



Sen. Steve Stadelman

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LRB099 03342 RJF 34223 a

1 AMENDMENT TO SENATE BILL 627

2 AMENDMENT NO. _____. Amend Senate Bill 627 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof;

5 3. Any felony under the laws of any State or the
6 federal government in the commission of which a motor
7 vehicle was used;

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

11 5. Perjury or the making of a false affidavit or
12 statement under oath to the Secretary of State under this
13 Code or under any other law relating to the ownership or
14 operation of motor vehicles;

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

18 7. Conviction of any offense defined in Section 4-102
19 of this Code;

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

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

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 or the Criminal Code of 2012 arising from the use of a
25 motor vehicle;

26 11. Violation of Section 11-204.1 of this Code relating

1 to aggravated fleeing or attempting to elude a peace
2 officer;

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

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

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

16 15. A second or subsequent conviction of driving while
17 the person's driver's license, permit or privileges was
18 revoked for reckless homicide or a similar out-of-state
19 offense;

20 16. Any offense against any provision in this Code, or
21 any local ordinance, regulating the movement of traffic
22 when that offense was the proximate cause of the death of
23 any person. Any person whose driving privileges have been
24 revoked pursuant to this paragraph may seek to have the
25 revocation terminated or to have the length of revocation
26 reduced by requesting an administrative hearing with the

1 Secretary of State prior to the projected driver's license
2 application eligibility date;

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

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

18 (b) The Secretary of State shall also immediately revoke
19 the license or permit of any driver in the following
20 situations:

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

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license
2 or permit;

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

16 (c) (1) Whenever a person is convicted of any of the
17 offenses enumerated in this Section, the court may recommend
18 and the Secretary of State in his discretion, without regard to
19 whether the recommendation is made by the court may, upon
20 application, issue to the person a restricted driving permit
21 granting the privilege of driving a motor vehicle between the
22 petitioner's residence and petitioner's place of employment or
23 within the scope of the petitioner's employment related duties,
24 or to allow the petitioner to transport himself or herself or a
25 family member of the petitioner's household to a medical
26 facility for the receipt of necessary medical care or to allow

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

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

1 or a combination of these offenses, arising out of separate
2 occurrences, that person, if issued a restricted driving
3 permit, may not operate a vehicle unless it has been
4 equipped with an ignition interlock device as defined in
5 Section 1-129.1.

6 (3) If:

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

10 (i) a single conviction of violating Section
11 11-501 of this Code or a similar provision of a
12 local ordinance or a similar out-of-state offense,
13 or Section 9-3 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, where the use of alcohol or
15 other drugs is recited as an element of the
16 offense, or a similar out-of-state offense; or

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

19 (iii) a suspension pursuant to Section
20 6-203.1;

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

22 (B) a person has been convicted of one violation of
23 Section 6-303 of this Code committed while his or her
24 driver's license, permit, or privilege was revoked
25 because of a violation of Section 9-3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, relating to

1 the offense of reckless homicide where the use of
2 alcohol or other drugs was recited as an element of the
3 offense, or a similar provision of a law of another
4 state; or

5 (C) a person has been convicted of one violation of
6 subparagraph (C) or (F) of paragraph (1) of subsection
7 (d) of Section 11-501 of this Code or a similar
8 provision of a local ordinance or similar out-of-state
9 offense;

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

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

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

25 (6) In each case the Secretary of State may issue a
26 restricted driving permit for a period he deems

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

1 the program. However, if an individual's driving
2 privileges have been revoked in accordance with paragraph
3 13 of subsection (a) of this Section, no restricted driving
4 permit shall be issued until the individual has served 6
5 months of the revocation period.

6 (c-5) (Blank).

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

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

26 (d)(1) Whenever a person under the age of 21 is convicted

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

18 (2) If a person's license or permit is revoked or
19 suspended due to 2 or more convictions of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense, or Section 9-3
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 where the use of alcohol or other drugs is recited as an
24 element of the offense, or a similar out-of-state offense,
25 or a combination of these offenses, arising out of separate
26 occurrences, that person, if issued a restricted driving

1 permit, may not operate a vehicle unless it has been
2 equipped with an ignition interlock device as defined in
3 Section 1-129.1.

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

7 (A) a single conviction 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
10 Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, where the use of alcohol or
12 other drugs is recited as an element of the offense, or
13 a similar out-of-state offense; or

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

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

21 (3.5) If a person's license or permit is revoked or
22 suspended due to a conviction for a violation of
23 subparagraph (C) or (F) of paragraph (1) of subsection (d)
24 of Section 11-501 of this Code or a similar provision of a
25 local ordinance or similar out-of-state offense, that
26 person, if issued a restricted driving permit, may not

1 operate a vehicle unless it has been equipped with an
2 ignition interlock device as defined in Section 1-129.1.

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

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

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

24 (d-5) The revocation of the license, permit, or driving
25 privileges of a person convicted of a third or subsequent
26 violation of Section 6-303 of this Code committed while his or

1 her driver's license, permit, or privilege was revoked because
2 of a violation of Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, relating to the offense of reckless
4 homicide, or a similar provision of a law of another state, is
5 permanent. The Secretary may not, at any time, issue a license
6 or permit to that person.

7 (e) This Section is subject to the provisions of the Driver
8 License Compact.

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

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

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

1 (i) (Blank).

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

7 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
8 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
9 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
10 1-1-13; 97-1150, eff. 1-25-13.)

11 (625 ILCS 5/6-206)

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

14 (a) The Secretary of State is authorized to suspend or
15 revoke the driving privileges of any person without preliminary
16 hearing upon a showing of the person's records or other
17 sufficient evidence that the person:

18 1. Has committed an offense for which mandatory
19 revocation of a driver's license or permit is required upon
20 conviction;

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

1 3. Has been repeatedly involved as a driver in motor
2 vehicle collisions or has been repeatedly convicted of
3 offenses against laws and ordinances regulating the
4 movement of traffic, to a degree that indicates lack of
5 ability to exercise ordinary and reasonable care in the
6 safe operation of a motor vehicle or disrespect for the
7 traffic laws and the safety of other persons upon the
8 highway;

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

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

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

26 7. Has refused or failed to submit to an examination

1 provided for by Section 6-207 or has failed to pass the
2 examination;

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

5 9. Has made a false statement or knowingly concealed a
6 material fact or has used false information or
7 identification in any application for a license,
8 identification card, or permit;

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

12 11. Has operated a motor vehicle upon a highway of this
13 State when the person's driving privilege or privilege to
14 obtain a driver's license or permit was revoked or
15 suspended unless the operation was authorized by a
16 monitoring device driving permit, judicial driving permit
17 issued prior to January 1, 2009, probationary license to
18 drive, or a restricted driving permit issued under this
19 Code;

20 12. Has submitted to any portion of the application
21 process for another person or has obtained the services of
22 another person to submit to any portion of the application
23 process for the purpose of obtaining a license,
24 identification card, or permit for some other person;

25 13. Has operated a motor vehicle upon a highway of this
26 State when the person's driver's license or permit was

1 invalid under the provisions of Sections 6-107.1 and 6-110;

2 14. Has committed a violation of Section 6-301,
3 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
4 of the Illinois Identification Card Act;

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

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

11 17. Has refused to submit to a test, or tests, as
12 required under Section 11-501.1 of this Code and the person
13 has not sought a hearing as provided for in Section
14 11-501.1;

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

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

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

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

1 22. Has used a motor vehicle in violating paragraph
2 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
3 the Criminal Code of 1961 or the Criminal Code of 2012
4 relating to unlawful use of weapons, in which case the
5 suspension shall be for one year;

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

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

16 25. Has permitted any form of identification to be used
17 by another in the application process in order to obtain or
18 attempt to obtain a license, identification card, or
19 permit;

20 26. Has altered or attempted to alter a license or has
21 possessed an altered license, identification card, or
22 permit;

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

25 28. Has been convicted for a first time of the illegal
26 possession, while operating or in actual physical control,

1 as a driver, of a motor vehicle, of any controlled
2 substance prohibited under the Illinois Controlled
3 Substances Act, any cannabis prohibited under the Cannabis
4 Control Act, or any methamphetamine prohibited under the
5 Methamphetamine Control and Community Protection Act, in
6 which case the person's driving privileges shall be
7 suspended for one year. Any defendant found guilty of this
8 offense while operating a motor vehicle, shall have an
9 entry made in the court record by the presiding judge that
10 this offense did occur while the defendant was operating a
11 motor vehicle and order the clerk of the court to report
12 the violation to the Secretary of State;

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

26 30. Has been convicted a second or subsequent time for

1 any combination of the offenses named in paragraph 29 of
2 this subsection, in which case the person's driving
3 privileges shall be suspended for 5 years;

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

16 32. Has been convicted of Section 24-1.2 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 relating
18 to the aggravated discharge of a firearm if the offender
19 was located in a motor vehicle at the time the firearm was
20 discharged, in which case the suspension shall be for 3
21 years;

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

26 34. Has committed a violation of Section 11-1301.5 of

1 this Code or a similar provision of a local ordinance;

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

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

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

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

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

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

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

25 42. Has committed a violation of subsection (a-1) of
26 Section 11-1301.3 of this Code or a similar provision of a

1 local ordinance;

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

7 44. Is under the age of 21 years at the time of arrest
8 and has been convicted of an offense against traffic
9 regulations governing the movement of vehicles after
10 having previously had his or her driving privileges
11 suspended or revoked pursuant to subparagraph 36 of this
12 Section;

13 45. Has, in connection with or during the course of a
14 formal hearing conducted under Section 2-118 of this Code:
15 (i) committed perjury; (ii) submitted fraudulent or
16 falsified documents; (iii) submitted documents that have
17 been materially altered; or (iv) submitted, as his or her
18 own, documents that were in fact prepared or composed for
19 another person;

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

22 47. Has committed a violation of Section 11-502.1 of
23 this Code.

24 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
25 and 27 of this subsection, license means any driver's license,
26 any traffic ticket issued when the person's driver's license is

1 deposited in lieu of bail, a suspension notice issued by the
2 Secretary of State, a duplicate or corrected driver's license,
3 a probationary driver's license or a temporary driver's
4 license.

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

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

20 2. If the Secretary of State suspends the driver's license
21 of a person under subsection 2 of paragraph (a) of this
22 Section, a person's privilege to operate a vehicle as an
23 occupation shall not be suspended, provided an affidavit is
24 properly completed, the appropriate fee received, and a permit
25 issued prior to the effective date of the suspension, unless 5
26 offenses were committed, at least 2 of which occurred while

1 operating a commercial vehicle in connection with the driver's
2 regular occupation. All other driving privileges shall be
3 suspended by the Secretary of State. Any driver prior to
4 operating a vehicle for occupational purposes only must submit
5 the affidavit on forms to be provided by the Secretary of State
6 setting forth the facts of the person's occupation. The
7 affidavit shall also state the number of offenses committed
8 while operating a vehicle in connection with the driver's
9 regular occupation. The affidavit shall be accompanied by the
10 driver's license. Upon receipt of a properly completed
11 affidavit, the Secretary of State shall issue the driver a
12 permit to operate a vehicle in connection with the driver's
13 regular occupation only. Unless the permit is issued by the
14 Secretary of State prior to the date of suspension, the
15 privilege to drive any motor vehicle shall be suspended as set
16 forth in the notice that was mailed under this Section. If an
17 affidavit is received subsequent to the effective date of this
18 suspension, a permit may be issued for the remainder of the
19 suspension period.

20 The provisions of this subparagraph shall not apply to any
21 driver required to possess a CDL for the purpose of operating a
22 commercial motor vehicle.

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

1 3. At the conclusion of a hearing under Section 2-118 of
2 this Code, the Secretary of State shall either rescind or
3 continue an order of revocation or shall substitute an order of
4 suspension; or, good cause appearing therefor, rescind,
5 continue, change, or extend the order of suspension. If the
6 Secretary of State does not rescind the order, the Secretary
7 may upon application, to relieve undue hardship (as defined by
8 the rules of the Secretary of State), issue a restricted
9 driving permit granting the privilege of driving a motor
10 vehicle between the petitioner's residence and petitioner's
11 place of employment or within the scope of the petitioner's
12 employment related duties, or to allow the petitioner to
13 transport himself or herself, or a family member of the
14 petitioner's household to a medical facility, to receive
15 necessary medical care, to allow the petitioner to transport
16 himself or herself to and from alcohol or drug remedial or
17 rehabilitative activity recommended by a licensed service
18 provider, or to allow the petitioner to transport himself or
19 herself or a family member of the petitioner's household to
20 classes, as a student, at an accredited educational
21 institution, or to allow the petitioner to transport children,
22 elderly persons, or disabled persons who do not hold driving
23 privileges and are living in the petitioner's household to and
24 from daycare. The petitioner must demonstrate that no
25 alternative means of transportation is reasonably available
26 and that the petitioner will not endanger the public safety or

1 welfare. Those multiple offenders identified in subdivision
2 (b)4 of Section 6-208 of this Code, however, shall not be
3 eligible for the issuance of a restricted driving permit.

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

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

19 (i) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense or Section
22 9-3 of the Criminal Code of 1961 or the Criminal Code
23 of 2012, where the use of alcohol or other drugs is
24 recited as an element of the offense, or a similar
25 out-of-state offense; or

26 (ii) a statutory summary suspension or revocation

1 under Section 11-501.1; or

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

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

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

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

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

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

1 is authorized to cancel a restricted driving permit if the
2 permit holder does not successfully complete the program.

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

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

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

1 retested under Section 6-109 of this Code.

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. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
14 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
15 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
16 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.
17 7-16-14.)".