



Rep. Sidney H. Mathias

Filed: 2/25/2010

09600HB5720ham001

LRB096 20267 AJT 37744 a

1 AMENDMENT TO HOUSE BILL 5720

2 AMENDMENT NO. _____. Amend House Bill 5720 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

1 upon public officials:

2 (1) Whenever any person is convicted of any offense for
3 which this Code makes mandatory the cancellation or
4 revocation of the driver's license or permit of such person
5 by the Secretary of State, the judge of the court in which
6 such conviction is had shall require the surrender to the
7 clerk of the court of all driver's licenses or permits then
8 held by the person so convicted, and the clerk of the court
9 shall, within 5 days thereafter, forward the same, together
10 with a report of such conviction, to the Secretary.

11 (2) Whenever any person is convicted of any offense
12 under this Code or similar offenses under a municipal
13 ordinance, other than regulations governing standing,
14 parking or weights of vehicles, and excepting the following
15 enumerated Sections of this Code: Sections 11-1406
16 (obstruction to driver's view or control), 11-1407
17 (improper opening of door into traffic), 11-1410 (coasting
18 on downgrade), 11-1411 (following fire apparatus),
19 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
20 vehicle which is in unsafe condition or improperly
21 equipped), 12-201(a) (daytime lights on motorcycles),
22 12-202 (clearance, identification and side marker lamps),
23 12-204 (lamp or flag on projecting load), 12-205 (failure
24 to display the safety lights required), 12-401
25 (restrictions as to tire equipment), 12-502 (mirrors),
26 12-503 (windshields must be unobstructed and equipped with

1 wipers), 12-601 (horns and warning devices), 12-602
2 (mufflers, prevention of noise or smoke), 12-603 (seat
3 safety belts), 12-702 (certain vehicles to carry flares or
4 other warning devices), 12-703 (vehicles for oiling roads
5 operated on highways), 12-710 (splash guards and
6 replacements), 13-101 (safety tests), 15-101 (size, weight
7 and load), 15-102 (width), 15-103 (height), 15-104 (name
8 and address on second division vehicles), 15-107 (length of
9 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
10 15-112 (weights), 15-301 (weights), 15-316 (weights),
11 15-318 (weights), and also excepting the following
12 enumerated Sections of the Chicago Municipal Code:
13 Sections 27-245 (following fire apparatus), 27-254
14 (obstruction of traffic), 27-258 (driving vehicle which is
15 in unsafe condition), 27-259 (coasting on downgrade),
16 27-264 (use of horns and signal devices), 27-265
17 (obstruction to driver's view or driver mechanism), 27-267
18 (dimming of headlights), 27-268 (unattended motor
19 vehicle), 27-272 (illegal funeral procession), 27-273
20 (funeral procession on boulevard), 27-275 (driving freight
21 hauling vehicles on boulevard), 27-276 (stopping and
22 standing of buses or taxicabs), 27-277 (cruising of public
23 passenger vehicles), 27-305 (parallel parking), 27-306
24 (diagonal parking), 27-307 (parking not to obstruct
25 traffic), 27-308 (stopping, standing or parking
26 regulated), 27-311 (parking regulations), 27-312 (parking

1 regulations), 27-313 (parking regulations), 27-314
2 (parking regulations), 27-315 (parking regulations),
3 27-316 (parking regulations), 27-317 (parking
4 regulations), 27-318 (parking regulations), 27-319
5 (parking regulations), 27-320 (parking regulations),
6 27-321 (parking regulations), 27-322 (parking
7 regulations), 27-324 (loading and unloading at an angle),
8 27-333 (wheel and axle loads), 27-334 (load restrictions in
9 the downtown district), 27-335 (load restrictions in
10 residential areas), 27-338 (width of vehicles), 27-339
11 (height of vehicles), 27-340 (length of vehicles), 27-352
12 (reflectors on trailers), 27-353 (mufflers), 27-354
13 (display of plates), 27-355 (display of city vehicle tax
14 sticker), 27-357 (identification of vehicles), 27-358
15 (projecting of loads), and also excepting the following
16 enumerated paragraphs of Section 2-201 of the Rules and
17 Regulations of the Illinois State Toll Highway Authority:
18 (l) (driving unsafe vehicle on tollway), (m) (vehicles
19 transporting dangerous cargo not properly indicated), it
20 shall be the duty of the clerk of the court in which such
21 conviction is had within 5 days thereafter to forward to
22 the Secretary of State a report of the conviction and the
23 court may recommend the suspension of the driver's license
24 or permit of the person so convicted.

25 The reporting requirements of this subsection shall apply
26 to all violations stated in paragraphs (1) and (2) of this

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

1 the Secretary of State under this provision shall be processed
2 by the Secretary of State as if the cases had been adjudicated
3 in traffic or criminal court. However, information reported
4 relative to the offense of reckless homicide, or Section 11-501
5 of this Code, or a similar provision of a local ordinance,
6 shall be privileged and available only to the Secretary of
7 State, courts, and police officers.

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

15 (3) Whenever an order is entered vacating the
16 forfeiture of any bail, security or bond given to secure
17 appearance for any offense under this Code or similar
18 offenses under municipal ordinance, it shall be the duty of
19 the clerk of the court in which such vacation was had or
20 the judge of such court if such court has no clerk, within
21 5 days thereafter to forward to the Secretary of State a
22 report of the vacation.

23 (4) A report of any disposition of court supervision
24 for a violation of Sections 6-303, 11-401, 11-501 or a
25 similar provision of a local ordinance, 11-503, 11-504, and
26 11-506 shall be forwarded to the Secretary of State. A

1 report of any disposition of court supervision for a
2 violation of an offense defined as a serious traffic
3 violation in this Code or a similar provision of a local
4 ordinance committed by a person under the age of 21 years
5 shall be forwarded to the Secretary of State.

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

1 (6) Whenever any person has been found guilty of,
2 received a disposition of court supervision for, or
3 received a disposition pursuant to the provisions of the
4 Juvenile Court Act of 1987 for a violation of the Illinois
5 Controlled Substances Act, the Cannabis Control Act, or the
6 Methamphetamine Control and Community Protection Act, the
7 clerk of the court shall, within 5 days thereafter, forward
8 a report of such conviction to the Secretary.

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

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

22 (d) For the purpose of providing the Secretary of State
23 with records necessary to properly monitor and assess driver
24 performance and assist the courts in the proper disposition of
25 repeat traffic law offenders, the clerk of the court shall
26 forward to the Secretary of State, on a form prescribed by the

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

1 shall be recorded to the driver's record as a conviction for
2 use in the disqualification of the driver's commercial motor
3 vehicle privileges and shall not be privileged information.

4 (Source: P.A. 94-307, eff. 9-30-05; 94-930, eff. 6-26-06;
5 95-201, eff. 1-1-08; 95-310, eff. 1-1-08; 95-337, eff. 6-1-08;
6 95-382, eff. 8-23-07; 95-876, eff. 8-21-08.)

7 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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;

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

22 3. Has been repeatedly involved as a driver in motor
23 vehicle collisions or has been repeatedly convicted of
24 offenses against laws and ordinances regulating the
25 movement of traffic, to a degree that indicates lack of

1 ability to exercise ordinary and reasonable care in the
2 safe operation of a motor vehicle or disrespect for the
3 traffic laws and the safety of other persons upon the
4 highway;

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

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

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

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

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

1 9. Has made a false statement or knowingly concealed a
2 material fact or has used false information or
3 identification in any application for a license,
4 identification card, or permit;

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

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

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

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

24 14. Has committed a violation of Section 6-301,
25 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
26 of the Illinois Identification Card Act;

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

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

7 17. Has refused to submit to a test, or tests, as
8 required under Section 11-501.1 of this Code and the person
9 has not sought a hearing as provided for in Section
10 11-501.1;

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

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

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

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

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

1 year;

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

6 24. Has been convicted by a court-martial or punished
7 by non-judicial punishment by military authorities of the
8 United States at a military installation in Illinois of or
9 for a traffic related offense that is the same as or
10 similar to an offense specified under Section 6-205 or
11 6-206 of this Code;

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

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

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

21 28. Has been convicted of the illegal possession, while
22 operating or in actual physical control, as a driver, of a
23 motor vehicle, of any controlled substance prohibited
24 under the Illinois Controlled Substances Act, any cannabis
25 prohibited under the Cannabis Control Act, or any
26 methamphetamine prohibited under the Methamphetamine

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

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

1 driver's driving privileges shall be suspended for one
2 year;

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

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

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

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

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

3 35. Has committed a violation of Section 11-1301.6 of
4 this Code;

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

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

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

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

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

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

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

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

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

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

19 46. Has been found guilty of, received a disposition of
20 court supervision for, or received a disposition pursuant
21 to the provisions of the Juvenile Court Act of 1987 for a
22 violation of the Illinois Controlled Substances Act, the
23 Cannabis Control Act, or the Methamphetamine Control and
24 Community Protection Act, in which case the person's
25 driving privileges shall be suspended for 6 months. This
26 paragraph shall not apply if the person has committed a

1 violation described in paragraph 28 of this subsection; or
2 47. Has been found guilty of, received a disposition of
3 court supervision for, or received a disposition pursuant
4 to the provisions of the Juvenile Court Act of 1987 for a
5 second or subsequent violation of the Illinois Controlled
6 Substances Act, the Cannabis Control Act, or the
7 Methamphetamine Control and Community Protection Act in a
8 period of 5 years, in which case the person's driving
9 privileges shall be suspended for one year. This paragraph
10 shall not apply if the person has committed a violation
11 described in paragraph 28 of this subsection.

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

19 (b) If any conviction forming the basis of a suspension or
20 revocation authorized under this Section is appealed, the
21 Secretary of State may rescind or withhold the entry of the
22 order of suspension or revocation, as the case may be, provided
23 that a certified copy of a stay order of a court is filed with
24 the Secretary of State. If the conviction is affirmed on
25 appeal, the date of the conviction shall relate back to the
26 time the original judgment of conviction was entered and the 6

1 month limitation prescribed shall not apply.

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

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

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

9 The provisions of this subparagraph shall not apply to
10 any driver required to possess a CDL for the purpose of
11 operating a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit
13 required herein shall be guilty of perjury under Section
14 6-302 and upon conviction thereof shall have all driving
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118
17 of this Code, the Secretary of State shall either rescind
18 or continue an order of revocation or shall substitute an
19 order of suspension; or, good cause appearing therefor,
20 rescind, continue, change, or extend the order of
21 suspension. If the Secretary of State does not rescind the
22 order, the Secretary may upon application, to relieve undue
23 hardship (as defined by the rules of the Secretary of
24 State), issue a restricted driving permit granting the
25 privilege of driving a motor vehicle between the
26 petitioner's residence and petitioner's place of

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

20 (A) If a person's license or permit is revoked or
21 suspended due to 2 or more convictions of violating
22 Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, or
24 Section 9-3 of the Criminal Code of 1961, where the use
25 of alcohol or other drugs is recited as an element of
26 the offense, or a similar out-of-state offense, or a

1 combination of these offenses, arising out of separate
2 occurrences, that person, if issued a restricted
3 driving permit, may not operate a vehicle unless it has
4 been equipped with an ignition interlock device as
5 defined in Section 1-129.1.

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

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

16 (ii) a statutory summary suspension under
17 Section 11-501.1; or

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

23 (C) The person issued a permit conditioned upon the
24 use of an ignition interlock device must pay to the
25 Secretary of State DUI Administration Fund an amount
26 not to exceed \$30 per month. The Secretary shall

1 establish by rule the amount and the procedures, terms,
2 and conditions relating to these fees.

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

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

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

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

1 request.

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

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

14 (d) This Section is subject to the provisions of the
15 Drivers License Compact.

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

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

25 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
26 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,

1 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
2 eff. 8-11-09; 96-607, eff. 8-24-09.)

3 Section 99. Effective date. This Act takes effect July 1,
4 2011.".