjury under Section
22 6-302 and upon conviction thereof shall have all driving
23 privileges revoked without further rights.

24 3. At the conclusion of a hearing under Section 2-118
25 of this Code, the Secretary of State shall either rescind
26 or continue an order of revocation or shall substitute an
27 order of suspension; or, good cause appearing therefor,
28 rescind, continue, change, or extend the order of
29 suspension. If the Secretary of State does not rescind the
30 order, the Secretary may upon application, to relieve undue
31 hardship, issue a restricted driving permit granting the
32 privilege of driving a motor vehicle between the
33 petitioner's residence and petitioner's place of
34 employment or within the scope of his employment related

1 duties, or to allow transportation for the petitioner, or a
2 household member of the petitioner's family, to receive
3 necessary medical care and if the professional evaluation
4 indicates, provide transportation for alcohol remedial or
5 rehabilitative activity, or for the petitioner to attend
6 classes, as a student, in an accredited educational
7 institution; if the petitioner is able to demonstrate that
8 no alternative means of transportation is reasonably
9 available and the petitioner will not endanger the public
10 safety or welfare.

11 If a person's license or permit has been revoked or
12 suspended due to 2 or more convictions of violating Section
13 11-501 of this Code or a similar provision of a local
14 ordinance or a similar out-of-state offense, arising out of
15 separate occurrences, that person, if issued a restricted
16 driving permit, may not operate a vehicle unless it has
17 been equipped with an ignition interlock device as defined
18 in Section 1-129.1.

19 If a person's license or permit has been revoked or
20 suspended 2 or more times within a 10 year period due to a
21 single conviction of violating Section 11-501 of this Code
22 or a similar provision of a local ordinance or a similar
23 out-of-state offense, and a statutory summary suspension
24 under Section 11-501.1, or 2 or more statutory summary
25 suspensions, or combination of 2 offenses, or of an offense
26 and a statutory summary suspension, arising out of separate
27 occurrences, that person, if issued a restricted driving
28 permit, may not operate a vehicle unless it has been
29 equipped with an ignition interlock device as defined in
30 Section 1-129.1. The person must pay to the Secretary of
31 State DUI Administration Fund an amount not to exceed \$20
32 per month. The Secretary shall establish by rule the amount
33 and the procedures, terms, and conditions relating to these
34 fees. If the restricted driving permit was issued for

1 employment purposes, then this provision does not apply to
2 the operation of an occupational vehicle owned or leased by
3 that person's employer. In each case the Secretary may
4 issue a restricted driving permit for a period deemed
5 appropriate, except that all permits shall expire within
6 one year from the date of issuance. The Secretary may not,
7 however, issue a restricted driving permit to any person
8 whose current revocation is the result of a second or
9 subsequent conviction for a violation of Section 11-501 of
10 this Code or a similar provision of a local ordinance
11 relating to the offense of operating or being in physical
12 control of a motor vehicle while under the influence of
13 alcohol, other drug or drugs, intoxicating compound or
14 compounds, or any similar out-of-state offense, or any
15 combination of those offenses, until the expiration of at
16 least one year from the date of the revocation. A
17 restricted driving permit issued under this Section shall
18 be subject to cancellation, revocation, and suspension by
19 the Secretary of State in like manner and for like cause as
20 a driver's license issued under this Code may be cancelled,
21 revoked, or suspended; except that a conviction upon one or
22 more offenses against laws or ordinances regulating the
23 movement of traffic shall be deemed sufficient cause for
24 the revocation, suspension, or cancellation of a
25 restricted driving permit. The Secretary of State may, as a
26 condition to the issuance of a restricted driving permit,
27 require the applicant to participate in a designated driver
28 remedial or rehabilitative program. The Secretary of State
29 is authorized to cancel a restricted driving permit if the
30 permit holder does not successfully complete the program.

31 (c-5) The Secretary of State may, as a condition of the
32 reissuance of a driver's license or permit to an applicant
33 whose driver's license or permit has been suspended before he
34 or she reached the age of 18 years pursuant to any of the

1 provisions of this Section, require the applicant to
2 participate in a driver remedial education course and be
3 retested under Section 6-109 of this Code.

4 (d) This Section is subject to the provisions of the
5 Drivers License Compact.

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

10 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
11 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
12 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)".