

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

25 (3) If:

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

1 suspended 2 or more times ~~within a 10 year period~~ due  
2 to any combination of:

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

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

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

14 arising out of separate occurrences; ~~or~~

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17 driver's license, permit, or privilege was revoked  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

24 (C) a person has been convicted of one violation of  
25 subparagraph (C) or (F) of paragraph (1) of subsection  
26 (d) of Section 11-501 of this Code or a similar

1           provision of a local ordinance or similar out-of-state  
2           offense;

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

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

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

18          (6) In each case the Secretary of State may issue a  
19          restricted driving permit for a period he deems  
20          appropriate, except that the permit shall expire within one  
21          year from the date of issuance. The Secretary may not,  
22          however, issue a restricted driving permit to any person  
23          whose current revocation is the result of a second or  
24          subsequent conviction for a violation of Section 11-501 of  
25          this Code or a similar provision of a local ordinance or  
26          any similar out-of-state offense, or Section 9-3 of the



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

25 (c-5) (Blank).

26 (c-6) If a person is convicted of a second violation of

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

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

19 (d)(1) Whenever a person under the age of 21 is convicted  
20 under Section 11-501 of this Code or a similar provision of a  
21 local ordinance or a similar out-of-state offense, the  
22 Secretary of State shall revoke the driving privileges of that  
23 person. One year after the date of revocation, and upon  
24 application, the Secretary of State may, if satisfied that the  
25 person applying will not endanger the public safety or welfare,  
26 issue a restricted driving permit granting the privilege of

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

11 (2) 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 (3) 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 (A) 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  
3 Section 9-3 of the Criminal Code of 1961 or the  
4 Criminal Code of 2012, where the use of alcohol or  
5 other drugs is recited as an element of the offense, or  
6 a similar out-of-state offense; or

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

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

14 (3.5) If a person's license or permit is revoked or  
15 suspended due to a conviction for a violation of  
16 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
17 of Section 11-501 of this Code or a similar provision of a  
18 local ordinance or similar out-of-state offense, that  
19 person, if issued a restricted driving permit, may not  
20 operate a vehicle unless it has been equipped with an  
21 ignition interlock device as defined in Section 1-129.1.

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

1 fees.

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

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

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

26 (e) This Section is subject to the provisions of the Driver

1 License Compact.

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

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

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

20 (i) (Blank).

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

26 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;

1 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
2 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.  
3 1-1-13; 97-1150, eff. 1-25-13.)

4 (625 ILCS 5/6-206)

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

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

11 1. Has committed an offense for which mandatory  
12 revocation of a driver's license or permit is required upon  
13 conviction;

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

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

1 highway;

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

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

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

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

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

24 9. Has made a false statement or knowingly concealed a  
25 material fact or has used false information or  
26 identification in any application for a license,



1 identification card, or permit;

2 10. Has possessed, displayed, or attempted to  
3 fraudulently use any license, identification card, or  
4 permit not issued to the person;

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

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

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

21 14. Has committed a violation of Section 6-301,  
22 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
23 of the Illinois Identification Card Act;

24 15. Has been convicted of violating Section 21-2 of the  
25 Criminal Code of 1961 or the Criminal Code of 2012 relating  
26 to criminal trespass to vehicles in which case, the

1 suspension shall be for one year;

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

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

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

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

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

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

20 22. Has used a motor vehicle in violating paragraph  
21 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
22 the Criminal Code of 1961 or the Criminal Code of 2012  
23 relating to unlawful use of weapons, in which case the  
24 suspension shall be for one year;

25 23. Has, as a driver, been convicted of committing a  
26 violation of paragraph (a) of Section 11-502 of this Code

1 for a second or subsequent time within one year of a  
2 similar violation;

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

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

13 26. Has altered or attempted to alter a license or has  
14 possessed an altered license, identification card, or  
15 permit;

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

18 28. Has been convicted for a first time of the illegal  
19 possession, while operating or in actual physical control,  
20 as a driver, of a motor vehicle, of any controlled  
21 substance prohibited under the Illinois Controlled  
22 Substances Act, any cannabis prohibited under the Cannabis  
23 Control Act, or any methamphetamine prohibited under the  
24 Methamphetamine Control and Community Protection Act, in  
25 which case the person's driving privileges shall be  
26 suspended for one year. Any defendant found guilty of this

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

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

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

23 31. Has refused to submit to a test as required by  
24 Section 11-501.6 of this Code or Section 5-16c of the Boat  
25 Registration and Safety Act or has submitted to a test  
26 resulting in an alcohol concentration of 0.08 or more or

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

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

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

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

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

23 36. Is under the age of 21 years at the time of arrest  
24 and has been convicted of not less than 2 offenses against  
25 traffic regulations governing the movement of vehicles  
26 committed within any 24 month period. No revocation or

1 suspension shall be entered more than 6 months after the  
2 date of last conviction;

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

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

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

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

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

18 42. Has committed a violation of subsection (a-1) of  
19 Section 11-1301.3 of this Code or a similar provision of a  
20 local ordinance;

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

26 44. Is under the age of 21 years at the time of arrest

1 and has been convicted of an offense against traffic  
2 regulations governing the movement of vehicles after  
3 having previously had his or her driving privileges  
4 suspended or revoked pursuant to subparagraph 36 of this  
5 Section;

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

8 (i) committed perjury; (ii) submitted fraudulent or  
9 falsified documents; (iii) submitted documents that have  
10 been materially altered; or (iv) submitted, as his or her  
11 own, documents that were in fact prepared or composed for  
12 another person;

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

15 47. Has committed a violation of Section 11-502.1 of  
16 this Code.

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

24 (b) If any conviction forming the basis of a suspension or  
25 revocation authorized under this Section is appealed, the  
26 Secretary of State may rescind or withhold the entry of the

1 order of suspension or revocation, as the case may be, provided  
2 that a certified copy of a stay order of a court is filed with  
3 the Secretary of State. If the conviction is affirmed on  
4 appeal, the date of the conviction shall relate back to the  
5 time the original judgment of conviction was entered and the 6  
6 month limitation prescribed shall not apply.

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

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



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

13 The provisions of this subparagraph shall not apply to any  
14 driver required to possess a CDL for the purpose of operating a  
15 commercial motor vehicle.

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

20 3. At the conclusion of a hearing under Section 2-118 of  
21 this Code, the Secretary of State shall either rescind or  
22 continue an order of revocation or shall substitute an order of  
23 suspension; or, good cause appearing therefor, rescind,  
24 continue, change, or extend the order of suspension. If the  
25 Secretary of State does not rescind the order, the Secretary  
26 may upon application, to relieve undue hardship (as defined by

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

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

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

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

12 (i) 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 Section  
15 9-3 of the Criminal Code of 1961 or the Criminal Code  
16 of 2012, where the use of alcohol or other drugs is  
17 recited as an element of the offense, or a similar  
18 out-of-state offense; or

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

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

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

20 (E) In each case the Secretary may issue a restricted  
21 driving permit for a period deemed appropriate, except that  
22 all permits shall expire within one year from the date of  
23 issuance. The Secretary may not, however, issue a  
24 restricted driving permit to any person whose current  
25 revocation is the result of a second or subsequent  
26 conviction for a violation of Section 11-501 of this Code

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

22 (c-3) In the case of a suspension under paragraph 43 of  
23 subsection (a), reports received by the Secretary of State  
24 under this Section shall, except during the actual time the  
25 suspension is in effect, be privileged information and for use  
26 only by the courts, police officers, prosecuting authorities,

1 the driver licensing administrator of any other state, the  
2 Secretary of State, or the parent or legal guardian of a driver  
3 under the age of 18. However, beginning January 1, 2008, if the  
4 person is a CDL holder, the suspension shall also be made  
5 available to the driver licensing administrator of any other  
6 state, the U.S. Department of Transportation, and the affected  
7 driver or motor carrier or prospective motor carrier upon  
8 request.

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

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

21 (d) This Section is subject to the provisions of the  
22 Drivers License Compact.

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

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

6           (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;  
7 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;  
8 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.  
9 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.  
10 7-16-14.)