



Judiciary II - Criminal Law Committee

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09500HB4738ham001

LRB095 15226 RLC 47185 a

1 AMENDMENT TO HOUSE BILL 4738

2 AMENDMENT NO. _____. Amend House Bill 4738 on page 1, by
3 inserting immediately below line 3 the following:

4 "Section 2. The Illinois Vehicle Code is amended by
5 changing Section 6-205 as follows:

6 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

7 (Text of Section after amendment by P.A. 95-337 and 95-627)

8 Sec. 6-205. Mandatory revocation of license or permit;
9 Hardship cases.

10 (a) Except as provided in this Section, the Secretary of
11 State shall immediately revoke the license, permit, or driving
12 privileges of any driver upon receiving a report of the
13 driver's conviction of any of the following offenses:

14 1. Reckless homicide resulting from the operation of a
15 motor vehicle;

16 2. Violation of Section 11-501 of this Code or a

1 similar provision of a local ordinance relating to the
2 offense of operating or being in physical control of a
3 vehicle while under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds, or any
5 combination thereof;

6 3. Any felony under the laws of any State or the
7 federal government in the commission of which a motor
8 vehicle was used;

9 4. Violation of Section 11-401 of this Code relating to
10 the offense of leaving the scene of a traffic accident
11 involving death or personal injury;

12 5. Perjury or the making of a false affidavit or
13 statement under oath to the Secretary of State under this
14 Code or under any other law relating to the ownership or
15 operation of motor vehicles;

16 6. Conviction upon 3 charges of violation of Section
17 11-503 of this Code relating to the offense of reckless
18 driving committed within a period of 12 months;

19 7. Conviction of any offense defined in Section 4-102
20 of this Code;

21 8. Violation of Section 11-504 of this Code relating to
22 the offense of drag racing;

23 9. Violation of Chapters 8 and 9 of this Code;

24 10. Violation of Section 12-5 of the Criminal Code of
25 1961 arising from the use of a motor vehicle;

26 11. Violation of Section 11-204.1 of this Code relating

1 to aggravated fleeing or attempting to elude a peace
2 officer;

3 12. Violation of paragraph (1) of subsection (b) of
4 Section 6-507, or a similar law of any other state,
5 relating to the unlawful operation of a commercial motor
6 vehicle;

7 13. Violation of paragraph (a) of Section 11-502 of
8 this Code or a similar provision of a local ordinance if
9 the driver has been previously convicted of a violation of
10 that Section or a similar provision of a local ordinance
11 and the driver was less than 21 years of age at the time of
12 the offense;

13 14. Violation of Section 11-506 of this Code or a
14 similar provision of a local ordinance relating to the
15 offense of street racing; -

16 15. Violation of Section 9-3.4 of the Criminal Code of
17 1961 relating to the offense of negligent vehicular
18 homicide.

19 (b) The Secretary of State shall also immediately revoke
20 the license or permit of any driver in the following
21 situations:

22 1. Of any minor upon receiving the notice provided for
23 in Section 5-901 of the Juvenile Court Act of 1987 that the
24 minor has been adjudicated under that Act as having
25 committed an offense relating to motor vehicles prescribed
26 in Section 4-103 of this Code;

1 2. Of any person when any other law of this State
2 requires either the revocation or suspension of a license
3 or permit;

4 3. Of any person adjudicated under the Juvenile Court
5 Act of 1987 based on an offense determined to have been
6 committed in furtherance of the criminal activities of an
7 organized gang as provided in Section 5-710 of that Act,
8 and that involved the operation or use of a motor vehicle
9 or the use of a driver's license or permit. The revocation
10 shall remain in effect for the period determined by the
11 court. Upon the direction of the court, the Secretary shall
12 issue the person a judicial driving permit, also known as a
13 JDP. The JDP shall be subject to the same terms as a JDP
14 issued under Section 6-206.1, except that the court may
15 direct that a JDP issued under this subdivision (b) (3) be
16 effective immediately.

17 (c) (1) Except as provided in subsection (c-5), whenever a
18 person is convicted of any of the offenses enumerated in this
19 Section, the court may recommend and the Secretary of State in
20 his discretion, without regard to whether the recommendation is
21 made by the court may, upon application, issue to the person a
22 restricted driving permit granting the privilege of driving a
23 motor vehicle between the petitioner's residence and
24 petitioner's place of employment or within the scope of the
25 petitioner's employment related duties, or to allow
26 transportation for the petitioner or a household member of the

1 petitioner's family for the receipt of necessary medical care
2 or~~r~~ provide transportation for the petitioner to and from
3 alcohol or drug remedial or rehabilitative activity
4 recommended by a licensed service provider, or for the
5 petitioner to attend classes, as a student, in an accredited
6 educational institution; if the petitioner is able to
7 demonstrate that no alternative means of transportation is
8 reasonably available and that the petitioner will not endanger
9 the public safety or welfare; provided that the Secretary's
10 discretion shall be limited to cases where undue hardship, as
11 defined by the rules of the Secretary of State, would result
12 from a failure to issue the restricted driving permit. Those
13 multiple offenders identified in subdivision (b)4 of Section
14 6-208 of this Code, however, shall not be eligible for the
15 issuance of a restricted driving permit.

16 (2) If a person's license or permit is revoked or
17 suspended due to 2 or more convictions of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance or a similar out-of-state offense, or Section 9-3
20 of the Criminal Code of 1961, where the use of alcohol or
21 other drugs is recited as an element of the offense, or a
22 similar out-of-state offense, or a combination of these
23 offenses, arising out of separate occurrences, that
24 person, if issued a restricted driving permit, may not
25 operate a vehicle unless it has been equipped with an
26 ignition interlock device as defined in Section 1-129.1.

1 (3) If:

2 (A) a person's license or permit is revoked or
3 suspended 2 or more times within a 10 year period due
4 to any combination of:

5 (i) ~~(A)~~ a single conviction of violating
6 Section 11-501 of this Code or a similar provision
7 of a local ordinance or a similar out-of-state
8 offense, or Section 9-3 of the Criminal Code of
9 1961, where the use of alcohol or other drugs is
10 recited as an element of the offense, or a similar
11 out-of-state offense; or

12 (ii) ~~(B)~~ a statutory summary suspension under
13 Section 11-501.1; or

14 (iii) ~~(C)~~ a suspension pursuant to Section
15 6-203.1;

16 arising out of separate occurrences; or

17 (B) ~~if~~ a person has been convicted of one violation
18 of Section 6-303 of this Code committed while his or
19 her driver's license, permit, or privilege was revoked
20 because of a violation of Section 9-3 of the Criminal
21 Code of 1961, relating to the offense of reckless
22 homicide, or a similar provision of a law of another
23 state;

24 that person, if issued a restricted driving permit, may not
25 operate a vehicle unless it has been equipped with an
26 ignition interlock device as defined in Section 1-129.1.

1 (4) The person must pay to the Secretary of State DUI
2 Administration Fund an amount not to exceed \$20 per month.
3 The Secretary shall establish by rule the amount and the
4 procedures, terms, and conditions relating to these fees.

5 (5) If the restricted driving permit is issued for
6 employment purposes, then the prohibition against
7 operating a motor vehicle that is not equipped with an
8 ignition interlock device does not apply to the operation
9 of an occupational vehicle owned or leased by that person's
10 employer when used solely for employment purposes.

11 (6) In each case the Secretary of State may issue a
12 restricted driving permit for a period he deems
13 appropriate, except that the permit shall expire within one
14 year from the date of issuance. The Secretary may not,
15 however, issue a restricted driving permit to any person
16 whose current revocation is the result of a second or
17 subsequent conviction for a violation of Section 11-501 of
18 this Code or a similar provision of a local ordinance or
19 any similar out-of-state offense, or Section 9-3 of the
20 Criminal Code of 1961, where the use of alcohol or other
21 drugs is recited as an element of the offense, or any
22 similar out-of-state offense, or any combination of these
23 offenses, until the expiration of at least one year from
24 the date of the revocation. A restricted driving permit
25 issued under this Section shall be subject to cancellation,
26 revocation, and suspension by the Secretary of State in

1 like manner and for like cause as a driver's license issued
2 under this Code may be cancelled, revoked, or suspended;
3 except that a conviction upon one or more offenses against
4 laws or ordinances regulating the movement of traffic shall
5 be deemed sufficient cause for the revocation, suspension,
6 or cancellation of a restricted driving permit. The
7 Secretary of State may, as a condition to the issuance of a
8 restricted driving permit, require the petitioner to
9 participate in a designated driver remedial or
10 rehabilitative program. The Secretary of State is
11 authorized to cancel a restricted driving permit if the
12 permit holder does not successfully complete the program.
13 However, if an individual's driving privileges have been
14 revoked in accordance with paragraph 13 of subsection (a)
15 of this Section, no restricted driving permit shall be
16 issued until the individual has served 6 months of the
17 revocation period.

18 (c-5) The Secretary may not issue a restricted driving
19 permit to any person who has been convicted of a second or
20 subsequent violation of Section 6-303 of this Code committed
21 while his or her driver's license, permit, or privilege was
22 revoked because of a violation of Section 9-3 of the Criminal
23 Code of 1961, relating to the offense of reckless homicide, or
24 a similar provision of a law of another state.

25 (d) (1) Whenever a person under the age of 21 is convicted
26 under Section 11-501 of this Code or a similar provision of a

1 local ordinance⁷ or a similar out-of-state offense, the
2 Secretary of State shall revoke the driving privileges of that
3 person. One year after the date of revocation, and upon
4 application, the Secretary of State may, if satisfied that the
5 person applying will not endanger the public safety or welfare,
6 issue a restricted driving permit granting the privilege of
7 driving a motor vehicle only between the hours of 5 a.m. and 9
8 p.m. or as otherwise provided by this Section for a period of
9 one year. After this one year period, and upon reapplication
10 for a license as provided in Section 6-106, upon payment of the
11 appropriate reinstatement fee provided under paragraph (b) of
12 Section 6-118, the Secretary of State, in his discretion, may
13 reinstate the petitioner's driver's license and driving
14 privileges, or extend the restricted driving permit as many
15 times as the Secretary of State deems appropriate, by
16 additional periods of not more than 12 months each.

17 (2) If a person's license or permit is revoked or
18 suspended due to 2 or more convictions of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense, or Section 9-3
21 of the Criminal Code of 1961, where the use of alcohol or
22 other drugs is recited as an element of the offense, or a
23 similar out-of-state offense, or a combination of these
24 offenses, arising out of separate occurrences, that
25 person, if issued a restricted driving permit, may not
26 operate a vehicle unless it has been equipped with an

1 ignition interlock device as defined in Section 1-129.1.

2 (3) If a person's license or permit is revoked or
3 suspended 2 or more times within a 10 year period due to
4 any combination of:

5 (A) a single conviction of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, or
8 Section 9-3 of the Criminal Code of 1961, where the use
9 of alcohol or other drugs is recited as an element of
10 the offense, or a similar out-of-state offense; or

11 (B) a statutory summary suspension under Section
12 11-501.1; or

13 (C) a suspension pursuant to Section 6-203.1;
14 arising out of separate occurrences, that person, if issued
15 a restricted driving permit, may not operate a vehicle
16 unless it has been equipped with an ignition interlock
17 device as defined in Section 1-129.1.

18 (4) The person must pay to the Secretary of State DUI
19 Administration Fund an amount not to exceed \$20 per month.
20 The Secretary shall establish by rule the amount and the
21 procedures, terms, and conditions relating to these fees.

22 (5) If the restricted driving permit is issued for
23 employment purposes, then the prohibition against driving
24 a vehicle that is not equipped with an ignition interlock
25 device does not apply to the operation of an occupational
26 vehicle owned or leased by that person's employer when used

1 solely for employment purposes.

2 (6) A restricted driving permit issued under this
3 Section shall be subject to cancellation, revocation, and
4 suspension by the Secretary of State in like manner and for
5 like cause as a driver's license issued under this Code may
6 be cancelled, revoked, or suspended; except that a
7 conviction upon one or more offenses against laws or
8 ordinances regulating the movement of traffic shall be
9 deemed sufficient cause for the revocation, suspension, or
10 cancellation of a restricted driving permit.

11 (d-5) The revocation of the license, permit, or driving
12 privileges of a person convicted of a third or subsequent
13 violation of Section 6-303 of this Code committed while his or
14 her driver's license, permit, or privilege was revoked because
15 of a violation of Section 9-3 of the Criminal Code of 1961,
16 relating to the offense of reckless homicide, or a similar
17 provision of a law of another state, is permanent. The
18 Secretary may not, at any time, issue a license or permit to
19 that person.

20 (e) This Section is subject to the provisions of the Driver
21 License Compact.

22 (f) Any revocation imposed upon any person under
23 subsections 2 and 3 of paragraph (b) that is in effect on
24 December 31, 1988 shall be converted to a suspension for a like
25 period of time.

26 (g) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose
2 driving privileges have been revoked under any provisions of
3 this Code.

4 (h) The Secretary of State shall require the use of
5 ignition interlock devices on all vehicles owned by an
6 individual who has been convicted of a second or subsequent
7 offense under Section 11-501 of this Code or a similar
8 provision of a local ordinance. The Secretary shall establish
9 by rule and regulation the procedures for certification and use
10 of the interlock system.

11 (i) (Blank).

12 (j) In accordance with 49 C.F.R. 384, the Secretary of
13 State may not issue a restricted driving permit for the
14 operation of a commercial motor vehicle to a person holding a
15 CDL whose driving privileges have been revoked, suspended,
16 cancelled, or disqualified under any provisions of this Code.

17 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
18 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;
19 95-627, eff. 6-1-08; revised 2-7-08.)".