



Sen. Martin A. Sandoval

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LRB097 19359 HEP 68747 a

1 AMENDMENT TO HOUSE BILL 5493

2 AMENDMENT NO. _____. Amend House Bill 5493 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-100.2, 3-821, 5-501, 5-801, 6-205 and 6-206
6 and by adding Section 5-803 as follows:

7 (625 ILCS 5/3-100.2)

8 Sec. 3-100.2. Electronic access; agreements with
9 submitters.

10 (a) The Secretary of State may ~~allow, but not~~ require, a
11 licensee under Chapter 3 or 5 of this Code ~~person~~ to submit any
12 record required to be submitted to the Secretary of State by
13 using electronic media deemed feasible by the Secretary of
14 State, in addition to ~~instead of~~ requiring the actual submittal
15 of the original paper record. The Secretary of State may also
16 allow ~~, but not require,~~ a person or licensee to receive any

1 record to be provided by the Secretary of State by using
2 electronic media deemed feasible by the Secretary of State,
3 instead of providing the original paper record.

4 (b) Electronic submittal, receipt, and delivery of records
5 and electronic signatures may be authorized or accepted by the
6 Secretary of State, when supported by a signed agreement
7 between the Secretary of State and the submitter. The agreement
8 shall require, at a minimum, each record to include all
9 information necessary to complete a transaction, certification
10 by the submitter upon its best knowledge as to the truthfulness
11 of the data to be submitted to the Secretary of State, and
12 retention by the submitter of supporting records.

13 (c) The Secretary of State may establish minimum
14 transaction volume levels, audit and security standards,
15 technological requirements, and other terms and conditions he
16 or she deems necessary for approval of the electronic delivery
17 process.

18 (d) When an agreement is made to accept electronic records,
19 the Secretary of State shall not be required to produce a
20 written record for the submitter with whom the Secretary of
21 State has the agreement until requested to do so by the
22 submitter.

23 (e) Upon the request of a lienholder submitter, the
24 Secretary of State shall provide electronic notification to the
25 lienholder submitter to verify the notation and perfection of
26 the lienholder's security interest in a vehicle for which the

1 certificate of title is an electronic record. Upon receipt of
 2 an electronic message from a lienholder submitter with a
 3 security interest in a vehicle for which the certificate of
 4 title is an electronic record that the lien should be released,
 5 the Secretary of State shall enter the appropriate electronic
 6 record of the release of lien and print and mail a paper
 7 certificate of title to the owner or lienholder at no expense.
 8 The Secretary of State may also mail the certificate to any
 9 other person that delivers to the Secretary of State an
 10 authorization from the owner to receive the certificate. If
 11 another lienholder holds a properly perfected security
 12 interest in the vehicle as reflected in the records of the
 13 Secretary of State, the certificate shall be delivered to that
 14 lienholder instead of the owner.

15 (Source: P.A. 91-772, eff. 1-1-01.)

16 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

17 Sec. 3-821. Miscellaneous Registration and Title Fees.

18 (a) The fee to be paid to the Secretary of State for the
 19 following certificates, registrations or evidences of proper
 20 registration, or for corrected or duplicate documents shall be
 21 in accordance with the following schedule:

22 Certificate of Title, except for an all-terrain	
23 vehicle or off-highway motorcycle	\$95
24 Certificate of Title for an all-terrain vehicle	
25 or off-highway motorcycle	\$30

1	Certificate of Title for an all-terrain vehicle	
2	or off-highway motorcycle used for production	
3	agriculture, or accepted by a dealer in trade	13
4	Certificate of Title for a low-speed vehicle	30
5	Transfer of Registration or any evidence of	
6	proper registration	\$25
7	Duplicate Registration Card for plates or other	
8	evidence of proper registration	3
9	Duplicate Registration Sticker or Stickers, each	20
10	Duplicate Certificate of Title	95
11	Corrected Registration Card or Card for other	
12	evidence of proper registration	3
13	Corrected Certificate of Title	95
14	Salvage Certificate	4
15	Fleet Reciprocity Permit	15
16	Prorate Decal	1
17	Prorate Backing Plate	3
18	Special Corrected Certificate of Title	15
19	Expedited Title Service (to be charged in addition	
20	to other applicable fees)	30
21	<u>Dealer Lien Release Certificate of Title</u>	<u>20</u>

22 A special corrected certificate of title shall be issued
 23 (i) to remove a co-owner's name due to the death of the
 24 co-owner or due to a divorce or (ii) to change a co-owner's
 25 name due to a marriage.

26 There shall be no fee paid for a Junking Certificate.

1 There shall be no fee paid for a certificate of title
2 issued to a county when the vehicle is forfeited to the county
3 under Article 36 of the Criminal Code of 1961.

4 (a-5) The Secretary of State may revoke a certificate of
5 title and registration card and issue a corrected certificate
6 of title and registration card, at no fee to the vehicle owner
7 or lienholder, if there is proof that the vehicle
8 identification number is erroneously shown on the original
9 certificate of title.

10 (a-10) The Secretary of State may issue, in connection with
11 the sale of a motor vehicle, a corrected title to a motor
12 vehicle dealer upon application and submittal of a lien release
13 letter from the lienholder listed in the files of the
14 Secretary. In the case of a title issued by another state, the
15 dealer must submit proof from the state that issued the last
16 title. The corrected title, which shall be known as a dealer
17 lien release certificate of title, shall be issued in the name
18 of the vehicle owner without the named lienholder. If the motor
19 vehicle is currently titled in a state other than Illinois, the
20 applicant must submit either (i) a letter from the current
21 lienholder releasing the lien and stating that the lienholder
22 has possession of the title; or (ii) a letter from the current
23 lienholder releasing the lien and a copy of the records of the
24 department of motor vehicles for the state in which the vehicle
25 is titled, showing that the vehicle is titled in the name of
26 the applicant and that no liens are recorded other than the

1 lien for which a release has been submitted. The fee for the
2 dealer lien release certificate of title is \$20.

3 (b) The Secretary may prescribe the maximum service charge
4 to be imposed upon an applicant for renewal of a registration
5 by any person authorized by law to receive and remit or
6 transmit to the Secretary such renewal application and fees
7 therewith.

8 (c) If a check is delivered to the Office of the Secretary
9 of State as payment of any fee or tax under this Code, and such
10 check is not honored by the bank on which it is drawn for any
11 reason, the registrant or other person tendering the check
12 remains liable for the payment of such fee or tax. The
13 Secretary of State may assess a service charge of \$19 in
14 addition to the fee or tax due and owing for all dishonored
15 checks.

16 If the total amount then due and owing exceeds the sum of
17 \$50 and has not been paid in full within 60 days from the date
18 such fee or tax became due to the Secretary of State, the
19 Secretary of State shall assess a penalty of 25% of such amount
20 remaining unpaid.

21 All amounts payable under this Section shall be computed to
22 the nearest dollar.

23 (d) The minimum fee and tax to be paid by any applicant for
24 apportionment of a fleet of vehicles under this Code shall be
25 \$15 if the application was filed on or before the date
26 specified by the Secretary together with fees and taxes due. If

1 an application and the fees or taxes due are filed after the
2 date specified by the Secretary, the Secretary may prescribe
3 the payment of interest at the rate of 1/2 of 1% per month or
4 fraction thereof after such due date and a minimum of \$8.

5 (e) Trucks, truck tractors, truck tractors with loads, and
6 motor buses, any one of which having a combined total weight in
7 excess of 12,000 lbs. shall file an application for a Fleet
8 Reciprocity Permit issued by the Secretary of State. This
9 permit shall be in the possession of any driver operating a
10 vehicle on Illinois highways. Any foreign licensed vehicle of
11 the second division operating at any time in Illinois without a
12 Fleet Reciprocity Permit or other proper Illinois
13 registration, shall subject the operator to the penalties
14 provided in Section 3-834 of this Code. For the purposes of
15 this Code, "Fleet Reciprocity Permit" means any second division
16 motor vehicle with a foreign license and used only in
17 interstate transportation of goods. The fee for such permit
18 shall be \$15 per fleet which shall include all vehicles of the
19 fleet being registered.

20 (f) For purposes of this Section, "all-terrain vehicle or
21 off-highway motorcycle used for production agriculture" means
22 any all-terrain vehicle or off-highway motorcycle used in the
23 raising of or the propagation of livestock, crops for sale for
24 human consumption, crops for livestock consumption, and
25 production seed stock grown for the propagation of feed grains
26 and the husbandry of animals or for the purpose of providing a

1 food product, including the husbandry of blood stock as a main
2 source of providing a food product. "All-terrain vehicle or
3 off-highway motorcycle used in production agriculture" also
4 means any all-terrain vehicle or off-highway motorcycle used in
5 animal husbandry, floriculture, aquaculture, horticulture, and
6 viticulture.

7 (g) All of the proceeds of the additional fees imposed by
8 Public Act 96-34 shall be deposited into the Capital Projects
9 Fund.

10 (Source: P.A. 95-287, eff. 1-1-08; 96-34, eff. 7-13-09; 96-554,
11 eff. 1-1-10; 96-653, eff. 1-1-10; 96-1000, eff. 7-2-10;
12 96-1274, eff. 7-26-10.)

13 (625 ILCS 5/5-501) (from Ch. 95 1/2, par. 5-501)

14 Sec. 5-501. Denial, suspension or revocation or
15 cancellation of a license.

16 (a) The license of a person issued under this Chapter may
17 be denied, revoked or suspended if the Secretary of State finds
18 that the applicant, or the officer, director, shareholder
19 having a ten percent or greater ownership interest in the
20 corporation, owner, partner, trustee, manager, employee or the
21 licensee has:

22 1. Violated this Act;

23 2. Made any material misrepresentation to the
24 Secretary of State in connection with an application for a
25 license, junking certificate, salvage certificate, title

1 or registration;

2 3. Committed a fraudulent act in connection with
3 selling, bartering, exchanging, offering for sale or
4 otherwise dealing in vehicles, chassis, essential parts,
5 or vehicle shells;

6 4. As a new vehicle dealer has no contract with a
7 manufacturer or enfranchised distributor to sell that new
8 vehicle in this State;

9 5. Not maintained an established place of business as
10 defined in this Code;

11 6. Failed to file or produce for the Secretary of State
12 any application, report, document or other pertinent
13 books, records, documents, letters, contracts, required to
14 be filed or produced under this Code or any rule or
15 regulation made by the Secretary of State pursuant to this
16 Code;

17 7. Previously had, within 3 years, such a license
18 denied, suspended, revoked, or cancelled under the
19 provisions of subsection (c) (2) of this Section;

20 8. Has committed in any calendar year 3 or more
21 violations, as determined in any civil or criminal
22 proceeding, of any one or more of the following Acts:

23 a. the "Consumer Finance Act";

24 b. the "Consumer Installment Loan Act";

25 c. the "Retail Installment Sales Act";

26 d. the "Motor Vehicle Retail Installment Sales

1 Act";

2 e. "An Act in relation to the rate of interest and
3 other charges in connection with sales on credit and
4 the lending of money", approved May 24, 1879, as
5 amended;

6 f. "An Act to promote the welfare of wage-earners
7 by regulating the assignment of wages, and prescribing
8 a penalty for the violation thereof", approved July 1,
9 1935, as amended;

10 g. Part 8 of Article XII of the Code of Civil
11 Procedure; or

12 h. the "Consumer Fraud Act";

13 9. Failed to pay any fees or taxes due under this Act,
14 or has failed to transmit any fees or taxes received by him
15 for transmittal by him to the Secretary of State or the
16 State of Illinois;

17 10. Converted an abandoned vehicle;

18 11. Used a vehicle identification plate or number
19 assigned to a vehicle other than the one to which
20 originally assigned;

21 12. Violated the provisions of Chapter 5 of this Act,
22 as amended;

23 13. Violated the provisions of Chapter 4 of this Act,
24 as amended;

25 14. Violated the provisions of Chapter 3 of this Act,
26 as amended;

1 15. Violated Section 21-2 of the Criminal Code of 1961,
2 Criminal Trespass to Vehicles;

3 16. Made or concealed a material fact in connection
4 with his application for a license;

5 17. Acted in the capacity of a person licensed or acted
6 as a licensee under this Chapter without having a license
7 therefor;

8 18. Failed to pay, within 90 days after a final
9 judgment, any fines assessed against the licensee pursuant
10 to an action brought under Section 5-404;

11 19. Failed to pay the Dealer Recovery Trust Fund fee
12 under Section 5-102.7 of this Code; -

13 20. Failed to pay, within 90 days after notice has been
14 given, any fine or fee owed as a result of an
15 administrative citation issued by the Secretary under this
16 Code.

17 (b) In addition to other grounds specified in this Chapter,
18 the Secretary of State, on complaint of the Department of
19 Revenue, shall refuse the issuance or renewal of a license, or
20 suspend or revoke such license, for any of the following
21 violations of the "Retailers' Occupation Tax Act":

22 1. Failure to make a tax return;

23 2. The filing of a fraudulent return;

24 3. Failure to pay all or part of any tax or penalty
25 finally determined to be due;

26 4. Failure to comply with the bonding requirements of

1 the "Retailers' Occupation Tax Act".

2 (b-1) In addition to other grounds specified in this
3 Chapter, the Secretary of State, on complaint of the Motor
4 Vehicle Review Board, shall refuse the issuance or renewal of a
5 license, or suspend or revoke that license, if costs or fees
6 assessed under Section 29 or Section 30 of the Motor Vehicle
7 Franchise Act have remained unpaid for a period in excess of 90
8 days after the licensee received from the Motor Vehicle Board a
9 second notice and demand for the costs or fees. The Motor
10 Vehicle Review Board must send the licensee written notice and
11 demand for payment of the fees or costs at least 2 times, and
12 the second notice and demand must be sent by certified mail.

13 (c) Cancellation of a license.

14 1. The license of a person issued under this Chapter
15 may be cancelled by the Secretary of State prior to its
16 expiration in any of the following situations:

17 A. When a license is voluntarily surrendered, by
18 the licensed person; or

19 B. If the business enterprise is a sole
20 proprietorship, which is not a franchised dealership,
21 when the sole proprietor dies or is imprisoned for any
22 period of time exceeding 30 days; or

23 C. If the license was issued to the wrong person or
24 corporation, or contains an error on its face. If any
25 person above whose license has been cancelled wishes to
26 apply for another license, whether during the same

1 license year or any other year, that person shall be
2 treated as any other new applicant and the cancellation
3 of the person's prior license shall not, in and of
4 itself, be a bar to the issuance of a new license.

5 2. The license of a person issued under this Chapter
6 may be cancelled without a hearing when the Secretary of
7 State is notified that the applicant, or any officer,
8 director, shareholder having a 10 per cent or greater
9 ownership interest in the corporation, owner, partner,
10 trustee, manager, employee or member of the applicant or
11 the licensee has been convicted of any felony involving the
12 selling, bartering, exchanging, offering for sale, or
13 otherwise dealing in vehicles, chassis, essential parts,
14 vehicle shells, or ownership documents relating to any of
15 the above items.

16 (Source: P.A. 97-480, eff. 10-1-11.)

17 (625 ILCS 5/5-801) (from Ch. 95 1/2, par. 5-801)

18 Sec. 5-801. Criminal penalties ~~Penalties~~. Any person who
19 violates any of the provisions of this Chapter, except a person
20 who violates a provision for which a different criminal penalty
21 is indicated, shall be guilty of a Class A misdemeanor. Any
22 person who violates any provisions of Section 5-701 shall be
23 guilty of a Class 3 felony.

24 (Source: P.A. 95-51, eff. 1-1-08.)

1 (625 ILCS 5/5-803 new)

2 Sec. 5-803. Administrative penalties. Instead of filing a
3 criminal complaint against a new or used vehicle dealer, or
4 against any other entity licensed by the Secretary under this
5 Code, a Secretary of State Police investigator may issue
6 administrative citations for violations of any of the
7 provisions of this Chapter or any administrative rule adopted
8 by the Secretary under this Chapter. A party receiving a
9 citation shall have the right to contest the citation in
10 proceedings before the Secretary of State Department of
11 Administrative Hearings. Penalties imposed by issuance of an
12 administrative citation shall not exceed \$50 per violation. A
13 penalty may not be imposed unless, during the course of a
14 single investigation or upon review of the party's records, the
15 party is found to have committed at least 3 separate violations
16 of one or more of the provisions of this Code or any
17 administrative rule adopted by the Secretary under this Code.
18 Penalties paid as a result of the issuance of administrative
19 citations shall be deposited in the Secretary of State Police
20 Services Fund.

21 (625 ILCS 5/6-205)

22 Sec. 6-205. Mandatory revocation of license or permit;
23 Hardship cases.

24 (a) Except as provided in this Section, the Secretary of
25 State shall immediately revoke the license, permit, or driving

1 privileges of any driver upon receiving a report of the
2 driver's conviction of any of the following offenses:

3 1. Reckless homicide resulting from the operation of a
4 motor vehicle;

5 2. Violation of Section 11-501 of this Code or a
6 similar provision of a local ordinance relating to the
7 offense of operating or being in physical control of a
8 vehicle while under the influence of alcohol, other drug or
9 drugs, intoxicating compound or compounds, or any
10 combination thereof;

11 3. Any felony under the laws of any State or the
12 federal government in the commission of which a motor
13 vehicle was used;

14 4. Violation of Section 11-401 of this Code relating to
15 the offense of leaving the scene of a traffic accident
16 involving death or personal injury;

17 5. Perjury or the making of a false affidavit or
18 statement under oath to the Secretary of State under this
19 Code or under any other law relating to the ownership or
20 operation of motor vehicles;

21 6. Conviction upon 3 charges of violation of Section
22 11-503 of this Code relating to the offense of reckless
23 driving committed within a period of 12 months;

24 7. Conviction of any offense defined in Section 4-102
25 of this Code;

26 8. Violation of Section 11-504 of this Code relating to

1 the offense of drag racing;

2 9. Violation of Chapters 8 and 9 of this Code;

3 10. Violation of Section 12-5 of the Criminal Code of
4 1961 arising from the use of a motor vehicle;

5 11. Violation of Section 11-204.1 of this Code relating
6 to aggravated fleeing or attempting to elude a peace
7 officer;

8 12. Violation of paragraph (1) of subsection (b) of
9 Section 6-507, or a similar law of any other state,
10 relating to the unlawful operation of a commercial motor
11 vehicle;

12 13. Violation of paragraph (a) of Section 11-502 of
13 this Code or a similar provision of a local ordinance if
14 the driver has been previously convicted of a violation of
15 that Section or a similar provision of a local ordinance
16 and the driver was less than 21 years of age at the time of
17 the offense;

18 14. Violation of paragraph (a) of Section 11-506 of
19 this Code or a similar provision of a local ordinance
20 relating to the offense of street racing;

21 15. A second or subsequent conviction of driving while
22 the person's driver's license, permit or privileges was
23 revoked for reckless homicide or a similar out-of-state
24 offense;

25 16. Any offense against any provision in this Code, or
26 any local ordinance, regulating the movement of traffic

1 when that offense was the proximate cause of the death of
2 any person. Any person whose driving privileges have been
3 revoked pursuant to this paragraph may seek to have the
4 revocation terminated or to have the length of revocation
5 reduced by requesting an administrative hearing with the
6 Secretary of State prior to the projected driver's license
7 application eligibility date; ▯

8 17. A second or subsequent conviction of illegal
9 possession, while operating or in actual physical control,
10 as a driver, of a motor vehicle, of any controlled
11 substance prohibited under the Illinois Controlled
12 Substances Act, any cannabis prohibited under the Cannabis
13 Control Act, or any methamphetamine prohibited under the
14 Methamphetamine Control and Community Protection Act. A
15 defendant found guilty of this offense while operating a
16 motor vehicle shall have an entry made in the court record
17 by the presiding judge that this offense did occur while
18 the defendant was operating a motor vehicle and order the
19 clerk of the court to report the violation to the Secretary
20 of State.

21 (b) The Secretary of State shall also immediately revoke
22 the license or permit of any driver in the following
23 situations:

24 1. Of any minor upon receiving the notice provided for
25 in Section 5-901 of the Juvenile Court Act of 1987 that the
26 minor has been adjudicated under that Act as having

1 committed an offense relating to motor vehicles prescribed
2 in Section 4-103 of this Code;

3 2. Of any person when any other law of this State
4 requires either the revocation or suspension of a license
5 or permit;

6 3. Of any person adjudicated under the Juvenile Court
7 Act of 1987 based on an offense determined to have been
8 committed in furtherance of the criminal activities of an
9 organized gang as provided in Section 5-710 of that Act,
10 and that involved the operation or use of a motor vehicle
11 or the use of a driver's license or permit. The revocation
12 shall remain in effect for the period determined by the
13 court. Upon the direction of the court, the Secretary shall
14 issue the person a judicial driving permit, also known as a
15 JDP. The JDP shall be subject to the same terms as a JDP
16 issued under Section 6-206.1, except that the court may
17 direct that a JDP issued under this subdivision (b) (3) be
18 effective immediately.

19 (c) (1) Whenever a person is convicted of any of the
20 offenses enumerated in this Section, the court may recommend
21 and the Secretary of State in his discretion, without regard to
22 whether the recommendation is made by the court may, upon
23 application, issue to the person a restricted driving permit
24 granting the privilege of driving a motor vehicle between the
25 petitioner's residence and petitioner's place of employment or
26 within the scope of the petitioner's employment related duties,

1 or to allow the petitioner to transport himself or herself or a
2 family member of the petitioner's household to a medical
3 facility for the receipt of necessary medical care or to allow
4 the petitioner to transport himself or herself to and from
5 alcohol or drug remedial or rehabilitative activity
6 recommended by a licensed service provider, or to allow the
7 petitioner to transport himself or herself or a family member
8 of the petitioner's household to classes, as a student, at an
9 accredited educational institution, or to allow the petitioner
10 to transport children, elderly persons, or disabled persons who
11 do not hold driving privileges and are living in the
12 petitioner's household to and from daycare; if the petitioner
13 is able to demonstrate that no alternative means of
14 transportation is reasonably available and that the petitioner
15 will not endanger the public safety or welfare; provided that
16 the Secretary's discretion shall be limited to cases where
17 undue hardship, as defined by the rules of the Secretary of
18 State, would result from a failure to issue the restricted
19 driving permit. Those multiple offenders identified in
20 subdivision (b)4 of Section 6-208 of this Code, however, shall
21 not be eligible for the issuance of a restricted driving
22 permit.

23 (2) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense, or Section 9-3

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

8 (3) If:

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

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

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

21 (iii) a suspension pursuant to Section
22 6-203.1;

23 arising out of separate occurrences; or

24 (B) a person has been convicted of one violation of
25 Section 6-303 of this Code committed while his or her
26 driver's license, permit, or privilege was revoked

1 because of a violation of Section 9-3 of the Criminal
2 Code of 1961, relating to the offense of reckless
3 homicide where the use of alcohol or other drugs was
4 recited as an element of the offense, or a similar
5 provision of a law of another state;

6 that person, if issued a restricted driving permit, may not
7 operate a vehicle unless it has been equipped with an
8 ignition interlock device as defined in Section 1-129.1.

9 (4) The person issued a permit conditioned on the use
10 of an ignition interlock device must pay to the Secretary
11 of State DUI Administration Fund an amount not to exceed
12 \$30 per month. The Secretary shall establish by rule the
13 amount and the procedures, terms, and conditions relating
14 to these fees.

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

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

1 subsequent conviction for a violation of Section 11-501 of
2 this Code or a similar provision of a local ordinance or
3 any similar out-of-state offense, or Section 9-3 of the
4 Criminal Code of 1961, where the use of alcohol or other
5 drugs is recited as an element of the offense, or any
6 similar out-of-state offense, or any combination of these
7 offenses, until the expiration of at least one year from
8 the date of the revocation. A restricted driving permit
9 issued under this Section shall be subject to cancellation,
10 revocation, and suspension by the Secretary of State in
11 like manner and for like cause as a driver's license issued
12 under this Code may be cancelled, revoked, or suspended;
13 except that a conviction upon one or more offenses against
14 laws or ordinances regulating the movement of traffic shall
15 be deemed sufficient cause for the revocation, suspension,
16 or cancellation of a restricted driving permit. The
17 Secretary of State may, as a condition to the issuance of a
18 restricted driving permit, require the petitioner to
19 participate in a designated driver remedial or
20 rehabilitative program. The Secretary of State is
21 authorized to cancel a restricted driving permit if the
22 permit holder does not successfully complete the program.
23 However, if an individual's driving privileges have been
24 revoked in accordance with paragraph 13 of subsection (a)
25 of this Section, no restricted driving permit shall be
26 issued until the individual has served 6 months of the

1 revocation period.

2 (c-5) (Blank).

3 (c-6) If a person is convicted of a second violation of
4 operating a motor vehicle while the person's driver's license,
5 permit or privilege was revoked, where the revocation was for a
6 violation of Section 9-3 of the Criminal Code of 1961 relating
7 to the offense of reckless homicide or a similar out-of-state
8 offense, the person's driving privileges shall be revoked
9 pursuant to subdivision (a) (15) of this Section. The person may
10 not make application for a license or permit until the
11 expiration of five years from the effective date of the
12 revocation or the expiration of five years from the date of
13 release from a term of imprisonment, whichever is later.

14 (c-7) If a person is convicted of a third or subsequent
15 violation of operating a motor vehicle while the person's
16 driver's license, permit or privilege was revoked, where the
17 revocation was for a violation of Section 9-3 of the Criminal
18 Code of 1961 relating to the offense of reckless homicide or a
19 similar out-of-state offense, the person may never apply for a
20 license or permit.

21 (d) (1) Whenever a person under the age of 21 is convicted
22 under Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, the
24 Secretary of State shall revoke the driving privileges of that
25 person. One year after the date of revocation, and upon
26 application, the Secretary of State may, if satisfied that the

1 person applying will not endanger the public safety or welfare,
2 issue a restricted driving permit granting the privilege of
3 driving a motor vehicle only between the hours of 5 a.m. and 9
4 p.m. or as otherwise provided by this Section for a period of
5 one year. After this one year period, and upon reapplication
6 for a license as provided in Section 6-106, upon payment of the
7 appropriate reinstatement fee provided under paragraph (b) of
8 Section 6-118, the Secretary of State, in his discretion, may
9 reinstate the petitioner's driver's license and driving
10 privileges, or extend the restricted driving permit as many
11 times as the Secretary of State deems appropriate, by
12 additional periods of not more than 12 months each.

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

24 (3) If a person's license or permit is revoked or
25 suspended 2 or more times within a 10 year period due to
26 any combination of:

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

7 (B) a statutory summary suspension or revocation
8 under Section 11-501.1; or

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

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

20 (5) If the restricted driving permit is issued for
21 employment purposes, then the prohibition against driving
22 a vehicle that is not equipped with an ignition interlock
23 device does not apply to the operation of an occupational
24 vehicle owned or leased by that person's employer when used
25 solely for employment purposes.

26 (6) A restricted driving permit issued under this

1 Section shall be subject to cancellation, revocation, and
2 suspension by the Secretary of State in like manner and for
3 like cause as a driver's license issued under this Code may
4 be cancelled, revoked, or suspended; except that a
5 conviction upon one or more offenses against laws or
6 ordinances regulating the movement of traffic shall be
7 deemed sufficient cause for the revocation, suspension, or
8 cancellation of a restricted driving permit.

9 (d-5) The revocation of the license, permit, or driving
10 privileges of a person convicted of a third or subsequent
11 violation of Section 6-303 of this Code committed while his or
12 her driver's license, permit, or privilege was revoked because
13 of a violation of Section 9-3 of the Criminal Code of 1961,
14 relating to the offense of reckless homicide, or a similar
15 provision of a law of another state, is permanent. The
16 Secretary may not, at any time, issue a license or permit to
17 that person.

18 (e) This Section is subject to the provisions of the Driver
19 License Compact.

20 (f) Any revocation imposed upon any person under
21 subsections 2 and 3 of paragraph (b) that is in effect on
22 December 31, 1988 shall be converted to a suspension for a like
23 period of time.

24 (g) The Secretary of State shall not issue a restricted
25 driving permit to a person under the age of 16 years whose
26 driving privileges have been revoked under any provisions of

1 this Code.

2 (h) The Secretary of State shall require the use of
3 ignition interlock devices on all vehicles owned by a person
4 who has been convicted of a second or subsequent offense under
5 Section 11-501 of this Code or a similar provision of a local
6 ordinance. The person must pay to the Secretary of State DUI
7 Administration Fund an amount not to exceed \$30 for each month
8 that he or she uses the device. The Secretary shall establish
9 by rule and regulation the procedures for certification and use
10 of the interlock system, the amount of the fee, and the
11 procedures, terms, and conditions relating to these fees.

12 (i) (Blank).

13 (j) 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 revoked, suspended,
17 cancelled, or disqualified under any provisions of this Code.

18 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
19 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
20 7-1-11; 97-333, eff. 8-12-11.)

21 (625 ILCS 5/6-206)

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

24 (a) The Secretary of State is authorized to suspend or
25 revoke the driving privileges of any person without preliminary

1 hearing upon a showing of the person's records or other
2 sufficient evidence that the person:

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

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

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

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

1 violation is related to the accident, or shall start not
2 more than one year after the date of the accident,
3 whichever date occurs later;

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

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

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

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

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

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

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

1 issued prior to January 1, 2009, probationary license to
2 drive, or a restricted driving permit issued under this
3 Code;

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

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

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

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

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

21 17. Has refused to submit to a test, or tests, as
22 required under Section 11-501.1 of this Code and the person
23 has not sought a hearing as provided for in Section
24 11-501.1;

25 18. Has, since issuance of a driver's license or
26 permit, been adjudged to be afflicted with or suffering

1 from any mental disability or disease;

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

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

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

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

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

20 24. Has been convicted by a court-martial or punished
21 by non-judicial punishment by military authorities of the
22 United States at a military installation in Illinois of or
23 for a traffic related offense that is the same as or
24 similar to an offense specified under Section 6-205 or
25 6-206 of this Code;

26 25. Has permitted any form of identification to be used

1 by another in the application process in order to obtain or
2 attempt to obtain a license, identification card, or
3 permit;

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

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

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

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

6 29. Has been convicted of the following offenses that
7 were committed while the person was operating or in actual
8 physical control, as a driver, of a motor vehicle: criminal
9 sexual assault, predatory criminal sexual assault of a
10 child, aggravated criminal sexual assault, criminal sexual
11 abuse, aggravated criminal sexual abuse, juvenile pimping,
12 soliciting for a juvenile prostitute, promoting juvenile
13 prostitution as described in subdivision (a)(1), (a)(2),
14 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,
15 and the manufacture, sale or delivery of controlled
16 substances or instruments used for illegal drug use or
17 abuse in which case the driver's driving privileges shall
18 be suspended for one year;

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

23 31. Has refused to submit to a test as required by
24 Section 11-501.6 or has submitted to a test resulting in an
25 alcohol concentration of 0.08 or more or any amount of a
26 drug, substance, or compound resulting from the unlawful

1 use or consumption of cannabis as listed in the Cannabis
2 Control Act, a controlled substance as listed in the
3 Illinois Controlled Substances Act, an intoxicating
4 compound as listed in the Use of Intoxicating Compounds
5 Act, or methamphetamine as listed in the Methamphetamine
6 Control and Community Protection Act, in which case the
7 penalty shall be as prescribed in Section 6-208.1;

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

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

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

19 35. Has committed a violation of Section 11-1301.6 of
20 this Code;

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

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

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

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

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

11 41. Has committed a second or subsequent violation of
12 Section 11-605.1 of this Code, a similar provision of a
13 local ordinance, or a similar violation in any other state
14 within 2 years of the date of the previous violation, in
15 which case the suspension shall be for 90 days;

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

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

23 44. Is under the age of 21 years at the time of arrest
24 and has been convicted of an offense against traffic
25 regulations governing the movement of vehicles after
26 having previously had his or her driving privileges

1 suspended or revoked pursuant to subparagraph 36 of this
2 Section; or

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

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

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

26 (c) 1. Upon suspending or revoking the driver's license or

1 permit of any person as authorized in this Section, the
2 Secretary of State shall immediately notify the person in
3 writing of the revocation or suspension. The notice to be
4 deposited in the United States mail, postage prepaid, to the
5 last known address of the person.

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

1 Secretary of State prior to the date of suspension, the
2 privilege to drive any motor vehicle shall be suspended as
3 set forth in the notice that was mailed under this Section.
4 If an affidavit is received subsequent to the effective
5 date of this suspension, a permit may be issued for the
6 remainder of the suspension period.

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

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

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

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

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

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

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

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

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

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

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

1 and conditions relating to these fees.

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

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

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

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

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

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

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

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

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

24 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
25 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
26 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,

1 eff. 8-12-11; revised 9-15-11.)

2 Section 99. Effective date. This Section and Sec. 3-100.2,
3 3-821, 5-501, 5-801, and 5-803 of Section 5 of this Act take
4 effect upon becoming law.".