

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 as follows:

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

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

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

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

1 held by the person so convicted, and the clerk of the court
2 shall, within 5 days thereafter, forward the same, together
3 with a report of such conviction, to the Secretary.

4 (2) Whenever any person is convicted of any offense
5 under this Code or similar offenses under a municipal
6 ordinance, other than regulations governing standing,
7 parking or weights of vehicles, and excepting the following
8 enumerated Sections of this Code: Sections 11-1406
9 (obstruction to driver's view or control), 11-1407
10 (improper opening of door into traffic), 11-1410 (coasting
11 on downgrade), 11-1411 (following fire apparatus),
12 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
13 vehicle which is in unsafe condition or improperly
14 equipped), 12-201(a) (daytime lights on motorcycles),
15 12-202 (clearance, identification and side marker lamps),
16 12-204 (lamp or flag on projecting load), 12-205 (failure
17 to display the safety lights required), 12-401
18 (restrictions as to tire equipment), 12-502 (mirrors),
19 12-503 (windshields must be unobstructed and equipped with
20 wipers), 12-601 (horns and warning devices), 12-602
21 (mufflers, prevention of noise or smoke), 12-603 (seat
22 safety belts), 12-702 (certain vehicles to carry flares or
23 other warning devices), 12-703 (vehicles for oiling roads
24 operated on highways), 12-710 (splash guards and
25 replacements), 13-101 (safety tests), 15-101 (size, weight
26 and load), 15-102 (width), 15-103 (height), 15-104 (name

1 and address on second division vehicles), 15-107 (length of
2 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
3 15-112 (weights), 15-301 (weights), 15-316 (weights),
4 15-318 (weights), and also excepting the following
5 enumerated Sections of the Chicago Municipal Code:
6 Sections 27-245 (following fire apparatus), 27-254
7 (obstruction of traffic), 27-258 (driving vehicle which is
8 in unsafe condition), 27-259 (coasting on downgrade),
9 27-264 (use of horns and signal devices), 27-265
10 (obstruction to driver's view or driver mechanism), 27-267
11 (dimming of headlights), 27-268 (unattended motor
12 vehicle), 27-272 (illegal funeral procession), 27-273
13 (funeral procession on boulevard), 27-275 (driving freight
14 hauling vehicles on boulevard), 27-276 (stopping and
15 standing of buses or taxicabs), 27-277 (cruising of public
16 passenger vehicles), 27-305 (parallel parking), 27-306
17 (diagonal parking), 27-307 (parking not to obstruct
18 traffic), 27-308 (stopping, standing or parking
19 regulated), 27-311 (parking regulations), 27-312 (parking
20 regulations), 27-313 (parking regulations), 27-314
21 (parking regulations), 27-315 (parking regulations),
22 27-316 (parking regulations), 27-317 (parking
23 regulations), 27-318 (parking regulations), 27-319
24 (parking regulations), 27-320 (parking regulations),
25 27-321 (parking regulations), 27-322 (parking
26 regulations), 27-324 (loading and unloading at an angle),

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

18 The reporting requirements of this subsection shall apply
19 to all violations stated in paragraphs (1) and (2) of this
20 subsection when the individual has been adjudicated under the
21 Juvenile Court Act or the Juvenile Court Act of 1987. Such
22 reporting requirements shall also apply to individuals
23 adjudicated under the Juvenile Court Act or the Juvenile Court
24 Act of 1987 who have committed a violation of Section 11-501 of
25 this Code, or similar provision of a local ordinance, or
26 Section 9-3 of the Criminal Code of 1961, as amended, relating

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

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

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

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

25 (5) Reports of conviction under this Code and
26 sentencing hearings under the Juvenile Court Act of 1987 in

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

20 (6) Whenever any person has been found guilty of,
21 received a disposition of court supervision for, or
22 received a disposition pursuant to the provisions of the
23 Juvenile Court Act of 1987 for a violation of the Illinois
24 Controlled Substances Act, the Cannabis Control Act, or the
25 Methamphetamine Control and Community Protection Act, the
26 clerk of the court shall, within 5 days thereafter, forward

1 a report of such conviction to the Secretary.

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

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

15 (d) For the purpose of providing the Secretary of State
16 with records necessary to properly monitor and assess driver
17 performance and assist the courts in the proper disposition of
18 repeat traffic law offenders, the clerk of the court shall
19 forward to the Secretary of State, on a form prescribed by the
20 Secretary, records of a driver's participation in a driver
21 remedial or rehabilitative program which was required, through
22 a court order or court supervision, in relation to the driver's
23 arrest for a violation of Section 11-501 of this Code or a
24 similar provision of a local ordinance. The clerk of the court
25 shall also forward to the Secretary, either on paper or in an
26 electronic format or a computer processible medium as required

1 under paragraph (5) of subsection (a) of this Section, any
2 disposition of court supervision for any traffic violation,
3 excluding those offenses listed in paragraph (2) of subsection
4 (a) of this Section. These reports shall be sent within 5 days
5 after disposition, or, if the driver is referred to a driver
6 remedial or rehabilitative program, within 5 days of the
7 driver's referral to that program. These reports received by
8 the Secretary of State, including those required to be
9 forwarded under paragraph (a)(4), shall be privileged
10 information, available only (i) to the affected driver, (ii) to
11 the parent or guardian of a person under the age of 18 years
12 holding an instruction permit or a graduated driver's license,
13 and (iii) for use by the courts, police officers, prosecuting
14 authorities, the Secretary of State, and the driver licensing
15 administrator of any other state. In accordance with 49 C.F.R.
16 Part 384, all reports of court supervision, except violations
17 related to parking, shall be forwarded to the Secretary of
18 State for all holders of a CDL or any driver who commits an
19 offense while driving a commercial motor vehicle. These reports
20 shall be recorded to the driver's record as a conviction for
21 use in the disqualification of the driver's commercial motor
22 vehicle privileges and shall not be privileged information.

23 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
24 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-337, eff. 6-1-08;
25 95-382, eff. 8-23-07; 95-876, eff. 8-21-08.)

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

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

4 (a) The Secretary of State is authorized to suspend or
5 revoke the driving privileges of any person without preliminary
6 hearing upon a showing of the person's records or other
7 sufficient evidence that the person:

8 1. Has committed an offense for which mandatory
9 revocation of a driver's license or permit is required upon
10 conviction;

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

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

24 4. Has by the unlawful operation of a motor vehicle
25 caused or contributed to an accident resulting in death or
26 injury requiring immediate professional treatment in a

1 medical facility or doctor's office to any person, except
2 that any suspension or revocation imposed by the Secretary
3 of State under the provisions of this subsection shall
4 start no later than 6 months after being convicted of
5 violating a law or ordinance regulating the movement of
6 traffic, which violation is related to the accident, or
7 shall start not more than one year after the date of the
8 accident, whichever date occurs later;

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

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

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

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

20 9. Has made a false statement or knowingly concealed a
21 material fact or has used false information or
22 identification in any application for a license,
23 identification card, or permit;

24 10. Has possessed, displayed, or attempted to
25 fraudulently use any license, identification card, or
26 permit not issued to the person;

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

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

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

17 14. Has committed a violation of Section 6-301,
18 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
19 of the Illinois Identification Card Act;

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

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

26 17. Has refused to submit to a test, or tests, as

1 required under Section 11-501.1 of this Code and the person
2 has not sought a hearing as provided for in Section
3 11-501.1;

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

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

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

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

16 22. Has used a motor vehicle in violating paragraph
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
18 the Criminal Code of 1961 relating to unlawful use of
19 weapons, in which case the suspension shall be for one
20 year;

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

25 24. Has been convicted by a court-martial or punished
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois of or
2 for a traffic related offense that is the same as or
3 similar to an offense specified under Section 6-205 or
4 6-206 of this Code;

5 25. Has permitted any form of identification to be used
6 by another in the application process in order to obtain or
7 attempt to obtain a license, identification card, or
8 permit;

9 26. Has altered or attempted to alter a license or has
10 possessed an altered license, identification card, or
11 permit;

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

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

1 Illinois Controlled Substances Act, any cannabis
2 prohibited under the Cannabis Control Act, or any
3 methamphetamine prohibited under the Methamphetamine
4 Control and Community Protection Act shall be suspended for
5 5 years. Any defendant found guilty of this offense while
6 operating a motor vehicle, shall have an entry made in the
7 court record by the presiding judge that this offense did
8 occur while the defendant was operating a motor vehicle and
9 order the clerk of the court to report the violation to the
10 Secretary of State;

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

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

26 31. Has refused to submit to a test as required by

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

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

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

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

22 35. Has committed a violation of Section 11-1301.6 of
23 this Code;

24 36. Is under the age of 21 years at the time of arrest
25 and has been convicted of not less than 2 offenses against
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or
2 suspension shall be entered more than 6 months after the
3 date of last conviction;

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

7 38. Has been convicted of a violation of Section 6-20
8 of the Liquor Control Act of 1934 or a similar provision of
9 a local ordinance;

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

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

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

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

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

25 44. Is under the age of 21 years at the time of arrest
26 and has been convicted of an offense against traffic

1 regulations governing the movement of vehicles after
2 having previously had his or her driving privileges
3 suspended or revoked pursuant to subparagraph 36 of this
4 Section; ~~or~~

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

12 46. Has been found guilty of, received a disposition of
13 court supervision for, or received a disposition pursuant
14 to the provisions of the Juvenile Court Act of 1987 for a
15 violation of the Illinois Controlled Substances Act, the
16 Cannabis Control Act, or the Methamphetamine Control and
17 Community Protection Act, in which case the person's
18 driving privileges shall be suspended for 6 months. This
19 paragraph shall not apply if the person has committed a
20 violation described in paragraph 28 of this subsection; or

21 47. Has been found guilty of, received a disposition of
22 court supervision for, or received a disposition pursuant
23 to the provisions of the Juvenile Court Act of 1987 for a
24 second or subsequent violation of the Illinois Controlled
25 Substances Act, the Cannabis Control Act, or the
26 Methamphetamine Control and Community Protection Act in a

1 period of 5 years, in which case the person's driving
2 privileges shall be suspended for one year. This paragraph
3 shall not apply if the person has committed a violation
4 described in paragraph 28 of this subsection.

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

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

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

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

1 remainder of the suspension period.

2 The provisions of this subparagraph shall not apply to
3 any driver required to possess a CDL for the purpose of
4 operating a commercial motor vehicle.

5 Any person who falsely states any fact in the affidavit
6 required herein shall be guilty of perjury under Section
7 6-302 and upon conviction thereof shall have all driving
8 privileges revoked without further rights.

9 3. At the conclusion of a hearing under Section 2-118
10 of this Code, the Secretary of State shall either rescind
11 or continue an order of revocation or shall substitute an
12 order of suspension; or, good cause appearing therefor,
13 rescind, continue, change, or extend the order of
14 suspension. If the Secretary of State does not rescind the
15 order, the Secretary may upon application, to relieve undue
16 hardship (as defined by the rules of the Secretary of
17 State), issue a restricted driving permit granting the
18 privilege of driving a motor vehicle between the
19 petitioner's residence and petitioner's place of
20 employment or within the scope of the petitioner's
21 employment related duties, or to allow the petitioner to
22 transport himself or herself, or a family member of the
23 petitioner's household to a medical facility, to receive
24 necessary medical care, to allow the petitioner to
25 transport himself or herself to and from alcohol or drug
26 remedial or rehabilitative activity recommended by a

1 licensed service provider, or to allow the petitioner to
2 transport himself or herself or a family member of the
3 petitioner's household to classes, as a student, at an
4 accredited educational institution, or to allow the
5 petitioner to transport children living in the
6 petitioner's household to and from daycare. The petitioner
7 must demonstrate that no alternative means of
8 transportation is reasonably available and that the
9 petitioner will not endanger the public safety or welfare.
10 Those multiple offenders identified in subdivision (b)4 of
11 Section 6-208 of this Code, however, shall not be eligible
12 for the issuance of a restricted driving permit.

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

25 (B) If a person's license or permit is revoked or
26 suspended 2 or more times within a 10 year period due

1 to any combination of:

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

9 (ii) a statutory summary suspension under
10 Section 11-501.1; or

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

16 (C) The person issued a permit conditioned upon the
17 use of an ignition interlock device must pay to the
18 Secretary of State DUI Administration Fund an amount
19 not to exceed \$30 per month. The Secretary shall
20 establish by rule the amount and the procedures, terms,
21 and conditions relating to these fees.

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

1 that person's employer when used solely for employment
2 purposes.

3 (E) In each case the Secretary may issue a
4 restricted driving permit for a period deemed
5 appropriate, except that all permits shall expire
6 within one year from the date of issuance. The
7 Secretary may not, however, issue a restricted driving
8 permit to any person whose current revocation is the
9 result of a second or subsequent conviction for a
10 violation of Section 11-501 of this Code or a similar
11 provision of a local ordinance or any similar
12 out-of-state offense, or Section 9-3 of the Criminal
13 Code of 1961, where the use of alcohol or other drugs
14 is recited as an element of the offense, or any similar
15 out-of-state offense, or any combination of those
16 offenses, until the expiration of at least one year
17 from the date of the revocation. A restricted driving
18 permit issued under this Section shall be subject to
19 cancellation, revocation, and suspension by the
20 Secretary of State in like manner and for like cause as
21 a driver's license issued under this Code may be
22 cancelled, revoked, or suspended; except that a
23 conviction upon one or more offenses against laws or
24 ordinances regulating the movement of traffic shall be
25 deemed sufficient cause for the revocation,
26 suspension, or cancellation of a restricted driving

1 permit. The Secretary of State may, as a condition to
2 the issuance of a restricted driving permit, require
3 the applicant to participate in a designated driver
4 remedial or rehabilitative program. The Secretary of
5 State is authorized to cancel a restricted driving
6 permit if the permit holder does not successfully
7 complete the program.

8 (c-3) In the case of a suspension under paragraph 43 of
9 subsection (a), reports received by the Secretary of State
10 under this Section shall, except during the actual time the
11 suspension is in effect, be privileged information and for use
12 only by the courts, police officers, prosecuting authorities,
13 the driver licensing administrator of any other state, the
14 Secretary of State, or the parent or legal guardian of a driver
15 under the age of 18. However, beginning January 1, 2008, if the
16 person is a CDL holder, the suspension shall also be made
17 available to the driver licensing administrator of any other
18 state, the U.S. Department of Transportation, and the affected
19 driver or motor carrier or prospective motor carrier upon
20 request.

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

26 (c-5) The Secretary of State may, as a condition of the

1 reissuance of a driver's license or permit to an applicant
2 whose driver's license or permit has been suspended before he
3 or she reached the age of 21 years pursuant to any of the
4 provisions of this Section, require the applicant to
5 participate in a driver remedial education course and be
6 retested under Section 6-109 of this Code.

7 (d) This Section is subject to the provisions of the
8 Drivers License Compact.

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

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

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

22 Section 99. Effective date. This Act takes effect July 1,
23 2011.