



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1568

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205	
625 ILCS 5/6-206	
625 ILCS 5/6-208	from Ch. 95 1/2, par. 6-208
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Provides that certain persons ineligible to re-apply for a license may instead apply for a restricted driving permit after the expiration of 3 years from the effective date of the most recent revocation, provided the person proves by clear and convincing evidence a minimum 3 years of uninterrupted sobriety from alcohol and other drugs and the successful completion of all rehabilitative activity recommended by a properly licensed service provider. Provides that the Secretary of State shall cancel a restricted driving permit issued under the conditions if the holder fails to comply with ignition interlock device requirements and that such a person shall be ineligible to re-apply for restricted driving privileges. Provides that a bona fide resident of a foreign jurisdiction who would be eligible for a restricted driving permit under the new provisions if the person were a resident of Illinois may make application for termination of the revocation after a period of 10 years from the effective date of the most recent revocation. Provides that if a person who has been granted a termination of revocation subsequently becomes a resident, the revocation shall be reinstated and the person shall be subject to the provisions concerning the issuance of a restricted driving permit.

LRB098 00015 MLW 36392 b

1 AN ACT concerning transportation.

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

4 Section 10. The Illinois Vehicle Code is amended by
5 changing Sections 6-205, 6-206, 6-208, and 6-303 as follows:

6 (625 ILCS 5/6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of
10 State shall immediately revoke the license, permit, or driving
11 privileges of any driver upon receiving a report of the
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds, or any
20 combination thereof;

21 3. Any felony under the laws of any State or the
22 federal government in the commission of which a motor
23 vehicle was used;

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

4 5. Perjury or the making of a false affidavit or
5 statement under oath to the Secretary of State under this
6 Code or under any other law relating to the ownership or
7 operation of motor vehicles;

8 6. Conviction upon 3 charges of violation of Section
9 11-503 of this Code relating to the offense of reckless
10 driving committed within a period of 12 months;

11 7. Conviction of any offense defined in Section 4-102
12 of this Code;

13 8. Violation of Section 11-504 of this Code relating to
14 the offense of drag racing;

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

16 10. Violation of Section 12-5 of the Criminal Code of
17 1961 or the Criminal Code of 2012 arising from the use of a
18 motor vehicle;

19 11. Violation of Section 11-204.1 of this Code relating
20 to aggravated fleeing or attempting to elude a peace
21 officer;

22 12. Violation of paragraph (1) of subsection (b) of
23 Section 6-507, or a similar law of any other state,
24 relating to the unlawful operation of a commercial motor
25 vehicle;

26 13. Violation of paragraph (a) of Section 11-502 of

1 this Code or a similar provision of a local ordinance if
2 the driver has been previously convicted of a violation of
3 that Section or a similar provision of a local ordinance
4 and the driver was less than 21 years of age at the time of
5 the offense;

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

9 15. A second or subsequent conviction of driving while
10 the person's driver's license, permit or privileges was
11 revoked for reckless homicide or a similar out-of-state
12 offense;

13 16. Any offense against any provision in this Code, or
14 any local ordinance, regulating the movement of traffic
15 when that offense was the proximate cause of the death of
16 any person. Any person whose driving privileges have been
17 revoked pursuant to this paragraph may seek to have the
18 revocation terminated or to have the length of revocation
19 reduced by requesting an administrative hearing with the
20 Secretary of State prior to the projected driver's license
21 application eligibility date;

22 17. Violation of subsection (a-2) of Section 11-1301.3
23 of this Code or a similar provision of a local ordinance;

24 18. A second or subsequent conviction of illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

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

11 (b) The Secretary of State shall also immediately revoke
12 the license or permit of any driver in the following
13 situations:

14 1. Of any minor upon receiving the notice provided for
15 in Section 5-901 of the Juvenile Court Act of 1987 that the
16 minor has been adjudicated under that Act as having
17 committed an offense relating to motor vehicles prescribed
18 in Section 4-103 of this Code;

19 2. Of any person when any other law of this State
20 requires either the revocation or suspension of a license
21 or permit;

22 3. Of any person adjudicated under the Juvenile Court
23 Act of 1987 based on an offense determined to have been
24 committed in furtherance of the criminal activities of an
25 organized gang as provided in Section 5-710 of that Act,
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation
2 shall remain in effect for the period determined by the
3 court. Upon the direction of the court, the Secretary shall
4 issue the person a judicial driving permit, also known as a
5 JDP. The JDP shall be subject to the same terms as a JDP
6 issued under Section 6-206.1, except that the court may
7 direct that a JDP issued under this subdivision (b)(3) be
8 effective immediately.

9 (c)(1) Whenever a person is convicted of any of the
10 offenses enumerated in this Section, the court may recommend
11 and the Secretary of State in his discretion, without regard to
12 whether the recommendation is made by the court may, upon
13 application, issue to the person a restricted driving permit
14 granting the privilege of driving a motor vehicle between the
15 petitioner's residence and petitioner's place of employment or
16 within the scope of the petitioner's employment related duties,
17 or to allow the petitioner to transport himself or herself or a
18 family member of the petitioner's household to a medical
19 facility for the receipt of necessary medical care or to allow
20 the petitioner to transport himself or herself to and from
21 alcohol or drug remedial or rehabilitative activity
22 recommended by a licensed service provider, or to allow the
23 petitioner to transport himself or herself or a family member
24 of the petitioner's household to classes, as a student, at an
25 accredited educational institution, or to allow the petitioner
26 to transport children, elderly persons, or disabled persons who

1 do not hold driving privileges and are living in the
2 petitioner's household to and from daycare; if the petitioner
3 is able to demonstrate that no alternative means of
4 transportation is reasonably available and that the petitioner
5 will not endanger the public safety or welfare; provided that
6 the Secretary's discretion shall be limited to cases where
7 undue hardship, as defined by the rules of the Secretary of
8 State, would result from a failure to issue the restricted
9 driving permit. ~~Those multiple offenders identified in~~
10 ~~subdivision (b)4 of Section 6-208 of this Code, however, shall~~
11 ~~not be eligible for the issuance of a restricted driving~~
12 ~~permit.~~

13 (1.5) If a person is convicted of a combination of 4 or
14 more offenses which include a violation of Section 11-501
15 of this Code or a similar provision of a local ordinance,
16 Section 11-401 of this Code, or Section 9-3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012, or a combination
18 of violations of similar provisions of local ordinances,
19 similar out-of-state offenses, or similar offenses
20 committed on a military installation, the person may make
21 application for a restricted driving permit, at a formal
22 hearing conducted under Section 2-118 of this Code, after
23 the expiration of 3 years from the effective date of the
24 most recent revocation, provided the person, in addition to
25 all other requirements of the Secretary, shows by clear and
26 convincing evidence:

1 (A) a minimum 3 years of uninterrupted abstinence
2 from alcohol, other drug or drugs, intoxicating
3 compound or compounds, or any combination thereof; and

4 (B) the successful completion of all
5 rehabilitative activity recommended by a properly
6 licensed service provider, pursuant to an assessment
7 of the person's alcohol or drug use.

8 In determining whether an applicant is eligible for a
9 restricted driving permit under this subparagraph (1.5),
10 the Secretary may consider any relevant evidence,
11 including but not limited to testimony, affidavits,
12 records, and the results of regular alcohol or drug tests.

13 A restricted driving permit issued under this
14 subparagraph (1.5) shall provide that the holder may only
15 operate vehicles equipped with an ignition interlock
16 device. The Secretary may cancel a restricted driving
17 permit or amend the conditions of a restricted driving
18 permit issued under this subparagraph (1.5) if the holder
19 operates a vehicle that is not equipped with an ignition
20 interlock device, or for any other reason authorized under
21 this Code.

22 (2) If a person's license or permit is revoked or
23 suspended due to 2 or more convictions of violating Section
24 11-501 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense, or Section 9-3
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 where the use of alcohol or other drugs is recited as an
2 element of the offense, or a similar out-of-state offense,
3 or a combination of these offenses, arising out of separate
4 occurrences, that person, if issued a restricted driving
5 permit, may not operate a vehicle unless it has been
6 equipped with an ignition interlock device as defined in
7 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 or the
16 Criminal Code of 2012, where the use of alcohol or
17 other drugs is recited as an element of the
18 offense, or a similar out-of-state 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 or the Criminal Code of 2012, relating to
3 the offense of reckless homicide where the use of
4 alcohol or other drugs was recited as an element of the
5 offense, or a similar provision of a law of another
6 state;

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

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

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

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

1 whose current revocation is the result of a second or
2 subsequent conviction for a violation of Section 11-501 of
3 this Code or a similar provision of a local ordinance or
4 any similar out-of-state offense, or Section 9-3 of the
5 Criminal Code of 1961 or the Criminal Code of 2012, where
6 the use of alcohol or other drugs is recited as an element
7 of the offense, or any similar out-of-state offense, or any
8 combination of these offenses, until the expiration of at
9 least one year from the date of the revocation. A
10 restricted driving permit issued under this Section shall
11 be subject to cancellation, revocation, and suspension by
12 the Secretary of State in like manner and for like cause as
13 a driver's license issued under this Code may be cancelled,
14 revoked, or suspended; except that a conviction upon one or
15 more offenses against laws or ordinances regulating the
16 movement of traffic shall be deemed sufficient cause for
17 the revocation, suspension, or cancellation of a
18 restricted driving permit. The Secretary of State may, as a
19 condition to the issuance of a restricted driving permit,
20 require the petitioner to participate in a designated
21 driver remedial or rehabilitative program. The Secretary
22 of State is authorized to cancel a restricted driving
23 permit if the permit holder does not successfully complete
24 the program. However, if an individual's driving
25 privileges have been revoked in accordance with paragraph
26 13 of subsection (a) of this Section, no restricted driving

1 permit shall be issued until the individual has served 6
2 months of the revocation period.

3 (c-5) (Blank).

4 (c-6) If a person is convicted of a second violation of
5 operating a motor vehicle while the person's driver's license,
6 permit or privilege was revoked, where the revocation was for a
7 violation of Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012 relating to the offense of reckless
9 homicide or a similar out-of-state offense, the person's
10 driving privileges shall be revoked pursuant to subdivision
11 (a)(15) of this Section. The person may not make application
12 for a license or permit until the expiration of five years from
13 the effective date of the revocation or the expiration of five
14 years from the date of release from a term of imprisonment,
15 whichever is later.

16 (c-7) If a person is convicted of a third or subsequent
17 violation of operating a motor vehicle while the person's
18 driver's license, permit or privilege was revoked, where the
19 revocation was for a violation of Section 9-3 of the Criminal
20 Code of 1961 or the Criminal Code of 2012 relating to the
21 offense of reckless homicide or a similar out-of-state offense,
22 the person may never apply for a license or permit.

23 (d)(1) Whenever a person under the age of 21 is convicted
24 under Section 11-501 of this Code or a similar provision of a
25 local ordinance or a similar out-of-state offense, the
26 Secretary of State shall revoke the driving privileges of that

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

15 (2) If a person's license or permit is revoked or
16 suspended due to 2 or more convictions of violating Section
17 11-501 of this Code or a similar provision of a local
18 ordinance or a similar out-of-state offense, or Section 9-3
19 of the Criminal Code of 1961 or the Criminal Code of 2012,
20 where the use of alcohol or other drugs is recited as an
21 element of the offense, or a similar out-of-state offense,
22 or a combination of these offenses, arising out of separate
23 occurrences, that person, if issued a restricted driving
24 permit, may not operate a vehicle unless it has been
25 equipped with an ignition interlock device as defined in
26 Section 1-129.1.

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

4 (A) a single conviction of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or
7 Section 9-3 of the Criminal Code of 1961 or the
8 Criminal Code of 2012, where the use of alcohol or
9 other drugs is recited as an element of the offense, or
10 a similar out-of-state offense; or

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

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

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

24 (5) If the restricted driving permit is issued for
25 employment purposes, then the prohibition against driving
26 a vehicle that is not equipped with an ignition interlock

1 device does not apply to the operation of an occupational
2 vehicle owned or leased by that person's employer when used
3 solely for employment purposes.

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

13 (d-5) The revocation of the license, permit, or driving
14 privileges of a person convicted of a third or subsequent
15 violation of Section 6-303 of this Code committed while his or
16 her driver's license, permit, or privilege was revoked because
17 of a violation of Section 9-3 of the Criminal Code of 1961 or
18 the Criminal Code of 2012, relating to the offense of reckless
19 homicide, or a similar provision of a law of another state, is
20 permanent. The Secretary may not, at any time, issue a license
21 or permit to that person.

22 (e) This Section is subject to the provisions of the Driver
23 License Compact.

24 (f) Any revocation imposed upon any person under
25 subsections 2 and 3 of paragraph (b) that is in effect on
26 December 31, 1988 shall be converted to a suspension for a like

1 period of time.

2 (g) The Secretary of State shall not issue a restricted
3 driving permit to a person under the age of 16 years whose
4 driving privileges have been revoked under any provisions of
5 this Code.

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

16 (i) (Blank).

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

22 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
23 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
24 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
25 1-1-13; 97-1150, eff. 1-25-13.)

1 (625 ILCS 5/6-206)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 15. Has been convicted of violating Section 21-2 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 relating
22 to criminal trespass to vehicles in which case, the
23 suspension shall be for one year;

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

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

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

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

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

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

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

16 22. Has used a motor vehicle in violating paragraph
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
18 the Criminal Code of 1961 or the Criminal Code of 2012
19 relating to unlawful use of weapons, in which case the
20 suspension shall be for one year;

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

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

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

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

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

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

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

1 the violation to the Secretary of State;

2 29. Has been convicted of the following offenses that
3 were committed while the person was operating or in actual
4 physical control, as a driver, of a motor vehicle: criminal
5 sexual assault, predatory criminal sexual assault of a
6 child, aggravated criminal sexual assault, criminal sexual
7 abuse, aggravated criminal sexual abuse, juvenile pimping,
8 soliciting for a juvenile prostitute, promoting juvenile
9 prostitution as described in subdivision (a)(1), (a)(2),
10 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
11 or the Criminal Code of 2012, and the manufacture, sale or
12 delivery of controlled substances or instruments used for
13 illegal drug use or abuse in which case the driver's
14 driving privileges shall be suspended for one year;

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

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

1 Act, or methamphetamine as listed in the Methamphetamine
2 Control and Community Protection Act, in which case the
3 penalty shall be as prescribed in Section 6-208.1;

4 32. Has been convicted of Section 24-1.2 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 relating
6 to the aggravated discharge of a firearm if the offender
7 was located in a motor vehicle at the time the firearm was
8 discharged, in which case the suspension shall be for 3
9 years;

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

14 34. Has committed a violation of Section 11-1301.5 of
15 this Code or a similar provision of a local ordinance;

16 35. Has committed a violation of Section 11-1301.6 of
17 this Code or a similar provision of a local ordinance;

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

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

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

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

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

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

13 42. Has committed a violation of subsection (a-1) of
14 Section 11-1301.3 of this Code or a similar provision of a
15 local ordinance;

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

21 44. Is under the age of 21 years at the time of arrest
22 and has been convicted of an offense against traffic
23 regulations governing the movement of vehicles after
24 having previously had his or her driving privileges
25 suspended or revoked pursuant to subparagraph 36 of this
26 Section;

1 45. Has, in connection with or during the course of a
2 formal hearing conducted under Section 2-118 of this Code:

3 (i) committed perjury; (ii) submitted fraudulent or
4 falsified documents; (iii) submitted documents that have
5 been materially altered; or (iv) submitted, as his or her
6 own, documents that were in fact prepared or composed for
7 another person; or

8 46. Has committed a violation of subsection (j) of
9 Section 3-413 of this Code.

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 or the
24 Criminal Code of 2012, where the use of alcohol or
25 other drugs is recited as an element of the offense, or
26 a similar out-of-state offense, or a combination of

1 these offenses, arising out of separate occurrences,
2 that person, if issued a restricted driving permit, may
3 not operate a vehicle unless it has been equipped with
4 an ignition interlock device as defined in Section
5 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 or the
13 Criminal Code of 2012, where the use of alcohol or
14 other drugs is recited as an element of the
15 offense, or a similar out-of-state offense; or

16 (ii) a statutory summary suspension or
17 revocation under 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 or the Criminal Code of 2012, where the
21 use of alcohol or other drugs is recited as an element
22 of the offense, or any similar out-of-state offense, or
23 any combination of those offenses, until the
24 expiration of at least one year from the date of the
25 revocation. A restricted driving permit issued under
26 this Section shall be subject to cancellation,

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

15 (F) If a person is convicted of a combination of 4
16 or more offenses which include a violation of Section
17 11-501 of this Code or a similar provision of a local
18 ordinance, Section 11-401 of this Code, or Section 9-3
19 of the Criminal Code of 1961 or the Criminal Code of
20 2012, or a combination of violations of similar
21 provisions of local ordinances, similar out-of-state
22 offenses, or similar offenses committed on a military
23 installation, the person may make application for a
24 restricted driving permit, at a formal hearing
25 conducted under Section 2-118 of this Code, after the
26 expiration of 3 years from the effective date of the

1 most recent revocation, provided the person, in
2 addition to all other requirements of the Secretary,
3 shows by clear and convincing evidence:

4 (i) a minimum 3 years of uninterrupted
5 abstinence from alcohol, other drug or drugs,
6 intoxicating compound or compounds, or any
7 combination thereof; and

8 (ii) the successful completion of all
9 rehabilitative activity recommended by a properly
10 licensed service provider, pursuant to an
11 assessment of the person's alcohol or drug use.

12 In determining whether an applicant is eligible
13 for a restricted driving permit under this
14 subparagraph (F), the Secretary may consider any
15 relevant evidence, including but not limited to
16 testimony, affidavits, records, and the results of
17 regular alcohol or drug tests.

18 A restricted driving permit issued under this
19 subparagraph (F) shall provide that the holder may only
20 operate vehicles equipped with an ignition interlock
21 device. The Secretary may cancel a restricted driving
22 permit or amend the conditions of a restricted driving
23 permit issued under this subparagraph (F) if the holder
24 operates a vehicle that is not equipped with an
25 ignition interlock device, or for any other reason
26 authorized under this Code.

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

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

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

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

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

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

11 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
12 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
13 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
14 eff. 8-12-11; 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844,
15 eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

16 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

17 Sec. 6-208. Period of Suspension - Application After
18 Revocation.

19 (a) Except as otherwise provided by this Code or any other
20 law of this State, the Secretary of State shall not suspend a
21 driver's license, permit, or privilege to drive a motor vehicle
22 on the highways for a period of more than one year.

23 (b) Any person whose license, permit, or privilege to drive
24 a motor vehicle on the highways has been revoked shall not be
25 entitled to have such license, permit, or privilege renewed or

1 restored. However, such person may, except as provided under
2 subsections (d) and (d-5) of Section 6-205, make application
3 for a license pursuant to Section 6-106 (i) if the revocation
4 was for a cause that has been removed or (ii) as provided in
5 the following subparagraphs:

6 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
7 and 5, the person may make application for a license (A)
8 after the expiration of one year from the effective date of
9 the revocation, (B) in the case of a violation of paragraph
10 (b) of Section 11-401 of this Code or a similar provision
11 of a local ordinance, after the expiration of 3 years from
12 the effective date of the revocation, or (C) in the case of
13 a violation of Section 9-3 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 or a similar provision of a law
15 of another state relating to the offense of reckless
16 homicide or a violation of subparagraph (F) of paragraph 1
17 of subsection (d) of Section 11-501 of this Code relating
18 to aggravated driving under the influence of alcohol, other
19 drug or drugs, intoxicating compound or compounds, or any
20 combination thereof, if the violation was the proximate
21 cause of a death, after the expiration of 2 years from the
22 effective date of the revocation or after the expiration of
23 24 months from the date of release from a period of
24 imprisonment as provided in Section 6-103 of this Code,
25 whichever is later.

26 1.5. If the person is convicted of a violation of

1 Section 6-303 of this Code committed while his or her
2 driver's license, permit, or privilege was revoked because
3 of a violation of Section 9-3 of the Criminal Code of 1961
4 or the Criminal Code of 2012, relating to the offense of
5 reckless homicide, or a similar provision of a law of
6 another state, the person may not make application for a
7 license or permit until the expiration of 3 years from the
8 date of the conviction.

9 2. If such person is convicted of committing a second
10 violation within a 20-year period of:

11 (A) Section 11-501 of this Code or a similar
12 provision of a local ordinance;

13 (B) Paragraph (b) of Section 11-401 of this Code or
14 a similar provision of a local ordinance;

15 (C) Section 9-3 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, relating to the offense of
17 reckless homicide; or

18 (D) any combination of the above offenses
19 committed at different instances;

20 then such person may not make application for a license
21 until after the expiration of 5 years from the effective
22 date of the most recent revocation. The 20-year period
23 shall be computed by using the dates the offenses were
24 committed and shall also include similar out-of-state
25 offenses and similar offenses committed on a military
26 installation.

1 2.5. If a person is convicted of a second violation of
2 Section 6-303 of this Code committed while the person's
3 driver's license, permit, or privilege was revoked because
4 of a violation of Section 9-3 of the Criminal Code of 1961
5 or the Criminal Code of 2012, relating to the offense of
6 reckless homicide, or a similar provision of a law of
7 another state, the person may not make application for a
8 license or permit until the expiration of 5 years from the
9 date of release from a term of imprisonment.

10 3. However, except as provided in subparagraph 4, if
11 such person is convicted of committing a third ~~or~~
12 ~~subsequent~~ violation or any combination of the above
13 offenses, including similar out-of-state offenses and
14 similar offenses committed on a military installation,
15 contained in subparagraph 2, then such person may not make
16 application for a license until after the expiration of 10
17 years from the effective date of the most recent
18 revocation.

19 4. Except as provided in subparagraph (c)(1.5) of
20 Section 6-205 and subparagraph (c)(3)(F) of Section 6-206
21 of this Code, the ~~The~~ person may not make application for a
22 license if the person is convicted of committing a fourth
23 or subsequent violation of Section 11-501 of this Code or a
24 similar provision of a local ordinance, Section 11-401 of
25 this Code, Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, or a combination of these offenses,

1 similar provisions of local ordinances, similar
2 out-of-state offenses, or similar offenses committed on a
3 military installation.

4 4.5. A bona fide resident of a foreign jurisdiction who
5 is subject to the provisions of subparagraph 4 may make
6 application for termination of the revocation after a
7 period of 10 years from the effective date of the most
8 recent revocation. However, if a person who has been
9 granted a termination of revocation under this
10 subparagraph 4.5 subsequently becomes a resident of this
11 State, the revocation shall be reinstated and the person
12 shall be subject to the provisions of subparagraph 4.

13 5. The person may not make application for a license or
14 permit if the person is convicted of a third or subsequent
15 violation of Section 6-303 of this Code committed while his
16 or her driver's license, permit, or privilege was revoked
17 because of a violation of Section 9-3 of the Criminal Code
18 of 1961 or the Criminal Code of 2012, relating to the
19 offense of reckless homicide, or a similar provision of a
20 law of another state.

21 Notwithstanding any other provision of this Code, all
22 persons referred to in this paragraph (b) may not have their
23 privileges restored until the Secretary receives payment of the
24 required reinstatement fee pursuant to subsection (b) of
25 Section 6-118.

26 In no event shall the Secretary issue such license unless

1 and until such person has had a hearing pursuant to this Code
2 and the appropriate administrative rules and the Secretary is
3 satisfied, after a review or investigation of such person, that
4 to grant the privilege of driving a motor vehicle on the
5 highways will not endanger the public safety or welfare.

6 (c) (Blank).

7 (Source: P.A. 96-607, eff. 8-24-09; 97-1150, eff. 1-25-13.)

8 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

9 Sec. 6-303. Driving while driver's license, permit or
10 privilege to operate a motor vehicle is suspended or revoked.

11 (a) Except as otherwise provided in subsection (a-5), any
12 person who drives or is in actual physical control of a motor
13 vehicle on any highway of this State at a time when such
14 person's driver's license, permit or privilege to do so or the
15 privilege to obtain a driver's license or permit is revoked or
16 suspended as provided by this Code or the law of another state,
17 except as may be specifically allowed by a judicial driving
18 permit issued prior to January 1, 2009, monitoring device
19 driving permit, family financial responsibility driving
20 permit, probationary license to drive, or a restricted driving
21 permit issued pursuant to this Code or under the law of another
22 state, shall be guilty of a Class A misdemeanor.

23 (a-5) Any person who violates this Section as provided in
24 subsection (a) while his or her driver's license, permit or
25 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961 or the Criminal Code of 2012,
2 relating to the offense of reckless homicide or a similar
3 provision of a law of another state, is guilty of a Class 4
4 felony. The person shall be required to undergo a professional
5 evaluation, as provided in Section 11-501 of this Code, to
6 determine if an alcohol, drug, or intoxicating compound problem
7 exists and the extent of the problem, and to undergo the
8 imposition of treatment as appropriate.

9 (b) (Blank).

10 (b-1) Upon receiving a report of the conviction of any
11 violation indicating a person was operating a motor vehicle
12 during the time when the person's driver's license, permit or
13 privilege was suspended by the Secretary of State or the
14 driver's licensing administrator of another state, except as
15 specifically allowed by a probationary license, judicial
16 driving permit, restricted driving permit or monitoring device
17 driving permit the Secretary shall extend the suspension for
18 the same period of time as the originally imposed suspension
19 unless the suspension has already expired, in which case the
20 Secretary shall be authorized to suspend the person's driving
21 privileges for the same period of time as the originally
22 imposed suspension.

23 (b-2) Except as provided in subsection (b-6), upon
24 receiving a report of the conviction of any violation
25 indicating a person was operating a motor vehicle when the
26 person's driver's license, permit or privilege was revoked by

1 the Secretary of State or the driver's license administrator of
2 any other state, except as specifically allowed by a restricted
3 driving permit issued pursuant to this Code or the law of
4 another state, the Secretary shall not issue a driver's license
5 for an additional period of one year from the date of such
6 conviction indicating such person was operating a vehicle
7 during such period of revocation.

8 (b-3) (Blank).

9 (b-4) When the Secretary of State receives a report of a
10 conviction of any violation indicating a person was operating a
11 motor vehicle that was not equipped with an ignition interlock
12 device during a time when the person was prohibited from
13 operating a motor vehicle not equipped with such a device, the
14 Secretary shall not issue a driver's license to that person for
15 an additional period of one year from the date of the
16 conviction.

17 (b-5) Any person convicted of violating this Section shall
18 serve a minimum term of imprisonment of 30 consecutive days or
19 300 hours of community service when the person's driving
20 privilege was revoked or suspended as a result of a violation
21 of Section 9-3 of the Criminal Code of 1961 or the Criminal
22 Code of 2012, relating to the offense of reckless homicide, or
23 a similar provision of a law of another state.

24 (b-6) Upon receiving a report of a first conviction of
25 operating a motor vehicle while the person's driver's license,
26 permit or privilege was revoked where the revocation was for a

1 violation of Section 9-3 of the Criminal Code of 1961 or the
2 Criminal Code of 2012 relating to the offense of reckless
3 homicide or a similar out-of-state offense, the Secretary shall
4 not issue a driver's license for an additional period of three
5 years from the date of such conviction.

6 (c) Except as provided in subsections (c-3) and (c-4), any
7 person convicted of violating this Section shall serve a
8 minimum term of imprisonment of 10 consecutive days or 30 days
9 of community service when the person's driving privilege was
10 revoked or suspended as a result of:

11 (1) a violation of Section 11-501 of this Code or a
12 similar provision of a local ordinance relating to the
13 offense of operating or being in physical control of a
14 vehicle while under the influence of alcohol, any other
15 drug or any combination thereof; or

16 (2) a violation of paragraph (b) of Section 11-401 of
17 this Code or a similar provision of a local ordinance
18 relating to the offense of leaving the scene of a motor
19 vehicle accident involving personal injury or death; or

20 (3) a statutory summary suspension or revocation under
21 Section 11-501.1 of this Code.

22 Such sentence of imprisonment or community service shall
23 not be subject to suspension in order to reduce such sentence.

24 (c-1) Except as provided in subsections (c-5) and (d), any
25 person convicted of a second violation of this Section shall be
26 ordered by the court to serve a minimum of 100 hours of

1 community service.

2 (c-2) In addition to other penalties imposed under this
3 Section, the court may impose on any person convicted a fourth
4 time of violating this Section any of the following:

5 (1) Seizure of the license plates of the person's
6 vehicle.

7 (2) Immobilization of the person's vehicle for a period
8 of time to be determined by the court.

9 (c-3) Any person convicted of a violation of this Section
10 during a period of summary suspension imposed pursuant to
11 Section 11-501.1 when the person was eligible for a MDDP shall
12 be guilty of a Class 4 felony and shall serve a minimum term of
13 imprisonment of 30 days.

14 (c-4) Any person who has been issued a MDDP or a restricted
15 driving permit which requires the person to operate only motor
16 vehicles equipped with an ignition interlock device and who is
17 convicted of a violation of this Section as a result of
18 operating or being in actual physical control of a motor
19 vehicle not equipped with an ignition interlock device at the
20 time of the offense shall be guilty of a Class 4 felony and
21 shall serve a minimum term of imprisonment of 30 days.

22 (c-5) Any person convicted of a second violation of this
23 Section is guilty of a Class 2 felony, is not eligible for
24 probation or conditional discharge, and shall serve a mandatory
25 term of imprisonment, if the revocation or suspension was for a
26 violation of Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, relating to the offense of reckless
2 homicide, or a similar out-of-state offense.

3 (d) Any person convicted of a second violation of this
4 Section shall be guilty of a Class 4 felony and shall serve a
5 minimum term of imprisonment of 30 days or 300 hours of
6 community service, as determined by the court, if the original
7 revocation or suspension was for a violation of Section 11-401
8 or 11-501 of this Code, or a similar out-of-state offense, or a
9 similar provision of a local ordinance, or a statutory summary
10 suspension or revocation under Section 11-501.1 of this Code.

11 (d-1) Except as provided in subsections (d-2), (d-2.5), and
12 (d-3), any person convicted of a third or subsequent violation
13 of this Section shall serve a minimum term of imprisonment of
14 30 days or 300 hours of community service, as determined by the
15 court.

16 (d-2) Any person convicted of a third violation of this
17 Section is guilty of a Class 4 felony and must serve a minimum
18 term of imprisonment of 30 days if the revocation or suspension
19 was for a violation of Section 11-401 or 11-501 of this Code,
20 or a similar out-of-state offense, or a similar provision of a
21 local ordinance, or a statutory summary suspension or
22 revocation under Section 11-501.1 of this Code.

23 (d-2.5) Any person convicted of a third violation of this
24 Section is guilty of a Class 1 felony, is not eligible for
25 probation or conditional discharge, and must serve a mandatory
26 term of imprisonment if the revocation or suspension was for a

1 violation of Section 9-3 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, relating to the offense of reckless
3 homicide, or a similar out-of-state offense. The person's
4 driving privileges shall be revoked for the remainder of the
5 person's life.

6 (d-3) Any person convicted of a fourth, fifth, sixth,
7 seventh, eighth, or ninth violation of this Section is guilty
8 of a Class 4 felony and must serve a minimum term of
9 imprisonment of 180 days if the revocation or suspension was
10 for a violation of Section 11-401 or 11-501 of this Code, or a
11 similar out-of-state offense, or a similar provision of a local
12 ordinance, or a statutory summary suspension or revocation
13 under Section 11-501.1 of this Code.

14 (d-3.5) Any person convicted of a fourth or subsequent
15 violation of this Section is guilty of a Class 1 felony, is not
16 eligible for probation or conditional discharge, and must serve
17 a mandatory term of imprisonment, and is eligible for an
18 extended term, if the revocation or suspension was for a
19 violation of Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, relating to the offense of reckless
21 homicide, or a similar out-of-state offense.

22 (d-4) Any person convicted of a tenth, eleventh, twelfth,
23 thirteenth, or fourteenth violation of this Section is guilty
24 of a Class 3 felony, and is not eligible for probation or
25 conditional discharge, if the revocation or suspension was for
26 a violation of Section 11-401 or 11-501 of this Code, or a

1 similar out-of-state offense, or a similar provision of a local
2 ordinance, or a statutory summary suspension or revocation
3 under Section 11-501.1 of this Code.

4 (d-5) Any person convicted of a fifteenth or subsequent
5 violation of this Section is guilty of a Class 2 felony, and is
6 not eligible for probation or conditional discharge, if the
7 revocation or suspension was for a violation of Section 11-401
8 or 11-501 of this Code, or a similar out-of-state offense, or a
9 similar provision of a local ordinance, or a statutory summary
10 suspension or revocation under Section 11-501.1 of this Code.

11 (e) Any person in violation of this Section who is also in
12 violation of Section 7-601 of this Code relating to mandatory
13 insurance requirements, in addition to other penalties imposed
14 under this Section, shall have his or her motor vehicle
15 immediately impounded by the arresting law enforcement
16 officer. The motor vehicle may be released to any licensed
17 driver upon a showing of proof of insurance for the vehicle
18 that was impounded and the notarized written consent for the
19 release by the vehicle owner.

20 (f) For any prosecution under this Section, a certified
21 copy of the driving abstract of the defendant shall be admitted
22 as proof of any prior conviction.

23 (g) The motor vehicle used in a violation of this Section
24 is subject to seizure and forfeiture as provided in Sections
25 36-1 and 36-2 of the Criminal Code of 2012 if the person's
26 driving privilege was revoked or suspended as a result of:

1 (1) a violation of Section 11-501 of this Code, a
2 similar provision of a local ordinance, or a similar
3 provision of a law of another state;

4 (2) a violation of paragraph (b) of Section 11-401 of
5 this Code, a similar provision of a local ordinance, or a
6 similar provision of a law of another state;

7 (3) a statutory summary suspension or revocation under
8 Section 11-501.1 of this Code or a similar provision of a
9 law of another state; or

10 (4) a violation of Section 9-3 of the Criminal Code of
11 1961 or the Criminal Code of 2012 relating to the offense
12 of reckless homicide, or a similar provision of a law of
13 another state.

14 (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
15 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.
16 1-1-13; 97-1150, eff. 1-25-13.)