



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

### HB1446

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 a person with a revoked driver's license, who is ineligible for restoration of the license because of certain prior violations including a 4th or subsequent DUI, may apply for a restricted driving permit 5 years after revocation or release from imprisonment, whichever is later. To be eligible for the restricted driving permit the person, must at a minimum, show by clear and convincing evidence at least 3 years of abstinence from alcohol and illegal drugs and successful completion of rehabilitative treatment. Any restricted driving permit issued to such a person must require operation of a vehicle equipped with an ignition interlock device. Provides the person shall not be eligible for a restricted driving permit if convicted of more than one violation of driving under the influence of drugs or an intoxicating compound. If the person issued a restricted driving permit is subsequently convicted of driving under the influence, the permit is revoked and he or she is permanently barred from acquiring a restricted driving permit. Allows a nonresident, who is ineligible for restoration of a license because of certain prior violations, to seek restoration of the license 10 years from the date of revocation. Makes it a Class 4 felony for a person with a restricted driving permit that requires operation of a vehicle with an ignition interlock device to operate a vehicle without one.

LRB099 03905 RJF 23921 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Sections 6-205, 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) A person subject to the provisions of paragraph 4  
14 of subsection (b) of Section 6-208 of this Code may make  
15 application for a restricted driving permit at a hearing  
16 conducted under Section 2-118 of this Code after the  
17 expiration of 5 years from the effective date of the most  
18 recent revocation, or after 5 years from the date of  
19 release from a period of imprisonment resulting from a  
20 conviction of the most recent offense, whichever is later,  
21 provided the person, in addition to all other requirements  
22 of the Secretary, shows by clear and convincing evidence:

23 (A) a minimum of 3 years of uninterrupted  
24 abstinence from alcohol and the unlawful use or  
25 consumption of cannabis under the Cannabis Control  
26 Act, a controlled substance under the Illinois

1           Controlled Substances Act, an intoxicating compound  
2           under the Use of Intoxicating Compounds Act, or  
3           methamphetamine under the Methamphetamine Control and  
4           Community Protection Act; and

5                   (B) the successful completion of any  
6                   rehabilitative treatment and involvement in any  
7                   ongoing rehabilitative activity that may be  
8                   recommended by a properly licensed service provider  
9                   according to an assessment of the person's alcohol or  
10                  drug use under Section 11-501.01 of this Code.

11           In determining whether an applicant is eligible for a  
12           restricted driving permit under this paragraph (1.5), the  
13           Secretary may consider any relevant evidence, including,  
14           but not limited to, testimony, affidavits, records, and the  
15           results of regular alcohol or drug tests. Persons subject  
16           to the provisions of paragraph 4 of subsection (b) of  
17           Section 6-208 of this Code and who have been convicted of  
18           more than one violation of paragraph (3), paragraph (4), or  
19           paragraph (5) of subsection (a) of Section 11-501 of this  
20           Code shall not be eligible to apply for a restricted  
21           driving permit.

22                   A restricted driving permit issued under this  
23                   paragraph (1.5) shall provide that the holder may only  
24                   operate motor vehicles equipped with an ignition interlock  
25                   device as required under paragraph (2) of subsection (c) of  
26                   this Section and subparagraph (A) of paragraph 3 of



1 subsection (c) of Section 6-206 of this Code. The Secretary  
2 may revoke a restricted driving permit or amend the  
3 conditions of a restricted driving permit issued under this  
4 paragraph (1.5) if the holder operates a vehicle that is  
5 not equipped with an ignition interlock device, or for any  
6 other reason authorized under this Code.

7 A restricted driving permit issued under this  
8 paragraph (1.5) shall be revoked, and the holder barred  
9 from applying for or being issued a restricted driving  
10 permit in the future, if the holder is subsequently  
11 convicted of a violation of Section 11-501 of this Code, a  
12 similar provision of a local ordinance, or a similar  
13 offense in another state.

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

26 (3) If:

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

4 (i) a single conviction of violating Section  
5 11-501 of this Code or a similar provision of a  
6 local ordinance or a similar out-of-state offense,  
7 or 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  
10 offense, or a similar out-of-state offense; or

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

13 (iii) a suspension pursuant to Section  
14 6-203.1;

15 arising out of separate occurrences; or

16 (B) a person has been convicted of one violation of  
17 Section 6-303 of this Code committed while his or her  
18 driver's license, permit, or privilege was revoked  
19 because of a violation of Section 9-3 of the Criminal  
20 Code of 1961 or the Criminal Code of 2012, relating to  
21 the offense of reckless homicide where the use of  
22 alcohol or other drugs was recited as an element of the  
23 offense, or a similar provision of a law of another  
24 state;

25 that person, if issued a restricted driving permit, may not  
26 operate a vehicle unless it has been equipped with an

1 ignition interlock device as defined in Section 1-129.1.

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

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

14 (6) In each case the Secretary of State may issue a  
15 restricted driving permit for a period he deems  
16 appropriate, except that the permit shall expire within one  
17 year from the date of issuance. The Secretary may not,  
18 however, issue a restricted driving permit to any person  
19 whose current revocation is the result of a second or  
20 subsequent conviction for a violation of Section 11-501 of  
21 this Code or a similar provision of a local ordinance or  
22 any similar out-of-state offense, or Section 9-3 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012, where  
24 the use of alcohol or other drugs is recited as an element  
25 of the offense, or any similar out-of-state offense, or any  
26 combination of these offenses, until the expiration of at

1 least one year from the date of the revocation. A  
2 restricted driving permit issued under this Section shall  
3 be subject to cancellation, revocation, and suspension by  
4 the Secretary of State in like manner and for like cause as  
5 a driver's license issued under this Code may be cancelled,  
6 revoked, or suspended; except that a conviction upon one or  
7 more offenses against laws or ordinances regulating the  
8 movement of traffic shall be deemed sufficient cause for  
9 the revocation, suspension, or cancellation of a  
10 restricted driving permit. The Secretary of State may, as a  
11 condition to the issuance of a restricted driving permit,  
12 require the petitioner to participate in a designated  
13 driver remedial or rehabilitative program. The Secretary  
14 of State is authorized to cancel a restricted driving  
15 permit if the permit holder does not successfully complete  
16 the program. However, if an individual's driving  
17 privileges have been revoked in accordance with paragraph  
18 13 of subsection (a) of this Section, no restricted driving  
19 permit shall be issued until the individual has served 6  
20 months of the revocation period.

21 (c-5) (Blank).

22 (c-6) If a person is convicted of a second violation of  
23 operating a motor vehicle while the person's driver's license,  
24 permit or privilege was revoked, where the revocation was for a  
25 violation of Section 9-3 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012 relating to the offense of reckless

1 homicide or a similar out-of-state offense, the person's  
2 driving privileges shall be revoked pursuant to subdivision  
3 (a)(15) of this Section. The person may not make application  
4 for a license or permit until the expiration of five years from  
5 the effective date of the revocation or the expiration of five  
6 years from the date of release from a term of imprisonment,  
7 whichever is later.

8 (c-7) If a person is convicted of a third or subsequent  
9 violation of operating a motor vehicle while the person's  
10 driver's license, permit or privilege was revoked, where the  
11 revocation was for a violation of Section 9-3 of the Criminal  
12 Code of 1961 or the Criminal Code of 2012 relating to the  
13 offense of reckless homicide or a similar out-of-state offense,  
14 the person may never apply for a license or permit.

15 (d)(1) Whenever a person under the age of 21 is convicted  
16 under Section 11-501 of this Code or a similar provision of a  
17 local ordinance or a similar out-of-state offense, the  
18 Secretary of State shall revoke the driving privileges of that  
19 person. One year after the date of revocation, and upon  
20 application, the Secretary of State may, if satisfied that the  
21 person applying will not endanger the public safety or welfare,  
22 issue a restricted driving permit granting the privilege of  
23 driving a motor vehicle only between the hours of 5 a.m. and 9  
24 p.m. or as otherwise provided by this Section for a period of  
25 one year. After this one year period, and upon reapplication  
26 for a license as provided in Section 6-106, upon payment of the

1 appropriate reinstatement fee provided under paragraph (b) of  
2 Section 6-118, the Secretary of State, in his discretion, may  
3 reinstate the petitioner's driver's license and driving  
4 privileges, or extend the restricted driving permit as many  
5 times as the Secretary of State deems appropriate, by  
6 additional periods of not more than 12 months each.

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

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

22 (A) a single conviction of violating Section  
23 11-501 of this Code or a similar provision of a local  
24 ordinance or a similar out-of-state offense, or  
25 Section 9-3 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012, where the use of alcohol or

1 other drugs is recited as an element of the offense, or  
2 a similar out-of-state offense; or

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

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

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

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

22 (6) A restricted driving permit issued under this  
23 Section shall be subject to cancellation, revocation, and  
24 suspension by the Secretary of State in like manner and for  
25 like cause as a driver's license issued under this Code may  
26 be cancelled, revoked, or suspended; except that a

1 conviction upon one or more offenses against laws or  
2 ordinances regulating the movement of traffic shall be  
3 deemed sufficient cause for the revocation, suspension, or  
4 cancellation of a restricted driving permit.

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

14 (e) This Section is subject to the provisions of the Driver  
15 License Compact.

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

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

24 (h) The Secretary of State shall require the use of  
25 ignition interlock devices on all vehicles owned by a person  
26 who has been convicted of a second or subsequent offense under



1 Section 11-501 of this Code or a similar provision of a local  
2 ordinance. The person must pay to the Secretary of State DUI  
3 Administration Fund an amount not to exceed \$30 for each month  
4 that he or she uses the device. The Secretary shall establish  
5 by rule and regulation the procedures for certification and use  
6 of the interlock system, the amount of the fee, and the  
7 procedures, terms, and conditions relating to these fees.

8 (i) (Blank).

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

14 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
15 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
16 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.  
17 1-1-13; 97-1150, eff. 1-25-13.)

18 (625 ILCS 5/6-206)

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

21 (a) The Secretary of State is authorized to suspend or  
22 revoke the driving privileges of any person without preliminary  
23 hearing upon a showing of the person's records or other  
24 sufficient evidence that the person:

25 1. Has committed an offense for which mandatory

1 revocation of a driver's license or permit is required upon  
2 conviction;

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

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

16 4. Has by the unlawful operation of a motor vehicle  
17 caused or contributed to an accident resulting in injury  
18 requiring immediate professional treatment in a medical  
19 facility or doctor's office to any person, except that any  
20 suspension or revocation imposed by the Secretary of State  
21 under the provisions of this subsection shall start no  
22 later than 6 months after being convicted of violating a  
23 law or ordinance regulating the movement of traffic, which  
24 violation is related to the accident, or shall start not  
25 more than one year after the date of the accident,  
26 whichever date occurs later;

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

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

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

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

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

16          10. Has possessed, displayed, or attempted to  
17 fraudulently use any license, identification card, or  
18 permit not issued to the person;

19          11. Has operated a motor vehicle upon a highway of this  
20 State when the person's driving privilege or privilege to  
21 obtain a driver's license or permit was revoked or  
22 suspended unless the operation was authorized by a  
23 monitoring device driving permit, judicial driving permit  
24 issued prior to January 1, 2009, probationary license to  
25 drive, or a restricted driving permit issued under this  
26 Code;

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

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

9           14. Has committed a violation of Section 6-301,  
10 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
11 of the Illinois Identification Card Act;

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

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

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

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

25           19. Has committed a violation of paragraph (a) or (b)  
26 of Section 6-101 relating to driving without a driver's

1 license;

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

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

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

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

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

23 25. Has permitted any form of identification to be used  
24 by another in the application process in order to obtain or  
25 attempt to obtain a license, identification card, or  
26 permit;

1           26. Has altered or attempted to alter a license or has  
2           possessed an altered license, identification card, or  
3           permit;

4           27. Has violated Section 6-16 of the Liquor Control Act  
5           of 1934;

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

20          29. Has been convicted of the following offenses that  
21          were committed while the person was operating or in actual  
22          physical control, as a driver, of a motor vehicle: criminal  
23          sexual assault, predatory criminal sexual assault of a  
24          child, aggravated criminal sexual assault, criminal sexual  
25          abuse, aggravated criminal sexual abuse, juvenile pimping,  
26          soliciting for a juvenile prostitute, promoting juvenile

1 prostitution as described in subdivision (a)(1), (a)(2),  
2 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961  
3 or the Criminal Code of 2012, and the manufacture, sale or  
4 delivery of controlled substances or instruments used for  
5 illegal drug use or abuse in which case the driver's  
6 driving privileges shall be suspended for one year;

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

11 31. Has refused to submit to a test as required by  
12 Section 11-501.6 of this Code or Section 5-16c of the Boat  
13 Registration and Safety Act or has submitted to a test  
14 resulting in an alcohol concentration of 0.08 or more or  
15 any amount of a drug, substance, or compound resulting from  
16 the unlawful use or consumption of cannabis as listed in  
17 the Cannabis Control Act, a controlled substance as listed  
18 in the Illinois Controlled Substances Act, an intoxicating  
19 compound as listed in the Use of Intoxicating Compounds  
20 Act, or methamphetamine as listed in the Methamphetamine  
21 Control and Community Protection Act, in which case the  
22 penalty shall be as prescribed in Section 6-208.1;

23 32. Has been convicted of Section 24-1.2 of the  
24 Criminal Code of 1961 or the Criminal Code of 2012 relating  
25 to the aggravated discharge of a firearm if the offender  
26 was located in a motor vehicle at the time the firearm was

1 discharged, in which case the suspension shall be for 3  
2 years;

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

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

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

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

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

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

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

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



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

6           42. Has committed a violation of subsection (a-1) of  
7           Section 11-1301.3 of this Code or a similar provision of a  
8           local ordinance;

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

14          44. Is under the age of 21 years at the time of arrest  
15          and has been convicted of an offense against traffic  
16          regulations governing the movement of vehicles after  
17          having previously had his or her driving privileges  
18          suspended or revoked pursuant to subparagraph 36 of this  
19          Section;

20          45. Has, in connection with or during the course of a  
21          formal hearing conducted under Section 2-118 of this Code:  
22          (i) committed perjury; (ii) submitted fraudulent or  
23          falsified documents; (iii) submitted documents that have  
24          been materially altered; or (iv) submitted, as his or her  
25          own, documents that were in fact prepared or composed for  
26          another person;

1           46. Has committed a violation of subsection (j) of  
2           Section 3-413 of this Code; or

3           47. Has committed a violation of Section 11-502.1 of  
4           this Code.

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

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

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

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

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

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

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

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

11 (A) If a person's license or permit is revoked or  
12 suspended due to 2 or more convictions of violating Section  
13 11-501 of this Code or a similar provision of a local  
14 ordinance or a similar out-of-state offense, or Section 9-3  
15 of the Criminal Code of 1961 or the Criminal Code of 2012,  
16 where the use of alcohol or other drugs is recited as an  
17 element of the offense, or a similar out-of-state offense,  
18 or a combination of these offenses, arising out of separate  
19 occurrences, that person, if issued a restricted driving  
20 permit, may not operate a vehicle unless it has been  
21 equipped with an ignition interlock device as defined in  
22 Section 1-129.1.

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

26 (i) a single conviction of violating Section

1 11-501 of this Code or a similar provision of a local  
2 ordinance or a similar out-of-state offense or Section  
3 9-3 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012, where the use of alcohol or other drugs is  
5 recited as an element of the offense, or a similar  
6 out-of-state offense; or

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

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

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

26 (E) In each case the Secretary may issue a restricted

1 driving permit for a period deemed appropriate, except that  
2 all permits shall expire within one year from the date of  
3 issuance. The Secretary may not, however, issue a  
4 restricted driving permit to any person whose current  
5 revocation is the result of a second or subsequent  
6 conviction for a violation of Section 11-501 of this Code  
7 or a similar provision of a local ordinance or any similar  
8 out-of-state offense, or Section 9-3 of the Criminal Code  
9 of 1961 or the Criminal Code of 2012, where the use of  
10 alcohol or other drugs is recited as an element of the  
11 offense, or any similar out-of-state offense, or any  
12 combination of those offenses, until the expiration of at  
13 least one year from the date of the revocation. A  
14 restricted driving permit issued under this Section shall  
15 be subject to cancellation, revocation, and suspension by  
16 the Secretary of State in like manner and for like cause as  
17 a driver's license issued under this Code may be cancelled,  
18 revoked, or suspended; except that a conviction upon one or  
19 more offenses against laws or ordinances regulating the  
20 movement of traffic shall be deemed sufficient cause for  
21 the revocation, suspension, or cancellation of a  
22 restricted driving permit. The Secretary of State may, as a  
23 condition to the issuance of a restricted driving permit,  
24 require the applicant to participate in a designated driver  
25 remedial or rehabilitative program. The Secretary of State  
26 is authorized to cancel a restricted driving permit if the

1 permit holder does not successfully complete the program.

2 (F) A person subject to the provisions of paragraph  
3 4 of subsection (b) of Section 6-208 of this Code may  
4 make application for a restricted driving permit at a  
5 hearing conducted under Section 2-118 of this Code  
6 after the expiration of 5 years from the effective date  
7 of the most recent revocation or after 5 years from the  
8 date of release from a period of imprisonment resulting  
9 from a conviction of the most recent offense, whichever  
10 is later, provided the person, in addition to all other  
11 requirements of the Secretary, shows by clear and  
12 convincing evidence:

13 (i) a minimum of 3 years of uninterrupted  
14 abstinence from alcohol and the unlawful use or  
15 consumption of cannabis under the Cannabis Control  
16 Act, a controlled substance under the Illinois  
17 Controlled Substances Act, an intoxicating  
18 compound under the Use of Intoxicating Compounds  
19 Act, or methamphetamine under the Methamphetamine  
20 Control and Community Protection Act; and

21 (ii) the successful completion of any  
22 rehabilitative treatment and involvement in any  
23 ongoing rehabilitative activity that may be  
24 recommended by a properly licensed service  
25 provider according to an assessment of the  
26 person's alcohol or drug use under Section



1           11-501.01 of this Code.

2           In determining whether an applicant is eligible  
3 for a restricted driving permit under this  
4 subparagraph (F), the Secretary may consider any  
5 relevant evidence, including, but not limited to,  
6 testimony, affidavits, records, and the results of  
7 regular alcohol or drug tests. Persons subject to the  
8 provisions of paragraph 4 of subsection (b) of Section  
9 6-208 of this Code and who have been convicted of more  
10 than one violation of paragraph (3), paragraph (4), or  
11 paragraph (5) of subsection (a) of Section 11-501 of  
12 this Code shall not be eligible to apply for a  
13 restricted driving permit under this subparagraph (F).

14           A restricted driving permit issued under this  
15 subparagraph (F) shall provide that the holder may only  
16 operate motor vehicles equipped with an ignition  
17 interlock device as required under paragraph (2) of  
18 subsection (c) of Section 6-205 of this Code and  
19 subparagraph (A) of paragraph 3 of subsection (c) of  
20 this Section. The Secretary may revoke a restricted  
21 driving permit or amend the conditions of a restricted  
22 driving permit issued under this subparagraph (F) if  
23 the holder operates a vehicle that is not equipped with  
24 an ignition interlock device, or for any other reason  
25 authorized under this Code.

26           A restricted driving permit issued under this

1           subparagraph (F) shall be revoked, and the holder  
2           barred from applying for or being issued a restricted  
3           driving permit in the future, if the holder is  
4           convicted of a violation of Section 11-501 of this  
5           Code, a similar provision of a local ordinance, or a  
6           similar offense in another state.

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

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

25          (c-5) The Secretary of State may, as a condition of the  
26          reissuance of a driver's license or permit to an applicant

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

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

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

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

17 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;  
18 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;  
19 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.  
20 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.  
21 7-16-14.)

22 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

23 Sec. 6-208. Period of Suspension - Application After  
24 Revocation.

25 (a) Except as otherwise provided by this Code or any other

1 law of this State, the Secretary of State shall not suspend a  
2 driver's license, permit, or privilege to drive a motor vehicle  
3 on the highways for a period of more than one year.

4 (b) Any person whose license, permit, or privilege to drive  
5 a motor vehicle on the highways has been revoked shall not be  
6 entitled to have such license, permit, or privilege renewed or  
7 restored. However, such person may, except as provided under  
8 subsections (d) and (d-5) of Section 6-205, make application  
9 for a license pursuant to Section 6-106 (i) if the revocation  
10 was for a cause that has been removed or (ii) as provided in  
11 the following subparagraphs:

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

1 cause of a death, after the expiration of 2 years from the  
2 effective date of the revocation or after the expiration of  
3 24 months from the date of release from a period of  
4 imprisonment as provided in Section 6-103 of this Code,  
5 whichever is later.

6 1.5. If the person is convicted of a violation of  
7 Section 6-303 of this Code committed while his or her  
8 driver's license, permit, or privilege was revoked because  
9 of a violation of Section 9-3 of the Criminal Code of 1961  
10 or the Criminal Code of 2012, relating to the offense of  
11 reckless homicide, or a similar provision of a law of  
12 another state, the person may not make application for a  
13 license or permit until the expiration of 3 years from the  
14 date of the conviction.

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

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

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

21 (C) Section 9-3 of the Criminal Code of 1961 or the  
22 Criminal Code of 2012, relating to the offense of  
23 reckless homicide; or

24 (D) any combination of the above offenses  
25 committed at different instances;

26 then such person may not make application for a license

1           until after the expiration of 5 years from the effective  
2           date of the most recent revocation. The 20-year period  
3           shall be computed by using the dates the offenses were  
4           committed and shall also include similar out-of-state  
5           offenses and similar offenses committed on a military  
6           installation.

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

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

25          4. Except as provided in paragraph (1.5) of subsection  
26          (c) of Section 6-205 and subparagraph (F) of paragraph 3 of

1 subsection (c) of Section 6-206 of this Code, the ~~The~~  
2 person may not make application for a license if the person  
3 is convicted of committing a fourth or subsequent violation  
4 of Section 11-501 of this Code or a similar provision of a  
5 local ordinance, Section 11-401 of this Code, Section 9-3  
6 of the Criminal Code of 1961 or the Criminal Code of 2012,  
7 or a combination of these offenses, similar provisions of  
8 local ordinances, similar out-of-state offenses, or  
9 similar offenses committed on a military installation.

10 4.5. A bona fide resident of a foreign jurisdiction who  
11 is subject to the provisions of subparagraph 4 of this  
12 subsection (b) may make application for termination of the  
13 revocation after a period of 10 years from the effective  
14 date of the most recent revocation. However, if a person  
15 who has been granted a termination of revocation under this  
16 subparagraph 4.5 subsequently becomes a resident of this  
17 State, the revocation shall be reinstated and the person  
18 shall be subject to the provisions of subparagraph 4.

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

1           Notwithstanding any other provision of this Code, all  
2 persons referred to in this paragraph (b) may not have their  
3 privileges restored until the Secretary receives payment of the  
4 required reinstatement fee pursuant to subsection (b) of  
5 Section 6-118.

6           In no event shall the Secretary issue such license unless  
7 and until such person has had a hearing pursuant to this Code  
8 and the appropriate administrative rules and the Secretary is  
9 satisfied, after a review or investigation of such person, that  
10 to grant the privilege of driving a motor vehicle on the  
11 highways will not endanger the public safety or welfare.

12           (c) (Blank).

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

14           (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

17           (a) Except as otherwise provided in subsection (a-5), any  
18 person who drives or is in actual physical control of a motor  
19 vehicle on any highway of this State at a time when such  
20 person's driver's license, permit or privilege to do so or the  
21 privilege to obtain a driver's license or permit is revoked or  
22 suspended as provided by this Code or the law of another state,  
23 except as may be specifically allowed by a judicial driving  
24 permit issued prior to January 1, 2009, monitoring device  
25 driving permit, family financial responsibility driving



1 permit, probationary license to drive, or a restricted driving  
2 permit issued pursuant to this Code or under the law of another  
3 state, shall be guilty of a Class A misdemeanor.

4 (a-3) A second or subsequent violation of subsection (a) of  
5 this Section is a Class 4 felony if committed by a person whose  
6 driving or operation of a motor vehicle is the proximate cause  
7 of a motor vehicle accident that causes personal injury or  
8 death to another. For purposes of this subsection, a personal  
9 injury includes any Type A injury as indicated on the traffic  
10 accident report completed by a law enforcement officer that  
11 requires immediate professional attention in either a doctor's  
12 office or a medical facility. A Type A injury includes severe  
13 bleeding wounds, distorted extremities, and injuries that  
14 require the injured party to be carried from the scene.

15 (a-5) Any person who violates this Section as provided in  
16 subsection (a) while his or her driver's license, permit or  
17 privilege is revoked because of a violation of Section 9-3 of  
18 the Criminal Code of 1961 or the Criminal Code of 2012,  
19 relating to the offense of reckless homicide or a similar  
20 provision of a law of another state, is guilty of a Class 4  
21 felony. The person shall be required to undergo a professional  
22 evaluation, as provided in Section 11-501 of this Code, to  
23 determine if an alcohol, drug, or intoxicating compound problem  
24 exists and the extent of the problem, and to undergo the  
25 imposition of treatment as appropriate.

26 (a-10) A person's driver's license, permit, or privilege to

1 obtain a driver's license or permit may be subject to multiple  
2 revocations, multiple suspensions, or any combination of both  
3 simultaneously. No revocation or suspension shall serve to  
4 negate, invalidate, cancel, postpone, or in any way lessen the  
5 effect of any other revocation or suspension entered prior or  
6 subsequent to any other revocation or suspension.

7 (b) (Blank).

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

21 (b-2) Except as provided in subsection (b-6), upon  
22 receiving a report of the conviction of any violation  
23 indicating a person was operating a motor vehicle when the  
24 person's driver's license, permit or privilege was revoked by  
25 the Secretary of State or the driver's license administrator of  
26 any other state, except as specifically allowed by a restricted

1 driving permit issued pursuant to this Code or the law of  
2 another state, the Secretary shall not issue a driver's license  
3 for an additional period of one year from the date of such  
4 conviction indicating such person was operating a vehicle  
5 during such period of revocation.

6 (b-3) (Blank).

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

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

22 (b-6) Upon receiving a report of a first conviction of  
23 operating a motor vehicle while the person's driver's license,  
24 permit or privilege was revoked where the revocation was for a  
25 violation of Section 9-3 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012 relating to the offense of reckless

1 homicide or a similar out-of-state offense, the Secretary shall  
2 not issue a driver's license for an additional period of three  
3 years from the date of such conviction.

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

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

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

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

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

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

26 (c-2) In addition to other penalties imposed under this

1 Section, the court may impose on any person convicted a fourth  
2 time of violating this Section any of the following:

3 (1) Seizure of the license plates of the person's  
4 vehicle.

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

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

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

20 (c-5) Any person convicted of a second violation of this  
21 Section is guilty of a Class 2 felony, is not eligible for  
22 probation or conditional discharge, and shall serve a mandatory  
23 term of imprisonment, if:

24 (1) the current violation occurred when the person's  
25 driver's license was suspended or revoked for a violation  
26 of Section 9-3 of the Criminal Code of 1961 or the Criminal

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

3 (2) the prior conviction under this Section occurred  
4 while the person's driver's license was suspended or  
5 revoked for a violation of Section 9-3 of the Criminal Code  
6 of 1961 or the Criminal Code of 2012 relating to the  
7 offense of reckless homicide, or a similar out-of-state  
8 offense, or was suspended or revoked for a violation of  
9 Section 11-401 or 11-501 of this Code, a similar  
10 out-of-state offense, a similar provision of a local  
11 ordinance, or a statutory summary suspension or revocation  
12 under Section 11-501.1 of this Code.

13 (d) Any person convicted of a second violation of this  
14 Section shall be guilty of a Class 4 felony and shall serve a  
15 minimum term of imprisonment of 30 days or 300 hours of  
16 community service, as determined by the court, if:

17 (1) the current violation occurred when the person's  
18 driver's license was suspended or revoked for a violation  
19 of Section 11-401 or 11-501 of this Code, a similar  
20 out-of-state offense, a similar provision of a local  
21 ordinance, or a statutory summary suspension or revocation  
22 under Section 11-501.1 of this Code; and

23 (2) the prior conviction under this Section occurred  
24 while the person's driver's license was suspended or  
25 revoked for a violation of Section 11-401 or 11-501 of this  
26 Code, a similar out-of-state offense, a similar provision

1 of a local ordinance, or a statutory summary suspension or  
2 revocation under Section 11-501.1 of this Code, or for a  
3 violation of Section 9-3 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012, relating to the offense of  
5 reckless homicide, or a similar out-of-state offense.

6 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
7 (d-3), any person convicted of a third or subsequent violation  
8 of this Section shall serve a minimum term of imprisonment of  
9 30 days or 300 hours of community service, as determined by the  
10 court.

11 (d-2) Any person convicted of a third violation of this  
12 Section is guilty of a Class 4 felony and must serve a minimum  
13 term of imprisonment of 30 days, if:

14 (1) the current violation occurred when the person's  
15 driver's license was suspended or revoked for a violation  
16 of Section 11-401 or 11-501 of this Code, or a similar  
17 out-of-state offense, or a similar provision of a local  
18 ordinance, or a statutory summary suspension or revocation  
19 under Section 11-501.1 of this Code; and

20 (2) the prior convictions under this Section occurred  
21 while the person's driver's license was suspended or  
22 revoked for a violation of Section 11-401 or 11-501 of this  
23 Code, a similar out-of-state offense, a similar provision  
24 of a local ordinance, or a statutory summary suspension or  
25 revocation under Section 11-501.1 of this Code, or for a  
26 violation of Section 9-3 of the Criminal Code of 1961 or

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

3 (d-2.5) Any person convicted of a third violation of this  
4 Section is guilty of a Class 1 felony, is not eligible for  
5 probation or conditional discharge, and must serve a mandatory  
6 term of imprisonment, if:

7 (1) the current violation occurred while the person's  
8 driver's license was suspended or revoked for a violation  
9 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012, relating to the offense of reckless homicide,  
11 or a similar out-of-state offense. The person's driving  
12 privileges shall be revoked for the remainder of the  
13 person's life; and

14 (2) the prior convictions under this Section occurred  
15 while the person's driver's license was suspended or  
16 revoked for a violation of Section 9-3 of the Criminal Code  
17 of 1961 or the Criminal Code of 2012, relating to the  
18 offense of reckless homicide, or a similar out-of-state  
19 offense, or was suspended or revoked for a violation of  
20 Section 11-401 or 11-501 of this Code, a similar  
21 out-of-state offense, a similar provision of a local  
22 ordinance, or a statutory summary suspension or revocation  
23 under Section 11-501.1 of this Code.

24 (d-3) Any person convicted of a fourth, fifth, sixth,  
25 seventh, eighth, or ninth violation of this Section is guilty  
26 of a Class 4 felony and must serve a minimum term of



1 imprisonment of 180 days, if:

2 (1) the current violation occurred when the person's  
3 driver's license was suspended or revoked for a violation  
4 of Section 11-401 or 11-501 of this Code, a similar  
5 out-of-state offense, a similar provision of a local  
6 ordinance, or a statutory summary suspension or revocation  
7 under Section 11-501.1 of this Code; and

8 (2) the prior convictions under this Section occurred  
9 while the person's driver's license was suspended or  
10 revoked for a violation of Section 11-401 or 11-501 of this  
11 Code, a similar out-of-state offense, a similar provision  
12 of a local ordinance, or a statutory summary suspension or  
13 revocation under Section 11-501.1 of this Code, or for a  
14 violation of Section 9-3 of the Criminal Code of 1961 or  
15 the Criminal Code of 2012, relating to the offense of  
16 reckless homicide, or a similar out-of-state offense.

17 (d-3.5) Any person convicted of a fourth or subsequent  
18 violation of this Section is guilty of a Class 1 felony, is not  
19 eligible for probation or conditional discharge, and must serve  
20 a mandatory term of imprisonment, and is eligible for an  
21 extended term, if:

22 (1) the current violation occurred when the person's  
23 driver's license was suspended or revoked for a violation  
24 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, relating to the offense of reckless homicide,  
26 or a similar out-of-state offense; and

1           (2) the prior convictions under this Section occurred  
2 while the person's driver's license was suspended or  
3 revoked for a violation of Section 9-3 of the Criminal Code  
4 of 1961 or the Criminal Code of 2012, relating to the  
5 offense of reckless homicide, or a similar out-of-state  
6 offense, or was suspended or revoked for a violation of  
7 Section 11-401 or 11-501 of this Code, a similar  
8 out-of-state offense, a similar provision of a local  
9 ordinance, or a statutory summary suspension or revocation  
10 under Section 11-501.1 of this Code.

11           (d-4) Any person convicted of a tenth, eleventh, twelfth,  
12 thirteenth, or fourteenth violation of this Section is guilty  
13 of a Class 3 felony, and is not eligible for probation or  
14 conditional discharge, if:

15           (1) the current violation occurred when the person's  
16 driver's license was suspended or revoked for a violation  
17 of Section 11-401 or 11-501 of this Code, or a similar  
18 out-of-state offense, or a similar provision of a local  
19 ordinance, or a statutory summary suspension or revocation  
20 under Section 11-501.1 of this Code; and

21           (2) the prior convictions under this Section occurred  
22 while the person's driver's license was suspended or  
23 revoked for a violation of Section 11-401 or 11-501 of this  
24 Code, a similar out-of-state offense, a similar provision  
25 of a local ordinance, or a statutory suspension or  
26 revocation under Section 11-501.1 of this Code, or for a

1 violation of Section 9-3 of the Criminal Code of 1961 or  
2 the Criminal Code of 2012, relating to the offense of  
3 reckless homicide, or a similar out-of-state offense.

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:

7 (1) the current violation occurred when the person's  
8 driver's license was suspended or revoked for a violation  
9 of Section 11-401 or 11-501 of this Code, or a similar  
10 out-of-state offense, or a similar provision of a local  
11 ordinance, or a statutory summary suspension or revocation  
12 under Section 11-501.1 of this Code; and

13 (2) the prior convictions under this Section occurred  
14 while the person's driver's license was suspended or  
15 revoked for a violation of Section 11-401 or 11-501 of this  
16 Code, a similar out-of-state offense, a similar provision  
17 of a local ordinance, or a statutory summary suspension or  
18 revocation under Section 11-501.1 of this Code, or for a  
19 violation of Section 9-3 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012, relating to the offense of  
21 reckless homicide, or a similar out-of-state offense.

22 (e) Any person in violation of this Section who is also in  
23 violation of Section 7-601 of this Code relating to mandatory  
24 insurance requirements, in addition to other penalties imposed  
25 under this Section, shall have his or her motor vehicle  
26 immediately impounded by the arresting law enforcement

1 officer. The motor vehicle may be released to any licensed  
2 driver upon a showing of proof of insurance for the vehicle  
3 that was impounded and the notarized written consent for the  
4 release by the vehicle owner.

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

8 (g) The motor vehicle used in a violation of this Section  
9 is subject to seizure and forfeiture as provided in Sections  
10 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
11 driving privilege was revoked or suspended as a result of:

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

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

18 (3) a statutory summary suspension or revocation under  
19 Section 11-501.1 of this Code or a similar provision of a  
20 law of another state; or

21 (4) a violation of Section 9-3 of the Criminal Code of  
22 1961 or the Criminal Code of 2012 relating to the offense  
23 of reckless homicide, or a similar provision of a law of  
24 another state.

25 (Source: P.A. 97-984, eff. 1-1-13; 97-1150, eff. 1-25-13;  
26 98-285, eff. 1-1-14; 98-418, eff. 8-16-13; 98-573, eff.

1 8-27-13; 98-756, eff. 7-16-14.)