



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5720

Introduced 2/9/2010, by Rep. Sidney H. Mathias

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-206.5 new	

Amends the Illinois Vehicle Code. Provides that whenever any person has been found guilty of, received a disposition pursuant to the provisions of the Juvenile Court Act of 1987 for, or received a disposition of court supervision for a violation of the Illinois Controlled Substances Act, the Cannabis Control Act, or the Methamphetamine Control and Community Protection Act, the judge of the court in which such conviction is had shall require the surrender to the clerk of the court of all driver's licenses or permits then held by the person, and the clerk of the court shall, within 5 days, forward the licenses, together with a report of such conviction, to the Secretary of State. Provides that the Secretary of State may suspend the driving privileges of a person for such a violation for a period of 6 months for a first offense and a year for a second or subsequent offense within 5 years, and provides that, in either case, the court may order the Secretary of State to issue a judicial driving permit if certain conditions are met.

LRB096 20267 AJT 35863 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-204 and 6-206 and by adding Section 6-206.5 as  
6 follows:

7 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

8 Sec. 6-204. When Court to forward License and Reports.

9 (a) For the purpose of providing to the Secretary of State  
10 the records essential to the performance of the Secretary's  
11 duties under this Code to cancel, revoke or suspend the  
12 driver's license and privilege to drive motor vehicles of  
13 certain minors adjudicated truant minors in need of  
14 supervision, addicted, or delinquent and of persons found  
15 guilty of the criminal offenses or traffic violations which  
16 this Code recognizes as evidence relating to unfitness to  
17 safely operate motor vehicles, the following duties are imposed  
18 upon public officials:

19 (1) Whenever any person is convicted of any offense for  
20 which this Code makes mandatory the cancellation or  
21 revocation of the driver's license or permit of such person  
22 by the Secretary of State, the judge of the court in which  
23 such conviction is had shall require the surrender to the

1 clerk of the court of all driver's licenses or permits then  
2 held by the person so convicted, and the clerk of the court  
3 shall, within 5 days thereafter, forward the same, together  
4 with a report of such conviction, to the Secretary.

5 (2) Whenever any person is convicted of any offense  
6 under this Code or similar offenses under a municipal  
7 ordinance, other than regulations governing standing,  
8 parking or weights of vehicles, and excepting the following  
9 enumerated Sections of this Code: Sections 11-1406  
10 (obstruction to driver's view or control), 11-1407  
11 (improper opening of door into traffic), 11-1410 (coasting  
12 on downgrade), 11-1411 (following fire apparatus),  
13 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
14 vehicle which is in unsafe condition or improperly  
15 equipped), 12-201(a) (daytime lights on motorcycles),  
16 12-202 (clearance, identification and side marker lamps),  
17 12-204 (lamp or flag on projecting load), 12-205 (failure  
18 to display the safety lights required), 12-401  
19 (restrictions as to tire equipment), 12-502 (mirrors),  
20 12-503 (windshields must be unobstructed and equipped with  
21 wipers), 12-601 (horns and warning devices), 12-602  
22 (mufflers, prevention of noise or smoke), 12-603 (seat  
23 safety belts), 12-702 (certain vehicles to carry flares or  
24 other warning devices), 12-703 (vehicles for oiling roads  
25 operated on highways), 12-710 (splash guards and  
26 replacements), 13-101 (safety tests), 15-101 (size, weight

1 and load), 15-102 (width), 15-103 (height), 15-104 (name  
2 and address on second division vehicles), 15-107 (length of  
3 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
4 15-112 (weights), 15-301 (weights), 15-316 (weights),  
5 15-318 (weights), and also excepting the following  
6 enumerated Sections of the Chicago Municipal Code:  
7 Sections 27-245 (following fire apparatus), 27-254  
8 (obstruction of traffic), 27-258 (driving vehicle which is  
9 in unsafe condition), 27-259 (coasting on downgrade),  
10 27-264 (use of horns and signal devices), 27-265  
11 (obstruction to driver's view or driver mechanism), 27-267  
12 (dimming of headlights), 27-268 (unattended motor  
13 vehicle), 27-272 (illegal funeral procession), 27-273  
14 (funeral procession on boulevard), 27-275 (driving freight  
15 hauling vehicles on boulevard), 27-276 (stopping and  
16 standing of buses or taxicabs), 27-277 (cruising of public  
17 passenger vehicles), 27-305 (parallel parking), 27-306  
18 (diagonal parking), 27-307 (parking not to obstruct  
19 traffic), 27-308 (stopping, standing or parking  
20 regulated), 27-311 (parking regulations), 27-312 (parking  
21 regulations), 27-313 (parking regulations), 27-314  
22 (parking regulations), 27-315 (parking regulations),  
23 27-316 (parking regulations), 27-317 (parking  
24 regulations), 27-318 (parking regulations), 27-319  
25 (parking regulations), 27-320 (parking regulations),  
26 27-321 (parking regulations), 27-322 (parking

1 regulations), 27-324 (loading and unloading at an angle),  
2 27-333 (wheel and axle loads), 27-334 (load restrictions in  
3 the downtown district), 27-335 (load restrictions in  
4 residential areas), 27-338 (width of vehicles), 27-339  
5 (height of vehicles), 27-340 (length of vehicles), 27-352  
6 (reflectors on trailers), 27-353 (mufflers), 27-354  
7 (display of plates), 27-355 (display of city vehicle tax  
8 sticker), 27-357 (identification of vehicles), 27-358  
9 (projecting of loads), and also excepting the following  
10 enumerated paragraphs of Section 2-201 of the Rules and  
11 Regulations of the Illinois State Toll Highway Authority:  
12 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
13 transporting dangerous cargo not properly indicated), it  
14 shall be the duty of the clerk of the court in which such  
15 conviction is had within 5 days thereafter to forward to  
16 the Secretary of State a report of the conviction and the  
17 court may recommend the suspension of the driver's license  
18 or permit of the person so convicted.

19 The reporting requirements of this subsection shall apply  
20 to all violations stated in paragraphs (1) and (2) of this  
21 subsection when the individual has been adjudicated under the  
22 Juvenile Court Act or the Juvenile Court Act of 1987. Such  
23 reporting requirements shall also apply to individuals  
24 adjudicated under the Juvenile Court Act or the Juvenile Court  
25 Act of 1987 who have committed a violation of Section 11-501 of  
26 this Code, or similar provision of a local ordinance, or

1 Section 9-3 of the Criminal Code of 1961, as amended, relating  
2 to the offense of reckless homicide. These reporting  
3 requirements also apply to individuals adjudicated under the  
4 Juvenile Court Act of 1987 based on any offense determined to  
5 have been committed in furtherance of the criminal activities  
6 of an organized gang, as provided in Section 5-710 of that Act,  
7 and that involved the operation or use of a motor vehicle or  
8 the use of a driver's license or permit. The reporting  
9 requirements of this subsection shall also apply to a truant  
10 minor in need of supervision, an addicted minor, or a  
11 delinquent minor and whose driver's license and privilege to  
12 drive a motor vehicle has been ordered suspended for such times  
13 as determined by the Court, but only until he or she attains 18  
14 years of age. It shall be the duty of the clerk of the court in  
15 which adjudication is had within 5 days thereafter to forward  
16 to the Secretary of State a report of the adjudication and the  
17 court order requiring the Secretary of State to suspend the  
18 minor's driver's license and driving privilege for such time as  
19 determined by the Court, but only until he or she attains the  
20 age of 18 years. All juvenile court dispositions reported to  
21 the Secretary of State under this provision shall be processed  
22 by the Secretary of State as if the cases had been adjudicated  
23 in traffic or criminal court. However, information reported  
24 relative to the offense of reckless homicide, or Section 11-501  
25 of this Code, or a similar provision of a local ordinance,  
26 shall be privileged and available only to the Secretary of

1 State, courts, and police officers.

2 The reporting requirements of this subsection (a)  
3 apply to all violations listed in paragraphs (1) and (2) of  
4 this subsection (a), excluding parking violations, when  
5 the driver holds a CDL, regardless of the type of vehicle  
6 in which the violation occurred, or when any driver  
7 committed the violation in a commercial motor vehicle as  
8 defined in Section 6-500 of this Code.

9 (3) Whenever an order is entered vacating the  
10 forfeiture of any bail, security or bond given to secure  
11 appearance for any offense under this Code or similar  
12 offenses under municipal ordinance, it shall be the duty of  
13 the clerk of the court in which such vacation was had or  
14 the judge of such court if such court has no clerk, within  
15 5 days thereafter to forward to the Secretary of State a  
16 report of the vacation.

17 (4) A report of any disposition of court supervision  
18 for a violation of Sections 6-303, 11-401, 11-501 or a  
19 similar provision of a local ordinance, 11-503, 11-504, and  
20 11-506 shall be forwarded to the Secretary of State. A  
21 report of any disposition of court supervision for a  
22 violation of an offense defined as a serious traffic  
23 violation in this Code or a similar provision of a local  
24 ordinance committed by a person under the age of 21 years  
25 shall be forwarded to the Secretary of State.

26 (5) Reports of conviction under this Code and

1 sentencing hearings under the Juvenile Court Act of 1987 in  
2 an electronic format or a computer processible medium shall  
3 be forwarded to the Secretary of State via the Supreme  
4 Court in the form and format required by the Illinois  
5 Supreme Court and established by a written agreement  
6 between the Supreme Court and the Secretary of State. In  
7 counties with a population over 300,000, instead of  
8 forwarding reports to the Supreme Court, reports of  
9 conviction under this Code and sentencing hearings under  
10 the Juvenile Court Act of 1987 in an electronic format or a  
11 computer processible medium may be forwarded to the  
12 Secretary of State by the Circuit Court Clerk in a form and  
13 format required by the Secretary of State and established  
14 by written agreement between the Circuit Court Clerk and  
15 the Secretary of State. Failure to forward the reports of  
16 conviction or sentencing hearing under the Juvenile Court  
17 Act of 1987 as required by this Section shall be deemed an  
18 omission of duty and it shall be the duty of the several  
19 State's Attorneys to enforce the requirements of this  
20 Section.

21 (6) Whenever any person has been found guilty of,  
22 received a disposition of court supervision for, or  
23 received a disposition pursuant to the provisions of the  
24 Juvenile Court Act of 1987 for a violation of the Illinois  
25 Controlled Substances Act, the Cannabis Control Act, or the  
26 Methamphetamine Control and Community Protection Act, the



1       judge of the court in which such conviction is had shall  
2       require the surrender to the clerk of the court of all  
3       driver's licenses or permits then held by the person so  
4       convicted, and the clerk of the court shall, within 5 days  
5       thereafter, forward the same, together with a report of  
6       such conviction, to the Secretary.

7       (b) Whenever a restricted driving permit is forwarded to a  
8       court, as a result of confiscation by a police officer pursuant  
9       to the authority in Section 6-113(f), it shall be the duty of  
10      the clerk, or judge, if the court has no clerk, to forward such  
11      restricted driving permit and a facsimile of the officer's  
12      citation to the Secretary of State as expeditiously as  
13      practicable.

14      (c) For the purposes of this Code, a forfeiture of bail or  
15      collateral deposited to secure a defendant's appearance in  
16      court when forfeiture has not been vacated, or the failure of a  
17      defendant to appear for trial after depositing his driver's  
18      license in lieu of other bail, shall be equivalent to a  
19      conviction.

20      (d) For the purpose of providing the Secretary of State  
21      with records necessary to properly monitor and assess driver  
22      performance and assist the courts in the proper disposition of  
23      repeat traffic law offenders, the clerk of the court shall  
24      forward to the Secretary of State, on a form prescribed by the  
25      Secretary, records of a driver's participation in a driver  
26      remedial or rehabilitative program which was required, through

1 a court order or court supervision, in relation to the driver's  
2 arrest for a violation of Section 11-501 of this Code or a  
3 similar provision of a local ordinance. The clerk of the court  
4 shall also forward to the Secretary, either on paper or in an  
5 electronic format or a computer processible medium as required  
6 under paragraph (5) of subsection (a) of this Section, any  
7 disposition of court supervision for any traffic violation,  
8 excluding those offenses listed in paragraph (2) of subsection  
9 (a) of this Section. These reports shall be sent within 5 days  
10 after disposition, or, if the driver is referred to a driver  
11 remedial or rehabilitative program, within 5 days of the  
12 driver's referral to that program. These reports received by  
13 the Secretary of State, including those required to be  
14 forwarded under paragraph (a)(4), shall be privileged  
15 information, available only (i) to the affected driver, (ii) to  
16 the parent or guardian of a person under the age of 18 years  
17 holding an instruction permit or a graduated driver's license,  
18 and (iii) for use by the courts, police officers, prosecuting  
19 authorities, the Secretary of State, and the driver licensing  
20 administrator of any other state. In accordance with 49 C.F.R.  
21 Part 384, all reports of court supervision, except violations  
22 related to parking, shall be forwarded to the Secretary of  
23 State for all holders of a CDL or any driver who commits an  
24 offense while driving a commercial motor vehicle. These reports  
25 shall be recorded to the driver's record as a conviction for  
26 use in the disqualification of the driver's commercial motor

1 vehicle privileges and shall not be privileged information.

2 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;  
3 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-337, eff. 6-1-08;  
4 95-382, eff. 8-23-07; 95-876, eff. 8-21-08.)

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

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

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

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

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

20 3. Has been repeatedly involved as a driver in motor  
21 vehicle collisions or has been repeatedly convicted of  
22 offenses against laws and ordinances regulating the  
23 movement of traffic, to a degree that indicates lack of  
24 ability to exercise ordinary and reasonable care in the  
25 safe operation of a motor vehicle or disrespect for the

1 traffic laws and the safety of other persons upon the  
2 highway;

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

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

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

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

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

25 9. Has made a false statement or knowingly concealed a  
26 material fact or has used false information or

1 identification in any application for a license,  
2 identification card, or permit;

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

6 11. Has operated a motor vehicle upon a highway of this  
7 State when the person's driving privilege or privilege to  
8 obtain a driver's license or permit was revoked or  
9 suspended unless the operation was authorized by a  
10 monitoring device driving permit, judicial driving permit  
11 issued prior to January 1, 2009, probationary license to  
12 drive, or a restricted driving permit issued under this  
13 Code;

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

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

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

25 15. Has been convicted of violating Section 21-2 of the  
26 Criminal Code of 1961 relating to criminal trespass to

1 vehicles in which case, the suspension shall be for one  
2 year;

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

5 17. Has refused to submit to a test, or tests, as  
6 required under Section 11-501.1 of this Code and the person  
7 has not sought a hearing as provided for in Section  
8 11-501.1;

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

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

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

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

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

26 23. Has, as a driver, been convicted of committing a

1 violation of paragraph (a) of Section 11-502 of this Code  
2 for a second or subsequent time within one year of a  
3 similar violation;

4 24. Has been convicted by a court-martial or punished  
5 by non-judicial punishment by military authorities of the  
6 United States at a military installation in Illinois of or  
7 for a traffic related offense that is the same as or  
8 similar to an offense specified under Section 6-205 or  
9 6-206 of this Code;

10 25. Has permitted any form of identification to be used  
11 by another in the application process in order to obtain or  
12 attempt to obtain a license, identification card, or  
13 permit;

14 26. Has altered or attempted to alter a license or has  
15 possessed an altered license, identification card, or  
16 permit;

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

19 28. Has been convicted of the illegal possession, while  
20 operating or in actual physical control, as a driver, of a  
21 motor vehicle, of any controlled substance prohibited  
22 under the Illinois Controlled Substances Act, any cannabis  
23 prohibited under the Cannabis Control Act, or any  
24 methamphetamine prohibited under the Methamphetamine  
25 Control and Community Protection Act, in which case the  
26 person's driving privileges shall be suspended for one

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

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



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

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

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

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

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

1           35. Has committed a violation of Section 11-1301.6 of  
2 this Code;

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

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

12           38. Has been convicted of a violation of Section 6-20  
13 of the Liquor Control Act of 1934 or a similar provision of  
14 a local ordinance;

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

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

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

23           42. Has committed a violation of subsection (a-1) of  
24 Section 11-1301.3 of this Code;

25           43. Has received a disposition of court supervision for  
26 a violation of subsection (a), (d), or (e) of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of  
2 a local ordinance, in which case the suspension shall be  
3 for a period of 3 months;

4 44. Is under the age of 21 years at the time of arrest  
5 and has been convicted of an offense against traffic  
6 regulations governing the movement of vehicles after  
7 having previously had his or her driving privileges  
8 suspended or revoked pursuant to subparagraph 36 of this  
9 Section; ~~or~~

10 45. Has, in connection with or during the course of a  
11 formal hearing conducted under Section 2-118 of this Code:  
12 (i) committed perjury; (ii) submitted fraudulent or  
13 falsified documents; (iii) submitted documents that have  
14 been materially altered; or (iv) submitted, as his or her  
15 own, documents that were in fact prepared or composed for  
16 another person; ~~or~~

17 46. Has been found guilty of, received a disposition of  
18 court supervision for, or received a disposition pursuant  
19 to the provisions of the Juvenile Court Act of 1987 for a  
20 violation of the Illinois Controlled Substances Act, the  
21 Cannabis Control Act, or the Methamphetamine Control and  
22 Community Protection Act, in which case the person's  
23 driving privileges shall be suspended for 6 months. Upon  
24 the direction of the court pursuant to Section 6-206.5 of  
25 this Code, the Secretary shall issue the person a judicial  
26 driving permit, also known as a JDP. This paragraph shall

1 not apply if the person has committed a violation described  
2 in paragraph 28 of this subsection; and

3 47. Has been found guilty of, received a disposition of  
4 court supervision for, or received a disposition pursuant  
5 to the provisions of the Juvenile Court Act of 1987 for a  
6 second or subsequent violation of the Illinois Controlled  
7 Substances Act, the Cannabis Control Act, or the  
8 Methamphetamine Control and Community Protection Act in a  
9 period of 5 years, in which case the person's driving  
10 privileges shall be suspended for one year. Upon the  
11 direction of the court pursuant to Section 6-206.5 of this  
12 Code, the Secretary shall issue the person a judicial  
13 driving permit, also known as a JDP. This paragraph shall  
14 not apply if the person has committed a violation described  
15 in paragraph 28 of this subsection.

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

23 (b) If any conviction forming the basis of a suspension or  
24 revocation authorized under this Section is appealed, the  
25 Secretary of State may rescind or withhold the entry of the  
26 order of suspension or revocation, as the case may be, provided

1 that a certified copy of a stay order of a court is filed with  
2 the Secretary of State. If the conviction is affirmed on  
3 appeal, the date of the conviction shall relate back to the  
4 time the original judgment of conviction was entered and the 6  
5 month limitation prescribed shall not apply.

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

12 2. If the Secretary of State suspends the driver's  
13 license of a person under subsection 2 of paragraph (a) of  
14 this Section, a person's privilege to operate a vehicle as  
15 an occupation shall not be suspended, provided an affidavit  
16 is properly completed, the appropriate fee received, and a  
17 permit issued prior to the effective date of the  
18 suspension, unless 5 offenses were committed, at least 2 of  
19 which occurred while operating a commercial vehicle in  
20 connection with the driver's regular occupation. All other  
21 driving privileges shall be suspended by the Secretary of  
22 State. Any driver prior to operating a vehicle for  
23 occupational purposes only must submit the affidavit on  
24 forms to be provided by the Secretary of State setting  
25 forth the facts of the person's occupation. The affidavit  
26 shall also state the number of offenses committed while

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

13 The provisions of this subparagraph shall not apply to  
14 any driver required to possess a CDL for the purpose of  
15 operating a commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit  
17 required herein shall be guilty of perjury under Section  
18 6-302 and upon conviction thereof shall have all driving  
19 privileges revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118  
21 of this Code, the Secretary of State shall either rescind  
22 or continue an order of revocation or shall substitute an  
23 order of suspension; or, good cause appearing therefor,  
24 rescind, continue, change, or extend the order of  
25 suspension. If the Secretary of State does not rescind the  
26 order, the Secretary may upon application, to relieve undue

1 hardship (as defined by the rules of the Secretary of  
2 State), issue a restricted driving permit granting the  
3 privilege of driving a motor vehicle between the  
4 petitioner's residence and petitioner's place of  
5 employment or within the scope of the petitioner's  
6 employment related duties, or to allow the petitioner to  
7 transport himself or herself, or a family member of the  
8 petitioner's household to a medical facility, to receive  
9 necessary medical care, to allow the petitioner to  
10 transport himself or herself to and from alcohol or drug  
11 remedial or rehabilitative activity recommended by a  
12 licensed service provider, or to allow the petitioner to  
13 transport himself or herself or a family member of the  
14 petitioner's household to classes, as a student, at an  
15 accredited educational institution, or to allow the  
16 petitioner to transport children living in the  
17 petitioner's household to and from daycare. The petitioner  
18 must demonstrate that no alternative means of  
19 transportation is reasonably available and that the  
20 petitioner will not endanger the public safety or welfare.  
21 Those multiple offenders identified in subdivision (b)4 of  
22 Section 6-208 of this Code, however, shall not be eligible  
23 for the issuance of a restricted driving permit.

24 (A) If a person's license or permit is revoked or  
25 suspended due to 2 or more convictions of violating  
26 Section 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense, or  
2 Section 9-3 of the Criminal Code of 1961, where the use  
3 of alcohol or other drugs is recited as an element of  
4 the offense, or a similar out-of-state offense, or a  
5 combination of these offenses, arising out of separate  
6 occurrences, that person, if issued a restricted  
7 driving permit, may not operate a vehicle unless it has  
8 been equipped with an ignition interlock device as  
9 defined in Section 1-129.1.

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

13 (i) a single conviction of violating Section  
14 11-501 of this Code or a similar provision of a  
15 local ordinance or a similar out-of-state offense  
16 or Section 9-3 of the Criminal Code of 1961, where  
17 the use of alcohol or other drugs is recited as an  
18 element of the offense, or a similar out-of-state  
19 offense; or

20 (ii) a statutory summary suspension under  
21 Section 11-501.1; or

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



1           (C) The person issued a permit conditioned upon the  
2 use of an ignition interlock device must pay to the  
3 Secretary of State DUI Administration Fund an amount  
4 not to exceed \$30 per month. The Secretary shall  
5 establish by rule the amount and the procedures, terms,  
6 and conditions relating to these fees.

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

14           (E) In each case the Secretary may issue a  
15 restricted driving permit for a period deemed  
16 appropriate, except that all permits shall expire  
17 within one year from the date of issuance. The  
18 Secretary may not, however, issue a restricted driving  
19 permit to any person whose current revocation is the  
20 result of a second or subsequent conviction for a  
21 violation of Section 11-501 of this Code or a similar  
22 provision of a local ordinance or any similar  
23 out-of-state offense, or Section 9-3 of the Criminal  
24 Code of 1961, where the use of alcohol or other drugs  
25 is recited as an element of the offense, or any similar  
26 out-of-state offense, or any combination of those

1 offenses, until the expiration of at least one year  
2 from the date of the revocation. A restricted driving  
3 permit issued under this Section shall be subject to  
4 cancellation, revocation, and suspension by the  
5 Secretary of State in like manner and for like cause as  
6 a driver's license issued under this Code may be  
7 cancelled, revoked, or suspended; except that a  
8 conviction upon one or more offenses against laws or  
9 ordinances regulating the movement of traffic shall be  
10 deemed sufficient cause for the revocation,  
11 suspension, or cancellation of a restricted driving  
12 permit. The Secretary of State may, as a condition to  
13 the issuance of a restricted driving permit, require  
14 the applicant to participate in a designated driver  
15 remedial or rehabilitative program. The Secretary of  
16 State is authorized to cancel a restricted driving  
17 permit if the permit holder does not successfully  
18 complete the program.

19 (c-3) In the case of a suspension under paragraph 43 of  
20 subsection (a), reports received by the Secretary of State  
21 under this Section shall, except during the actual time the  
22 suspension is in effect, be privileged information and for use  
23 only by the courts, police officers, prosecuting authorities,  
24 the driver licensing administrator of any other state, the  
25 Secretary of State, or the parent or legal guardian of a driver  
26 under the age of 18. However, beginning January 1, 2008, if the

1 person is a CDL holder, the suspension shall also be made  
2 available to the driver licensing administrator of any other  
3 state, the U.S. Department of Transportation, and the affected  
4 driver or motor carrier or prospective motor carrier upon  
5 request.

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

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

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

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

24 (f) In accordance with 49 C.F.R. 384, the Secretary of  
25 State may not issue a restricted driving permit for the  
26 operation of a commercial motor vehicle to a person holding a

1 CDL whose driving privileges have been suspended, revoked,  
2 cancelled, or disqualified under any provisions of this Code.

3 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,  
4 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,  
5 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,  
6 eff. 8-11-09; 96-607, eff. 8-24-09.)

7 (625 ILCS 5/6-206.5 new)

8 Sec. 6-206.5. Judicial driving permits.

9 (a) The court may order the Secretary of State to issue a  
10 judicial driving permit (JDP) under this Section when, after a  
11 court hearing, the court makes a finding that the issuance of a  
12 JDP pursuant to subsection (b) of this Section is warranted  
13 after a person's driving privileges have been suspended  
14 pursuant to paragraph 46 or 47 of subsection (a) of Section  
15 6-206 of this Code.

16 (b) The court may make a finding that the issuance of a JDP  
17 is warranted, granting the privilege of driving a motor vehicle  
18 between the person's residence and person's place of employment  
19 or within the scope of the person's employment related duties,  
20 or to allow the person to transport himself or herself or a  
21 family member of the person's household to a medical facility  
22 for the receipt of necessary medical care or to allow the  
23 person to transport himself or herself to and from alcohol or  
24 drug remedial or rehabilitative activity recommended by a  
25 licensed service provider, or to allow the person to transport

1 himself or herself or a family member of the person's household  
2 to classes, as a student, at an accredited educational  
3 institution, or to allow the person to transport children  
4 living in the person's household to and from daycare, if the  
5 person is able to demonstrate that no alternative means of  
6 transportation is reasonably available and that the person will  
7 not endanger the public safety or welfare.

8 (c) The court shall not enter the order directing the  
9 Secretary to issue the JDP, in any instance, if the court  
10 finds:

11 (1) The offender's driver's license is otherwise  
12 invalid;

13 (2) Death or great bodily harm resulted from the arrest  
14 for Section 11-501 of this Code or a violation of the  
15 Illinois Controlled Substances Act, the Cannabis Control  
16 Act, or the Methamphetamine Control and Community  
17 Protection Act;

18 (3) That the offender has been previously convicted of  
19 reckless homicide or aggravated driving under the  
20 influence involving death; or

21 (4) That the offender is less than 18 years of age.

22 (d) A JDP shall not become effective prior to the 31st day  
23 of the original statutory summary suspension.

24 (e) A JDP issued under this Section shall be subject to  
25 cancellation, revocation, and suspension by the Secretary of  
26 State in like manner and for like cause as a driver's license

1 issued under this Code may be cancelled, revoked, or suspended;  
2 except that a conviction upon one or more offenses against laws  
3 or ordinances regulating the movement of traffic shall be  
4 deemed sufficient cause for the revocation, suspension, or  
5 cancellation of a JDP.