



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0032

Introduced 1/31/2007, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
625 ILCS 5/6-107.1	
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206

Amends the Illinois Vehicle Code. Increases the requirements that must be met before a minor may be issued a graduated driver's license. Provides that a minor must hold an instruction permit for 12 consecutive (rather than for 3) months before he or she may be issued a graduated driver's license. Provides that the minor must have 150 (rather than 50) hours of driving experience, and the experience must be validated in writing by one of his or her parents, before he or she may be issued the graduated license. Provides that the new requirements do not invalidate a graduated license issued before the effective date of the amendatory Act. Provides that a person must have reached the age of 15 years in order to apply for an instruction permit. Provides that the minor may not drive at night during the first 6 months that he or she holds an instruction permit. Provides that the minor holder of an instruction permit may practice driving only when one of his or her parents, his or her legal guardian, or a person over the age of 21 years and having at least 5 years of consecutive driving experience, approved in writing by the minor's parents, is seated next to the minor. Provides that a minor who violates any of these provisions, a licensed adult who allows a minor to violate any of these provisions, or a parent, legal guardian, or approved driver who allows a minor to drive with an unapproved person is subject to a fine of \$1,500 and a 3 month suspension of his or her driving privileges. Provides that if a parent or guardian falsely states the minor's driving experience, the parent is subject to the fine and the license suspension, and the minor's previous hours of driving experience will be nullified.

LRB095 00640 DRH 23640 b

1 AN ACT concerning transportation, which may be referred to
2 as the Ashley Marie Waddell law.

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

5 Section 5. The Illinois Vehicle Code is amended by changing
6 Sections 6-106, 6-107, 6-107.1, and 6-206 as follows:

7 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

8 Sec. 6-106. Application for license or instruction permit.

9 (a) Every application for any permit or license authorized
10 to be issued under this Act shall be made upon a form furnished
11 by the Secretary of State. Every application shall be
12 accompanied by the proper fee and payment of such fee shall
13 entitle the applicant to not more than 3 attempts to pass the
14 examination within a period of 1 year after the date of
15 application.

16 (b) Every application shall state the legal name, social
17 security number, zip code, date of birth, sex, and residence
18 address of the applicant; briefly describe the applicant; state
19 whether the applicant has theretofore been licensed as a
20 driver, and, if so, when and by what state or country, and
21 whether any such license has ever been cancelled, suspended,
22 revoked or refused, and, if so, the date and reason for such
23 cancellation, suspension, revocation or refusal; shall include

1 an affirmation by the applicant that all information set forth
2 is true and correct; and shall bear the applicant's signature.
3 The application form may also require the statement of such
4 additional relevant information as the Secretary of State shall
5 deem necessary to determine the applicant's competency and
6 eligibility. The Secretary of State may in his discretion
7 substitute a federal tax number in lieu of a social security
8 number, or he may instead assign an additional distinctive
9 number in lieu thereof, where an applicant is prohibited by
10 bona fide religious convictions from applying or is exempt from
11 applying for a social security number. The Secretary of State
12 shall, however, determine which religious orders or sects have
13 such bona fide religious convictions. The Secretary of State
14 may, in his discretion, by rule or regulation, provide that an
15 application for a drivers license or permit may include a
16 suitable photograph of the applicant in the form prescribed by
17 the Secretary, and he may further provide that each drivers
18 license shall include a photograph of the driver. The Secretary
19 of State may utilize a photograph process or system most
20 suitable to deter alteration or improper reproduction of a
21 drivers license and to prevent substitution of another photo
22 thereon.

23 (c) The application form shall include a notice to the
24 applicant of the registration obligations of sex offenders
25 under the Sex Offender Registration Act. The notice shall be
26 provided in a form and manner prescribed by the Secretary of

1 State. For purposes of this subsection (c), "sex offender" has
2 the meaning ascribed to it in Section 2 of the Sex Offender
3 Registration Act.

4 (d) Any male United States citizen or immigrant who applies
5 for any permit or license authorized to be issued under this
6 Act or for a renewal of any permit or license, and who is at
7 least 18 years of age but less than 26 years of age, must be
8 registered in compliance with the requirements of the federal
9 Military Selective Service Act. The Secretary of State must
10 forward in an electronic format the necessary personal
11 information regarding the applicants identified in this
12 subsection (d) to the Selective Service System. The applicant's
13 signature on the application serves as an indication that the
14 applicant either has already registered with the Selective
15 Service System or that he is authorizing the Secretary to
16 forward to the Selective Service System the necessary
17 information for registration. The Secretary must notify the
18 applicant at the time of application that his signature
19 constitutes consent to registration with the Selective Service
20 System, if he is not already registered.

21 (e) The Secretary may not accept an application from an
22 applicant who has not reached the age of 15 years.

23 (Source: P.A. 92-117, eff. 1-1-02; 93-895, eff. 1-1-05.)

24 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

25 Sec. 6-107. Graduated license.

1 (a) The purpose of the Graduated Licensing Program is to
2 develop safe and mature driving habits in young, inexperienced
3 drivers and reduce or prevent motor vehicle accidents,
4 fatalities, and injuries by:

5 (1) providing for an increase in the time of practice
6 period before granting permission to obtain a driver's
7 license;

8 (2) strengthening driver licensing and testing
9 standards for persons under the age of 21 years;

10 (3) sanctioning driving privileges of drivers under
11 age 21 who have committed serious traffic violations or
12 other specified offenses; and

13 (4) setting stricter standards to promote the public's
14 health and safety.

15 (b) The application of any person under the age of 18
16 years, and not legally emancipated by marriage, for a drivers
17 license or permit to operate a motor vehicle issued under the
18 laws of this State, shall be accompanied by the written consent
19 of either parent of the applicant; otherwise by the guardian
20 having custody of the applicant, or in the event there is no
21 parent or guardian, then by another responsible adult. The
22 written consent must accompany any application for a driver's
23 license under this subsection (b), regardless of whether or not
24 the required written consent also accompanied the person's
25 previous application for an instruction permit.

26 No graduated driver's license shall be issued to any

1 applicant under 18 years of age, unless the applicant is at
2 least 16 years of age and has:

3 (1) Held a valid instruction permit for a minimum of 12
4 consecutive ~~3~~ months.

5 (2) Passed an approved driver education course and
6 submits proof of having passed the course as may be
7 required.

8 (3) Certification in writing by the parent, legal
9 guardian, or responsible adult that the applicant has had a
10 minimum of 150 ~~50~~ hours of behind-the-wheel practice time,
11 at least 10 hours of which have been at night, and is
12 sufficiently prepared and able to safely operate a motor
13 vehicle.

14 If a parent, legal guardian, or responsible adult falsely
15 certifies that an applicant has met the requirements of item
16 (3) of this subsection (b), the parent, legal guardian, or
17 responsible adult shall be fined \$1,500 and his or her driving
18 privileges shall be suspended for 3 months. In addition, the
19 applicant's graduated driver's license shall be cancelled, all
20 of his or her previous hours of behind-the-wheel practice time
21 shall be nullified, and he or she must reapply to be granted an
22 instruction permit.

23 (b-1) No graduated driver's license shall be issued to any
24 applicant who is under 18 years of age and not legally
25 emancipated by marriage, unless the applicant has graduated
26 from a secondary school of this State or any other state, is

1 enrolled in a course leading to a general educational
2 development (GED) certificate, has obtained a GED certificate,
3 is enrolled in an elementary or secondary school or college or
4 university of this State or any other state and is not a
5 chronic or habitual truant as provided in Section 26-2a of the
6 School Code, or is receiving home instruction and submits proof
7 of meeting any of those requirements at the time of
8 application.

9 An applicant under 18 years of age who provides proof
10 acceptable to the Secretary that the applicant has resumed
11 regular school attendance or home instruction or that his or
12 her application was denied in error shall be eligible to
13 receive a graduated license if other requirements are met. The
14 Secretary shall adopt rules for implementing this subsection
15 (b-1).

16 (c) No graduated driver's license or permit shall be issued
17 to any applicant under 18 years of age who has committed the
18 offense of operating a motor vehicle without a valid license or
19 permit in violation of Section 6-101 of this Code and no
20 graduated driver's license or permit shall be issued to any
21 applicant under 18 years of age who has committed an offense
22 that would otherwise result in a mandatory revocation of a
23 license or permit as provided in Section 6-205 of this Code or
24 who has been either convicted of or adjudicated a delinquent
25 based upon a violation of the Cannabis Control Act, the
26 Illinois Controlled Substances Act, or the Methamphetamine

1 Control and Community Protection Act while that individual was
2 in actual physical control of a motor vehicle. For purposes of
3 this Section, any person placed on probation under Section 10
4 of the Cannabis Control Act, Section 410 of the Illinois
5 Controlled Substances Act, or Section 70 of the Methamphetamine
6 Control and Community Protection Act shall not be considered
7 convicted. Any person found guilty of this offense, while in
8 actual physical control of a motor vehicle, shall have an entry
9 made in the court record by the judge that this offense did
10 occur while the person was in actual physical control of a
11 motor vehicle and order the clerk of the court to report the
12 violation to the Secretary of State as such.

13 (d) No graduated driver's license shall be issued for 6
14 months to any applicant under the age of 18 years who has been
15 convicted of any offense defined as a serious traffic violation
16 in this Code or a similar provision of a local ordinance.

17 (e) No graduated driver's license holder under the age of
18 18 years shall operate any motor vehicle, except a motor driven
19 cycle or motorcycle, with more than one passenger in the front
20 seat of the motor vehicle and no more passengers in the back
21 seats than the number of available seat safety belts as set
22 forth in Section 12-603 of this Code.

23 (f) No graduated driver's license holder under the age of
24 18 shall operate a motor vehicle unless each driver and
25 passenger under the age of 19 is wearing a properly adjusted
26 and fastened seat safety belt and each child under the age of 8

1 is protected as required under the Child Passenger Protection
2 Act.

3 (g) If a graduated driver's license holder is under the age
4 of 18 when he or she receives the license, for the first 6
5 months he or she holds the license or until he or she reaches
6 the age of 18, whichever occurs sooner, the graduated license
7 holder may not operate a motor vehicle with more than one
8 passenger in the vehicle who is under the age of 20, unless any
9 additional passenger or passengers are siblings,
10 step-siblings, children, or stepchildren of the driver.

11 (h) The additional requirements for obtaining a graduated
12 license imposed by this amendatory Act of the 95th General
13 Assembly do not invalidate any graduated license that was
14 issued to a person under 18 years of age before the effective
15 date of this amendatory Act of the 95th General Assembly in
16 accordance with the law that was in effect at the time the
17 graduated license was issued.

18 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,
19 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897,
20 eff. 6-22-06; 94-916, eff. 7-1-07; revised 8-3-06.)

21 (625 ILCS 5/6-107.1)

22 Sec. 6-107.1. Instruction permit for a minor.

23 (a) The Secretary of State, upon receiving proper
24 application and payment of the required fee, may issue an
25 instruction permit to any person under the age of 18 years who

1 is not ineligible for a license under paragraphs 1, 3, 4, 5, 7,
2 or 8 of Section 6-103, after the applicant has successfully
3 passed such examination as the Secretary of State in his
4 discretion may prescribe.

5 (1) An instruction permit issued under this Section
6 shall be valid for a period of 24 months after the date of
7 its issuance and shall be restricted, by the Secretary of
8 State, to the operation of a motor vehicle by the minor
9 only when accompanied by the adult instructor of a driver
10 education program during enrollment in the program or when
11 practicing with and occupying a seat beside a parent, the
12 minor's legal guardian, ~~family member,~~ or a responsible
13 adult, approved in writing by a parent or the minor's legal
14 guardian in a manner acceptable to the Secretary, ~~person in~~
15 loco parentis who is 21 years of age or more and ~~r~~ has a
16 license classification to operate such vehicle and at least
17 5 consecutive years ~~one year~~ of driving experience, ~~and who~~
18 ~~is occupying a seat beside the driver.~~

19 Any holder of a permit under this Section may not drive
20 at night during the first 6 months after the permit was
21 issued.

22 Any holder of a permit under this Section who violates
23 any restriction imposed by this subdivision (a) (1) shall be
24 fined \$1,500 and shall have his or her instruction permit
25 suspended for 3 months.

26 Any licensed adult driver who accompanies any holder of

1 a permit under this Section during the permit holder's
2 violation of any restriction imposed by this subdivision
3 (a)(1) shall be fined \$1,500 and shall have his or her
4 driver's license suspended for 3 months.

5 Any parent, legal guardian, or responsible adult
6 approved under this subdivision (a)(1), if he or she allows
7 the holder of a permit under this Section to drive with a
8 person not approved under this subdivision (a)(1), shall be
9 fined \$1,500 and shall have his or her driver's license
10 suspended for 3 months.

11 (2) A 24 month instruction permit for a motor driven
12 cycle may be issued to a person 16 or 17 years of age and
13 entitles the holder to drive upon the highways during
14 daylight under direct supervision of a licensed motor
15 driven cycle operator or motorcycle operator 21 years of
16 age or older who has a license classification to operate
17 such motor driven cycle or motorcycle and at least one year
18 of driving experience.

19 (3) A 24 month instruction permit for a motorcycle
20 other than a motor driven cycle may be issued to a person
21 16 or 17 years of age in accordance with the provisions of
22 paragraph 2 of Section 6-103 and entitles a holder to drive
23 upon the highways during daylight under the direct
24 supervision of a licensed motorcycle operator 21 years of
25 age or older who has at least one year of driving
26 experience.

1 (b) An instruction permit issued under this Section when
2 issued to a person under the age of 17 years shall, as a matter
3 of law, be invalid for the operation of any motor vehicle
4 during the same time the child is prohibited from being on any
5 street or highway under the provisions of the Child Curfew Act.

6 (b-1) No instruction permit shall be issued to any
7 applicant who is under the age of 18 years and who has been
8 certified to be a chronic or habitual truant, as defined in
9 Section 26-2a of the School Code.

10 An applicant under the age of 18 years who provides proof
11 that he or she has resumed regular school attendance or that
12 his or her application was denied in error shall be eligible to
13 receive an instruction permit if other requirements are met.
14 The Secretary shall adopt rules for implementing this
15 subsection (b-1).

16 (c) Any person under the age of 16 years who possesses an
17 instruction permit and whose driving privileges have been
18 suspended or revoked under the provisions of this Code shall
19 not be granted a Family Financial Responsibility Driving Permit
20 or a Restricted Driving Permit.

21 (Source: P.A. 94-916, eff. 7-1-07.)

22 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

25 (a) The Secretary of State is authorized to suspend or

1 revoke the driving privileges of any person without preliminary
2 hearing upon a showing of the person's records or other
3 sufficient evidence that the person:

4 1. Has committed an offense for which mandatory
5 revocation of a driver's license or permit is required upon
6 conviction;

7 2. Has been convicted of not less than 3 offenses
8 against traffic regulations governing the movement of
9 vehicles committed within any 12 month period. No
10 revocation or suspension shall be entered more than 6
11 months after the date of last conviction;

12 3. Has been repeatedly involved as a driver in motor
13 vehicle collisions or has been repeatedly convicted of
14 offenses against laws and ordinances regulating the
15 movement of traffic, to a degree that indicates lack of
16 ability to exercise ordinary and reasonable care in the
17 safe operation of a motor vehicle or disrespect for the
18 traffic laws and the safety of other persons upon the
19 highway;

20 4. Has by the unlawful operation of a motor vehicle
21 caused or contributed to an accident resulting in death or
22 injury requiring immediate professional treatment in a
23 medical facility or doctor's office to any person, except
24 that any suspension or revocation imposed by the Secretary
25 of State under the provisions of this subsection shall
26 start no later than 6 months after being convicted of

1 violating a law or ordinance regulating the movement of
2 traffic, which violation is related to the accident, or
3 shall start not more than one year after the date of the
4 accident, whichever date occurs later;

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

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

11 7. Has refused or failed to submit to an examination
12 provided for by Section 6-207 or has failed to pass the
13 examination;

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

16 9. Has made a false statement or knowingly concealed a
17 material fact or has used false information or
18 identification in any application for a license,
19 identification card, or permit;

20 10. Has possessed, displayed, or attempted to
21 fraudulently use any license, identification card, or
22 permit not issued to the person;

23 11. Has operated a motor vehicle upon a highway of this
24 State when the person's driving privilege or privilege to
25 obtain a driver's license or permit was revoked or
26 suspended unless the operation was authorized by a judicial

1 driving permit, probationary license to drive, or a
2 restricted driving permit issued under this Code;

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

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

11 14. Has committed a violation of Section 6-301,
12 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
13 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

10 22. Has used a motor vehicle in violating paragraph
11 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
12 the Criminal Code of 1961 relating to unlawful use of
13 weapons, in which case the suspension shall be for one
14 year;

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

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

25 25. Has permitted any form of identification to be used
26 by another in the application process in order to obtain or

1 attempt to obtain a license, identification card, or
2 permit;

3 26. Has altered or attempted to alter a license or has
4 possessed an altered license, identification card, or
5 permit;

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

8 28. Has been convicted of the illegal possession, while
9 operating or in actual physical control, as a driver, of a
10 motor vehicle, of any controlled substance prohibited
11 under the Illinois Controlled Substances Act, any cannabis
12 prohibited under the Cannabis Control Act, or any
13 methamphetamine prohibited under the Methamphetamine
14 Control and Community Protection Act, in which case the
15 person's driving privileges shall be suspended for one
16 year, and any driver who is convicted of a second or
17 subsequent offense, within 5 years of a previous
18 conviction, for the illegal possession, while operating or
19 in actual physical control, as a driver, of a motor
20 vehicle, of any controlled substance prohibited under the
21 Illinois Controlled Substances Act, any cannabis
22 prohibited under the Cannabis Control Act, or any
23 methamphetamine prohibited under the Methamphetamine
24 Control and Community Protection Act shall be suspended for
25 5 years. Any defendant found guilty of this offense while
26 operating a motor vehicle, shall have an entry made in the

1 court record by the presiding judge that this offense did
2 occur while the defendant was operating a motor vehicle and
3 order the clerk of the court to report the violation to the
4 Secretary of State;

5 29. Has been convicted of the following offenses that
6 were committed while the person was operating or in actual
7 physical control, as a driver, of a motor vehicle: criminal
8 sexual assault, predatory criminal sexual assault of a
9 child, aggravated criminal sexual assault, criminal sexual
10 abuse, aggravated criminal sexual abuse, juvenile pimping,
11 soliciting for a juvenile prostitute and the manufacture,
12 sale or delivery of controlled substances or instruments
13 used for illegal drug use or abuse in which case the
14 driver's driving privileges shall be suspended for one
15 year;

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

20 31. Has refused to submit to a test as required by
21 Section 11-501.6 or has submitted to a test resulting in an
22 alcohol concentration of 0.08 or more or any amount of a
23 drug, substance, or compound resulting from the unlawful
24 use or consumption of cannabis as listed in the Cannabis
25 Control Act, a controlled substance as listed in the
26 Illinois Controlled Substances Act, or an intoxicating

1 compound as listed in the Use of Intoxicating Compounds
2 Act, in which case the penalty shall be as prescribed in
3 Section 6-208.1;

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

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

13 34. Has committed a violation of Section 11-1301.5 of
14 this Code;

15 35. Has committed a violation of Section 11-1301.6 of
16 this Code;

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

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

25 38. Has been convicted of a violation of Section 6-20
26 of the Liquor Control Act of 1934 or a similar provision of

1 a local ordinance;

2 39. Has committed a second or subsequent violation of
3 Section 11-1201 of this Code;

4 40. Has committed a violation of subsection (a-1) of
5 Section 11-908 of this Code;

6 41. Has committed a second or subsequent violation of
7 Section 11-605.1 of this Code within 2 years of the date of
8 the previous violation, in which case the suspension shall
9 be for 90 days; ~~or~~

10 42. Has committed a violation of subsection (a-1) of
11 Section 11-1301.3 of this Code; ~~or~~

12 43. Has, as a parent, legal guardian, or responsible
13 adult under Section 6-107 of this Code, falsely certified
14 that an applicant for a graduated driver's license has met
15 the requirements of item (3) of subsection (b) of Section
16 6-107 of this Code, in which case the suspension shall be
17 for 3 months; or

18 44. Has committed a violation described in subdivision
19 (a)(1) of Section 6-107.1 of this Code, in which case the
20 suspension shall be for 3 months.

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

1 license.

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

11 (c) 1. Upon suspending or revoking the driver's license or
12 permit of any person as authorized in this Section, the
13 Secretary of State shall immediately notify the person in
14 writing of the revocation or suspension. The notice to be
15 deposited in the United States mail, postage prepaid, to
16 the last known address of the person.

17 2. If the Secretary of State suspends the driver's
18 license of a person under subsection 2 of paragraph (a) of
19 this Section, a person's privilege to operate a vehicle as
20 an occupation shall not be suspended, provided an affidavit
21 is properly completed, the appropriate fee received, and a
22 permit issued prior to the effective date of the
23 suspension, unless 5 offenses were committed, at least 2 of
24 which occurred while operating a commercial vehicle in
25 connection with the driver's regular occupation. All other
26 driving privileges shall be suspended by the Secretary of

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

18 The provisions of this subparagraph shall not apply to
19 any driver required to possess a CDL for the purpose of
20 operating a commercial motor vehicle.

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

25 3. At the conclusion of a hearing under Section 2-118
26 of this Code, the Secretary of State shall either rescind

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

20 If a person's license or permit has been revoked or
21 suspended due to 2 or more convictions of violating Section
22 11-501 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense, arising out of
24 separate occurrences, that person, if issued a restricted
25 driving permit, may not operate a vehicle unless it has
26 been equipped with an ignition interlock device as defined

1 in Section 1-129.1.

2 If a person's license or permit has been revoked or
3 suspended 2 or more times within a 10 year period due to a
4 single conviction of violating Section 11-501 of this Code
5 or a similar provision of a local ordinance or a similar
6 out-of-state offense, and a statutory summary suspension
7 under Section 11-501.1, or 2 or more statutory summary
8 suspensions, or combination of 2 offenses, or of an offense
9 and a statutory summary suspension, arising out of separate
10 occurrences, that person, if issued a restricted driving
11 permit, may not operate a vehicle unless it has been
12 equipped with an ignition interlock device as defined in
13 Section 1-129.1. The person must pay to the Secretary of
14 State DUI Administration Fund an amount not to exceed \$20
15 per month. The Secretary shall establish by rule the amount
16 and the procedures, terms, and conditions relating to these
17 fees. If the restricted driving permit was issued for
18 employment purposes, then this provision does not apply to
19 the operation of an occupational vehicle owned or leased by
20 that person's employer. In each case the Secretary may
21 issue a restricted driving permit for a period deemed
22 appropriate, except that all permits shall expire within
23 one year from the date of issuance. The Secretary may not,
24 however, issue a restricted driving permit to any person
25 whose current revocation is the result of a second or
26 subsequent conviction for a violation of Section 11-501 of

1 this Code or a similar provision of a local ordinance
2 relating to the offense of operating or being in physical
3 control of a motor vehicle while under the influence of
4 alcohol, other drug or drugs, intoxicating compound or
5 compounds, or any similar out-of-state offense, or any
6 combination of those offenses, until the expiration of at
7 least one year from the date of the revocation. A
8 restricted driving permit issued under this Section shall
9 be subject to cancellation, revocation, and suspension by
10 the Secretary of State in like manner and for like cause as
11 a driver's license issued under this Code may be cancelled,
12 revoked, or suspended; except that a conviction upon one or
13 more offenses against laws or ordinances regulating the
14 movement of traffic shall be deemed sufficient cause for
15 the revocation, suspension, or cancellation of a
16 restricted driving permit. The Secretary of State may, as a
17 condition to the issuance of a restricted driving permit,
18 require the applicant to participate in a designated driver
19 remedial or rehabilitative program. The Secretary of State
20 is authorized to cancel a restricted driving permit if the
21 permit holder does not successfully complete the program.

22 (c-5) The Secretary of State may, as a condition of the
23 reissuance of a driver's license or permit to an applicant
24 whose driver's license or permit has been suspended before he
25 or she reached the age of 18 years pursuant to any of the
26 provisions of this Section, require the applicant to

1 participate in a driver remedial education course and be
2 retested under Section 6-109 of this Code.

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

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

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

14 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
15 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
16 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)