

SB3160



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3160

Introduced 2/19/2016, by Sen. Bill Cunningham

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205
625 ILCS 5/6-206

Amends the Illinois Vehicle Code. Provides that upon notice of suspension of a person's driver's license, the Secretary of State shall give the person an option to complete a driver education program within 45 days of notice. Provides that upon completion of the program and providing the Secretary with necessary documentation, the person's driver's license suspension shall terminate if the person does not commit a similar driving offense within 6 months of the notice.

LRB099 20585 AXK 45142 b

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 and 6-206 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.

4 (c)(1) Whenever a person is convicted of any of the
5 offenses enumerated in this Section, the court may recommend
6 and the Secretary of State in his discretion, without regard to
7 whether the recommendation is made by the court may, upon
8 application, issue to the person a restricted driving permit
9 granting the privilege of driving a motor vehicle between the
10 petitioner's residence and petitioner's place of employment or
11 within the scope of the petitioner's employment related duties,
12 or to allow the petitioner to transport himself or herself or a
13 family member of the petitioner's household to a medical
14 facility for the receipt of necessary medical care or to allow
15 the petitioner to transport himself or herself to and from
16 alcohol or drug remedial or rehabilitative activity
17 recommended by a licensed service provider, or to allow the
18 petitioner to transport himself or herself or a family member
19 of the petitioner's household to classes, as a student, at an
20 accredited educational institution, or to allow the petitioner
21 to transport children, elderly persons, or persons with
22 disabilities who do not hold driving privileges and are living
23 in the petitioner's household to and from daycare; if the
24 petitioner is able to demonstrate that no alternative means of
25 transportation is reasonably available and that the petitioner
26 will not endanger the public safety or welfare; provided that

1 the Secretary's discretion shall be limited to cases where
2 undue hardship, as defined by the rules of the Secretary of
3 State, would result from a failure to issue the restricted
4 driving permit.

5 (1.5) A person subject to the provisions of paragraph 4
6 of subsection (b) of Section 6-208 of this Code may make
7 application for a restricted driving permit at a hearing
8 conducted under Section 2-118 of this Code after the
9 expiration of 5 years from the effective date of the most
10 recent revocation, or after 5 years from the date of
11 release from a period of imprisonment resulting from a
12 conviction of the most recent offense, whichever is later,
13 provided the person, in addition to all other requirements
14 of the Secretary, shows by clear and convincing evidence:

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

23 (B) the successful completion of any
24 rehabilitative treatment and involvement in any
25 ongoing rehabilitative activity that may be
26 recommended by a properly licensed service provider

1 according to an assessment of the person's alcohol or
2 drug use under Section 11-501.01 of this Code.

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

14 A restricted driving permit issued under this
15 paragraph (1.5) shall provide that the holder may only
16 operate motor vehicles equipped with an ignition interlock
17 device as required under paragraph (2) of subsection (c) of
18 this Section and subparagraph (A) of paragraph 3 of
19 subsection (c) of Section 6-206 of this Code. The Secretary
20 may revoke a restricted driving permit or amend the
21 conditions of a restricted driving permit issued under this
22 paragraph (1.5) if the holder operates a vehicle that is
23 not equipped with an ignition interlock device, or for any
24 other reason authorized under this Code.

25 A restricted driving permit issued under this
26 paragraph (1.5) shall be revoked, and the holder barred

1 from applying for or being issued a restricted driving
2 permit in the future, if the holder is subsequently
3 convicted of a violation of Section 11-501 of this Code, a
4 similar provision of a local ordinance, or a similar
5 offense in another state.

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

18 (3) If:

19 (A) a person's license or permit is revoked or
20 suspended 2 or more times due to any combination of:

21 (i) a single conviction of violating Section
22 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense,
24 or Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012, where the use of alcohol or
26 other drugs is recited as an element of the

1 offense, or a similar out-of-state offense; or
2 (ii) a statutory summary suspension or
3 revocation under Section 11-501.1; or
4 (iii) a suspension pursuant to Section
5 6-203.1;

6 arising out of separate occurrences; or

7 (B) a person has been convicted of one violation of
8 subparagraph (C) or (F) of paragraph (1) of subsection
9 (d) of Section 11-501 of this Code, Section 9-3 of the
10 Criminal Code of 1961 or the Criminal Code of 2012,
11 relating to the offense of reckless homicide where the
12 use of alcohol or other drugs was recited as an element
13 of the offense, or a similar provision of a law of
14 another state;

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

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

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

1 ignition interlock device does not apply to the operation
2 of an occupational vehicle owned or leased by that person's
3 employer when used solely for employment purposes. For any
4 person who, within a 5-year period, is convicted of a
5 second or subsequent offense under Section 11-501 of this
6 Code, or a similar provision of a local ordinance or
7 similar out-of-state offense, this employment exemption
8 does not apply until either a one-year ~~one-year~~ period has
9 elapsed during which that person had his or her driving
10 privileges revoked or a one-year ~~one-year~~ period has
11 elapsed during which that person had a restricted driving
12 permit which required the use of an ignition interlock
13 device on every motor vehicle owned or operated by that
14 person.

15 (6) In each case the Secretary of State may issue a
16 restricted driving permit for a period he deems
17 appropriate, except that the permit shall expire within one
18 year from the date of issuance. A restricted driving permit
19 issued under this Section shall be subject to cancellation,
20 revocation, and suspension by the Secretary of State in
21 like manner and for like cause as a driver's license issued
22 under this Code may be cancelled, revoked, or suspended;
23 except that a conviction upon one or more offenses against
24 laws or ordinances regulating the movement of traffic shall
25 be deemed sufficient cause for the revocation, suspension,
26 or cancellation of a restricted driving permit. The

1 Secretary of State may, as a condition to the issuance of a
2 restricted driving permit, require the petitioner to
3 participate in a designated driver remedial or
4 rehabilitative program. The Secretary of State is
5 authorized to cancel a restricted driving permit if the
6 permit holder does not successfully complete the program.
7 However, if an individual's driving privileges have been
8 revoked in accordance with paragraph 13 of subsection (a)
9 of this Section, no restricted driving permit shall be
10 issued until the individual has served 6 months of the
11 revocation period.

12 (c-5) (Blank).

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

25 (c-7) If a person is convicted of a third or subsequent
26 violation of operating a motor vehicle while the person's

1 driver's license, permit or privilege was revoked, where the
2 revocation was for a violation of Section 9-3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012 relating to the
4 offense of reckless homicide or a similar out-of-state offense,
5 the person may never apply for a license or permit.

6 (d) (1) Whenever a person under the age of 21 is convicted
7 under Section 11-501 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense, the
9 Secretary of State shall revoke the driving privileges of that
10 person. One year after the date of revocation, and upon
11 application, the Secretary of State may, if satisfied that the
12 person applying will not endanger the public safety or welfare,
13 issue a restricted driving permit granting the privilege of
14 driving a motor vehicle only between the hours of 5 a.m. and 9
15 p.m. or as otherwise provided by this Section for a period of
16 one year. After this one-year ~~one-year~~ period, and upon
17 reapplication for a license as provided in Section 6-106, upon
18 payment of the appropriate reinstatement fee provided under
19 paragraph (b) of Section 6-118, the Secretary of State, in his
20 discretion, may reinstate the petitioner's driver's license
21 and driving privileges, or extend the restricted driving permit
22 as many times as the Secretary of State deems appropriate, by
23 additional periods of not more than 12 months each.

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

1 ordinance or a similar out-of-state offense, or Section 9-3
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 where the use of alcohol or other drugs is recited as an
4 element of the offense, or a similar out-of-state offense,
5 or a combination of these offenses, arising out of separate
6 occurrences, that person, if issued a restricted driving
7 permit, may not operate a vehicle unless it has been
8 equipped with an ignition interlock device as defined in
9 Section 1-129.1.

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

12 (A) a single conviction 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
15 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 offense, or
18 a similar out-of-state offense; or

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

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

26 (3.5) If a person's license or permit is revoked or

1 suspended due to a conviction for a violation of
2 subparagraph (C) or (F) of paragraph (1) of subsection (d)
3 of Section 11-501 of this Code, or a similar provision of a
4 local ordinance or similar out-of-state offense, that
5 person, if issued a restricted driving permit, may not
6 operate a vehicle unless it has been equipped with an
7 ignition interlock device as defined in Section 1-129.1.

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

14 (5) If the restricted driving permit is issued for
15 employment purposes, then the prohibition against driving
16 a vehicle that is not equipped with an ignition interlock
17 device does not apply to the operation of an occupational
18 vehicle owned or leased by that person's employer when used
19 solely for employment purposes. For any person who, within
20 a 5-year period, is convicted of a second or subsequent
21 offense under Section 11-501 of this Code, or a similar
22 provision of a local ordinance or similar out-of-state
23 offense, this employment exemption does not apply until
24 either a one-year ~~one-year~~ period has elapsed during which
25 that person had his or her driving privileges revoked or a
26 one-year ~~one-year~~ period has elapsed during which that

1 person had a restricted driving permit which required the
2 use of an ignition interlock device on every motor vehicle
3 owned or operated by that person.

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 for a period not less than 5 years
8 on all vehicles owned by a person who has been convicted of a
9 second or subsequent offense under Section 11-501 of this Code
10 or a similar provision of a local ordinance. The person must
11 pay to the Secretary of State DUI Administration Fund an amount
12 not to exceed \$30 for each month that he or she uses the
13 device. The Secretary shall establish by rule and regulation
14 the procedures for certification and use of the interlock
15 system, the amount of the fee, and the procedures, terms, and
16 conditions relating to these fees. During the time period in
17 which a person is required to install an ignition interlock
18 device under this subsection (h), that person shall only
19 operate vehicles in which ignition interlock devices have been
20 installed, except as allowed by subdivision (c) (5) or (d) (5) of
21 this Section.

22 (i) (Blank).

23 (j) In accordance with 49 C.F.R. 384, the Secretary of
24 State may not issue a restricted driving permit for the
25 operation of a commercial motor vehicle to a person holding a
26 CDL whose driving privileges have been revoked, suspended,

1 cancelled, or disqualified under any provisions of this Code.

2 (k) The Secretary of State shall notify by mail any person
3 whose driving privileges have been revoked under paragraph 16
4 of subsection (a) of this Section that his or her driving
5 privileges and driver's license will be revoked 90 days from
6 the date of the mailing of the notice.

7 (l) The Secretary shall, upon providing notice of
8 suspension of a person's driving license under this Section,
9 provide notice of an option of enrollment in a driver education
10 program, which, upon the person completing the program within
11 45 days and committing no offense under this Section for a
12 period of 6 months, shall terminate the license suspension.
13 After completion of the program, the person shall report to the
14 Secretary and submit any documentation the Secretary deems
15 necessary. This subsection (l) shall not apply to suspensions
16 as a result of a violation of Section 11-501 of this Code or a
17 similar provision of a local ordinance or any similar
18 out-of-state offense, or Section 9-3 of the Criminal Code of
19 2012, or any other Section or subsection where the use of
20 alcohol or other drugs is recited as an element of the offense.

21 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;
22 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
23 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; revised 11-2-15.)

24 (625 ILCS 5/6-206)

25 Sec. 6-206. Discretionary authority to suspend or revoke

1 license or permit; Right to a hearing.

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

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

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

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

22 4. Has by the unlawful operation of a motor vehicle
23 caused or contributed to an accident resulting in injury
24 requiring immediate professional treatment in a medical
25 facility or doctor's office to any person, except that any
26 suspension or revocation imposed by the Secretary of State

1 under the provisions of this subsection shall start no
2 later than 6 months after being convicted of violating a
3 law or ordinance regulating the movement of traffic, which
4 violation is related to the accident, or shall start not
5 more than one year after the date of the accident,
6 whichever date occurs later;

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

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

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

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

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

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

25 11. Has operated a motor vehicle upon a highway of this
26 State when the person's driving privilege or privilege to

1 obtain a driver's license or permit was revoked or
2 suspended unless the operation was authorized by a
3 monitoring device driving permit, judicial driving permit
4 issued prior to January 1, 2009, probationary license to
5 drive, or a restricted driving permit issued under this
6 Code;

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

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

15 14. Has committed a violation of Section 6-301,
16 6-301.1, or 6-301.2 of this Code Act, or Section 14, 14A,
17 or 14B of the Illinois Identification Card Act;

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

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

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

1 11-501.1;

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

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

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

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

14 22. Has used a motor vehicle in violating paragraph
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
16 the Criminal Code of 1961 or the Criminal Code of 2012
17 relating to unlawful use of weapons, in which case the
18 suspension shall be for one year;

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

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois or in
26 another state of or for a traffic related offense that is

1 the same as or similar to an offense specified under
2 Section 6-205 or 6-206 of this Code;

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

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

10 27. Has violated Section 6-16 of the Liquor Control Act
11 of 1934;

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

26 29. Has been convicted of the following offenses that

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

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

17 31. Has refused to submit to a test as required by
18 Section 11-501.6 of this Code or Section 5-16c of the Boat
19 Registration and Safety Act or has submitted to a test
20 resulting in an alcohol concentration of 0.08 or more or
21 any amount of a drug, substance, or compound resulting from
22 the unlawful use or consumption of cannabis as listed in
23 the Cannabis Control Act, a controlled substance as listed
24 in the Illinois Controlled Substances Act, an intoxicating
25 compound as listed in the Use of Intoxicating Compounds
26 Act, or methamphetamine as listed in the Methamphetamine

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

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

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

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

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

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

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

26 38. Has been convicted of a violation of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance;

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

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

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

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

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

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

26 45. Has, in connection with or during the course of a

1 formal hearing conducted under Section 2-118 of this Code:
2 (i) committed perjury; (ii) submitted fraudulent or
3 falsified documents; (iii) submitted documents that have
4 been materially altered; or (iv) submitted, as his or her
5 own, documents that were in fact prepared or composed for
6 another person;

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

9 47. Has committed a violation of Section 11-502.1 of
10 this Code.

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

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

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

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

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

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

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

1 petitioner's household to a medical facility, to receive
2 necessary medical care, to allow the petitioner to transport
3 himself or herself to and from alcohol or drug remedial or
4 rehabilitative activity recommended by a licensed service
5 provider, or to allow the petitioner to transport himself or
6 herself or a family member of the petitioner's household to
7 classes, as a student, at an accredited educational
8 institution, or to allow the petitioner to transport children,
9 elderly persons, or persons with disabilities who do not hold
10 driving privileges and are living in the petitioner's household
11 to and from daycare. The petitioner must demonstrate that no
12 alternative means of transportation is reasonably available
13 and that the petitioner will not endanger the public safety or
14 welfare.

15 (A) 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 (B) If a person's license or permit is revoked or
2 suspended 2 or more times due to any combination of:

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

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

12 (iii) a suspension under Section 6-203.1;

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

17 (B-5) If a person's license or permit is revoked or
18 suspended due to a conviction for a violation of
19 subparagraph (C) or (F) of paragraph (1) of subsection (d)
20 of Section 11-501 of this Code, or a similar provision of a
21 local ordinance or similar out-of-state offense, that
22 person, if issued a restricted driving permit, may not
23 operate a vehicle unless it has been equipped with an
24 ignition interlock device as defined in Section 1-129.1.

25 (C) The person issued a permit conditioned upon the use
26 of an ignition interlock device must pay to the Secretary

1 of State DUI Administration Fund an amount not to exceed
2 \$30 per month. The Secretary shall establish by rule the
3 amount and the procedures, terms, and conditions relating
4 to these fees.

5 (D) If the restricted driving permit is issued for
6 employment purposes, then the prohibition against
7 operating a motor vehicle that is not equipped with an
8 ignition interlock device does not apply to the operation
9 of an occupational vehicle owned or leased by that person's
10 employer when used solely for employment purposes. For any
11 person who, within a 5-year period, is convicted of a
12 second or subsequent offense under Section 11-501 of this
13 Code, or a similar provision of a local ordinance or
14 similar out-of-state offense, this employment exemption
15 does not apply until either a one-year ~~one-year~~ period has
16 elapsed during which that person had his or her driving
17 privileges revoked or a one-year ~~one-year~~ period has
18 elapsed during which that person had a restricted driving
19 permit which required the use of an ignition interlock
20 device on every motor vehicle owned or operated by that
21 person.

22 (E) In each case the Secretary may issue a restricted
23 driving permit for a period deemed appropriate, except that
24 all permits shall expire within one year from the date of
25 issuance. A restricted driving permit issued under this
26 Section shall be subject to cancellation, revocation, and

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

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

24 (i) a minimum of 3 years of uninterrupted
25 abstinence from alcohol and the unlawful use or
26 consumption of cannabis under the Cannabis Control

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

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

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

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

1 Section 6-205 of this Code and subparagraph (A) of
2 paragraph 3 of subsection (c) of this Section. The
3 Secretary may revoke a restricted driving permit or amend
4 the conditions of a restricted driving permit issued under
5 this subparagraph (F) if the holder operates a vehicle that
6 is not equipped with an ignition interlock device, or for
7 any other reason authorized under this Code.

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

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

1 request.

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

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

14 (c-10) The Secretary shall, upon providing notice of
15 suspension of a person's driver's license under this Section,
16 provide notice of an option of enrollment in a driver education
17 program, which, upon the person completing the program within
18 45 days and committing no offense under this Section for a
19 period of 6 months, shall terminate the license suspension.
20 After completion of the program, the person shall report to the
21 Secretary and submit any documentation the Secretary deems
22 necessary. This subsection (c-10) shall not apply to
23 suspensions as a result of a violation of Section 11-501 of
24 this Code or a similar provision of a local ordinance or any
25 similar out-of-state offense, Section 9-3 of the Criminal Code
26 of 2012, or any other Section or subsection where the use of

1 alcohol or other drugs is recited as an element of the offense.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

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

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

13 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,
14 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
15 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
16 revised 11-3-15.)