



Sen. John M. Sullivan

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09500SB2713sam002

LRB095 05854 WGH 48724 a

1 AMENDMENT TO SENATE BILL 2713

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2713 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 (Text of Section after amendment by P.A. 95-400)

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

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

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

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

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

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

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

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

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

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

10          9. Has made a false statement or knowingly concealed a  
11 material fact or has used false information or  
12 identification in any application for a license,  
13 identification card, or permit;

14          10. Has possessed, displayed, or attempted to  
15 fraudulently use any license, identification card, or  
16 permit not issued to the person;

17          11. Has operated a motor vehicle upon a highway of this  
18 State when the person's driving privilege or privilege to  
19 obtain a driver's license or permit was revoked or  
20 suspended unless the operation was authorized by a  
21 monitoring device driving permit, judicial driving permit  
22 issued prior to January 1, 2009 ~~the effective date of this~~  
23 ~~amendatory Act of the 95th General Assembly~~, probationary  
24 license to drive, or a restricted driving permit issued  
25 under this Code;

26          12. Has submitted to any portion of the application

1 process for another person or has obtained the services of  
2 another person to submit to any portion of the application  
3 process for the purpose of obtaining a license,  
4 identification card, or permit for some other person;

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

8 14. Has committed a violation of Section 6-301,  
9 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
10 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

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

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

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

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

26           26. Has altered or attempted to alter a license or has

1        possessed an altered license, identification card, or  
2        permit;

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

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

1 Secretary of State;

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

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

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

1 penalty shall be as prescribed in Section 6-208.1;

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

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

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

13 35. Has committed a violation of Section 11-1301.6 of  
14 this Code;

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

21 37. Has committed a violation of subsection (c) of  
22 Section 11-907 of this Code that resulted in damage to the  
23 property of another or the death or injury of another;

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



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

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

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

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

11           43. Has received a disposition of court supervision for  
12 a violation of subsection (a), (d), or (e) of Section 6-20  
13 of the Liquor Control Act of 1934 or a similar provision of  
14 a local ordinance, in which case the suspension shall be  
15 for a period of 3 months; ~~or~~

16           44. ~~43.~~ Is under the age of 21 years at the time of  
17 arrest and has been convicted of an offense against traffic  
18 regulations governing the movement of vehicles after  
19 having previously had his or her driving privileges ~~been~~  
20 suspended or revoked pursuant to subparagraph 36 of this  
21 Section; ~~or~~

22           45. ~~43.~~ Has, in connection with or during the course of  
23 a formal hearing conducted under Section 2-118 of this  
24 Code: (i) committed perjury; (ii) submitted fraudulent or  
25 falsified documents; (iii) submitted documents that have  
26 been materially altered; or (iv) ~~submitted~~ submitted as his or her

1 own, documents that were in fact prepared or composed for  
2 another person.

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

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

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

25 2. If the Secretary of State suspends the driver's  
26 license of a person under subsection 2 of paragraph (a) of

1       this Section, a person's privilege to operate a vehicle as  
2       an occupation shall not be suspended, provided an affidavit  
3       is properly completed, the appropriate fee received, and a  
4       permit issued prior to the effective date of the  
5       suspension, unless 5 offenses were committed, at least 2 of  
6       which occurred while operating a commercial vehicle in  
7       connection with the driver's regular occupation. All other  
8       driving privileges shall be suspended by the Secretary of  
9       State. Any driver prior to operating a vehicle for  
10      occupational purposes only must submit the affidavit on  
11      forms to be provided by the Secretary of State setting  
12      forth the facts of the person's occupation. The affidavit  
13      shall also state the number of offenses committed while  
14      operating a vehicle in connection with the driver's regular  
15      occupation. The affidavit shall be accompanied by the  
16      driver's license. Upon receipt of a properly completed  
17      affidavit, the Secretary of State shall issue the driver a  
18      permit to operate a vehicle in connection with the driver's  
19      regular occupation only. Unless the permit is issued by the  
20      Secretary of State prior to the date of suspension, the  
21      privilege to drive any motor vehicle shall be suspended as  
22      set forth in the notice that was mailed under this Section.  
23      If an affidavit is received subsequent to the effective  
24      date of this suspension, a permit may be issued for the  
25      remainder of the suspension period.

26           The provisions of this subparagraph shall not apply to

1 any driver required to possess a CDL for the purpose of  
2 operating a commercial motor vehicle.

3 Any person who falsely states any fact in the affidavit  
4 required herein shall be guilty of perjury under Section  
5 6-302 and upon conviction thereof shall have all driving  
6 privileges revoked without further rights.

7 3. At the conclusion of a hearing under Section 2-118  
8 of this Code, the Secretary of State shall either rescind  
9 or continue an order of revocation or shall substitute an  
10 order of suspension; or, good cause appearing therefor,  
11 rescind, continue, change, or extend the order of  
12 suspension. If the Secretary of State does not rescind the  
13 order, the Secretary may upon application, to relieve undue  
14 hardship (as defined by the rules of the Secretary of  
15 State), issue a restricted driving permit granting the  
16 privilege of driving a motor vehicle between the  
17 petitioner's residence and petitioner's place of  
18 employment or within the scope of the petitioner's  
19 employment related duties, or to allow transportation for  
20 the petitioner, or a household member of the petitioner's  
21 family, to receive necessary medical care, provide  
22 transportation to and from alcohol or drug remedial or  
23 rehabilitative activity recommended by a licensed service  
24 provider, or for the petitioner to attend classes, as a  
25 student, in an accredited educational institution. The  
26 petitioner must demonstrate that no alternative means of

1 transportation is reasonably available and that the  
2 petitioner will not endanger the public safety or welfare.  
3 Those multiple offenders identified in subdivision (b)4 of  
4 Section 6-208 of this Code, however, shall not be eligible  
5 for the issuance of a restricted driving permit.

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

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

21 (i) a single conviction of violating Section  
22 11-501 of this Code or a similar provision of a  
23 local ordinance or a similar out-of-state offense  
24 or Section 9-3 of the Criminal Code of 1961, where  
25 the use of alcohol or other drugs is recited as an  
26 element of the offense, or a similar out-of-state

1 offense; or

2 (ii) a statutory summary suspension under  
3 Section 11-501.1; or

4 (iii) a suspension under Section 6-203.1~~;~~  
5 arising out of separate occurrences~~;~~ that person, if  
6 issued a restricted driving permit, may not operate a  
7 vehicle unless it has been equipped with an ignition  
8 interlock device as defined in Section 1-129.1.

9 (C) The person must pay to the Secretary of State  
10 DUI Administration Fund an amount not to exceed \$20 per  
11 month. The Secretary shall establish by rule the amount  
12 and the procedures, terms, and conditions relating to  
13 these fees.

14 (D) If the restricted driving permit is issued for  
15 employment purposes, then the prohibition against  
16 operating a motor vehicle that is not equipped with an  
17 ignition interlock device does not apply to the  
18 operation of an occupational vehicle owned or leased by  
19 that person's employer when used solely for employment  
20 purposes.

21 (E) In each case the Secretary may issue a  
22 restricted driving permit for a period deemed  
23 appropriate, except that all permits shall expire  
24 within one year from the date of issuance. The  
25 Secretary may not, however, issue a restricted driving  
26 permit to any person whose current revocation is the

1 result of a second or subsequent conviction for a  
2 violation of Section 11-501 of this Code or a similar  
3 provision of a local ordinance or any similar  
4 out-of-state offense, or Section 9-3 of the Criminal  
5 Code of 1961, where the use of alcohol or other drugs  
6 is recited as an element of the offense, or any similar  
7 out-of-state offense, or any combination of those  
8 offenses, until the expiration of at least one year  
9 from the date of the revocation. A restricted driving  
10 permit issued under this Section shall be subject to  
11 cancellation, revocation, and suspension by the  
12 Secretary of State in like manner and for like cause as  
13 a driver's license issued under this Code may be  
14 cancelled, revoked, or suspended; except that a  
15 conviction upon one or more offenses against laws or  
16 ordinances regulating the movement of traffic shall be  
17 deemed sufficient cause for the revocation,  
18 suspension, or cancellation of a restricted driving  
19 permit. The Secretary of State may, as a condition to  
20 the issuance of a restricted driving permit, require  
21 the applicant to participate in a designated driver  
22 remedial or rehabilitative program. The Secretary of  
23 State is authorized to cancel a restricted driving  
24 permit if the permit holder does not successfully  
25 complete the program.

26 (c-3) In the case of a suspension under paragraph 43 of

1 subsection (a), reports received by the Secretary of State  
2 under this Section shall, except during the actual time the  
3 suspension is in effect, be privileged information and for use  
4 only by the courts, police officers, prosecuting authorities,  
5 the driver licensing administrator of any other state, or the  
6 Secretary of State. However, beginning January 1, 2008, if the  
7 person is a CDL holder, the suspension shall also be made  
8 available to the driver licensing administrator of any other  
9 state, the U.S. Department of Transportation, and the affected  
10 driver or motor carrier or prospective motor carrier upon  
11 request.

12 (c-4) In the case of a suspension under paragraph 43 of  
13 subsection (a), the Secretary of State shall notify the person  
14 by mail that his or her driving privileges and driver's license  
15 will be suspended one month after the date of the mailing of  
16 the notice.

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

24 (d) This Section is subject to the provisions of the  
25 Drivers License Compact.

26 (e) 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 suspended or revoked under any  
3 provisions of this Code.

4 (f) In accordance with 49 C.F.R. 384, the Secretary of  
5 State may not issue a restricted driving permit for the  
6 operation of a commercial motor vehicle to a person holding a  
7 CDL whose driving privileges have been suspended, revoked,  
8 cancelled, or disqualified under any provisions of this Code.

9 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;  
10 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;  
11 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;  
12 revised 2-7-08.)".