

1 AN ACT in relation to criminal law.

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
5 changing Section 6-206 as follows:

6 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

7 Sec. 6-206. Discretionary authority to suspend or revoke
8 license or permit and mandatory suspension; Right to a
9 hearing.

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

14 1. Has committed an offense for which mandatory
15 revocation of a driver's license or permit is required
16 upon conviction;

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

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

30 4. Has by the unlawful operation of a motor vehicle
31 caused or contributed to an accident resulting in death

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

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

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

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

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

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

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

28 11. Has operated a motor vehicle upon a highway of
29 this State when the person's driving privilege or
30 privilege to obtain a driver's license or permit was
31 revoked or suspended unless the operation was authorized
32 by a judicial driving permit, probationary license to
33 drive, or a restricted driving permit issued under this
34 Code;

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

7 13. Has operated a motor vehicle upon a highway of
8 this State when the person's driver's license or permit
9 was invalid under the provisions of Sections 6-107.1 and
10 6-110;

11 14. Has committed a violation of Section 6-301,
12 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
13 14B of the Illinois Identification Card Act;

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

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

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

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

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

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

32 21. Has been convicted of violating Section 11-402
33 of this Code relating to leaving the scene of an accident
34 resulting in damage to a vehicle in excess of \$1,000, in

1 which case the suspension shall be for one year;

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

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

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

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

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

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

26 28. Has been convicted of the illegal possession,
27 while operating or in actual physical control, as a
28 driver, of a motor vehicle, of any controlled substance
29 prohibited under the Illinois Controlled Substances Act
30 or any cannabis prohibited under the provisions of the
31 Cannabis Control Act, in which case the person's driving
32 privileges shall be suspended for one year, and any
33 driver who is convicted of a second or subsequent
34 offense, within 5 years of a previous conviction, for the

1 illegal possession, while operating or in actual physical
2 control, as a driver, of a motor vehicle, of any
3 controlled substance prohibited under the provisions of
4 the Illinois Controlled Substances Act or any cannabis
5 prohibited under the Cannabis Control Act shall be
6 suspended for 5 years. Any defendant found guilty of this
7 offense while operating a motor vehicle, shall have an
8 entry made in the court record by the presiding judge
9 that this offense did occur while the defendant was
10 operating a motor vehicle and order the clerk of the
11 court to report the violation to the Secretary of State;

12 29. Has been convicted of the following offenses
13 that were committed while the person was operating or in
14 actual physical control, as a driver, of a motor vehicle:
15 criminal sexual assault, predatory criminal sexual
16 assault of a child, aggravated criminal sexual assault,
17 criminal sexual abuse, aggravated criminal sexual abuse,
18 juvenile pimping, soliciting for a juvenile prostitute
19 and the manufacture, sale or delivery of controlled
20 substances or instruments used for illegal drug use or
21 abuse in which case the driver's driving privileges shall
22 be suspended for one year;

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

27 31. Has refused to submit to a test as required by
28 Section 11-501.6 or has submitted to a test resulting in
29 an alcohol concentration of 0.08 or more or any amount of
30 a drug, substance, or compound resulting from the
31 unlawful use or consumption of cannabis as listed in the
32 Cannabis Control Act, a controlled substance as listed in
33 the Illinois Controlled Substances Act, or an
34 intoxicating compound as listed in the Use of

1 Intoxicating Compounds Act, in which case the penalty
2 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 relating to the aggravated
5 discharge of a firearm if the offender was located in a
6 motor vehicle at the time the firearm was discharged, in
7 which case the suspension shall be for 3 years;

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

12 34. Has committed a violation of Section 11-1301.5
13 of this Code;

14 35. Has committed a violation of Section 11-1301.6
15 of this Code; or

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

22 37. Has committed a violation of subsection (c) of
23 Section 11-907 of 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
26 license, any traffic ticket issued when the person's driver's
27 license is deposited in lieu of bail, a suspension notice
28 issued by the Secretary of State, a duplicate or corrected
29 driver's license, a probationary driver's license or a
30 temporary driver's license.

31 (b) If any conviction forming the basis of a suspension
32 or revocation authorized under this Section is appealed, the
33 Secretary of State may rescind or withhold the entry of the
34 order of suspension or revocation, as the case may be,

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

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

13 2. If the Secretary of State suspends the driver's
14 license of a person under subsection 2 of paragraph (a)
15 of this Section, a person's privilege to operate a
16 vehicle as an occupation shall not be suspended, provided
17 an affidavit is properly completed, the appropriate fee
18 received, and a permit issued prior to the effective date
19 of the suspension, unless 5 offenses were committed, at
20 least 2 of which occurred while operating a commercial
21 vehicle in connection with the driver's regular
22 occupation. All other driving privileges shall be
23 suspended by the Secretary of State. Any driver prior to
24 operating a vehicle for occupational purposes only must
25 submit the affidavit on forms to be provided by the
26 Secretary of State setting forth the facts of the
27 person's occupation. The affidavit shall also state the
28 number of offenses committed while operating a vehicle in
29 connection with the driver's regular occupation. The
30 affidavit shall be accompanied by the driver's license.
31 Upon receipt of a properly completed affidavit, the
32 Secretary of State shall issue the driver a permit to
33 operate a vehicle in connection with the driver's regular
34 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
3 as set forth in the notice that was mailed under this
4 Section. If an affidavit is received subsequent to the
5 effective date of this suspension, a permit may be issued
6 for the remainder of the suspension period.

7 The provisions of this subparagraph shall not apply
8 to any driver required to obtain a commercial driver's
9 license under Section 6-507 during the period of a
10 disqualification of commercial driving privileges under
11 Section 6-514.

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

17 3. At the conclusion of a hearing under Section
18 2-118 of this Code, the Secretary of State shall either
19 rescind or continue an order of revocation or shall
20 substitute an order of suspension; or, good cause
21 appearing therefor, rescind, continue, change, or extend
22 the order of suspension. If the Secretary of State does
23 not rescind the order, the Secretary may upon
24 application, to relieve undue hardship, issue a
25 restricted driving permit granting the privilege of
26 driving a motor vehicle between the petitioner's
27 residence and petitioner's place of employment or within
28 the scope of his employment related duties, or to allow
29 transportation for the petitioner, or a household member
30 of the petitioner's family, to receive necessary medical
31 care and if the professional evaluation indicates,
32 provide transportation for alcohol remedial or
33 rehabilitative activity, or for the petitioner to attend
34 classes, as a student, in an accredited educational

1 institution; if the petitioner is able to demonstrate
2 that no alternative means of transportation is reasonably
3 available and the petitioner will not endanger the public
4 safety or welfare.

5 If a person's license or permit has been revoked or
6 suspended due to 2 or more convictions of violating
7 Section 11-501 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense,
9 arising out of separate occurrences, that person, if
10 issued a restricted driving permit, may not operate a
11 vehicle unless it has been equipped with an ignition
12 interlock device as defined in Section 1-129.1.

13 If a person's license or permit has been revoked or
14 suspended 2 or more times within a 10 year period due to
15 a single conviction of violating Section 11-501 of this
16 Code or a similar provision of a local ordinance or a
17 similar out-of-state offense, and a statutory summary
18 suspension under Section 11-501.1, or 2 or more statutory
19 summary suspensions, or combination of 2 offenses, or of
20 an offense and a statutory summary suspension, arising
21 out of separate occurrences, that person, if issued a
22 restricted driving permit, may not operate a vehicle
23 unless it has been equipped with an ignition interlock
24 device as defined in Section 1-129.1. The person must pay
25 to the Secretary of State DUI Administration Fund an
26 amount not to exceed \$20 per month. The Secretary shall
27 establish by rule the amount and the procedures, terms,
28 and conditions relating to these fees. If the restricted
29 driving permit was issued for employment purposes, then
30 this provision does not apply to the operation of an
31 occupational vehicle owned or leased by that person's
32 employer. In each case the Secretary may issue a
33 restricted driving permit for a period deemed
34 appropriate, except that all permits shall expire within

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

27 (c-5) The Secretary of State may, as a condition of the
28 reissuance of a driver's license or permit to an applicant
29 whose driver's license or permit has been suspended before he
30 or she reached the age of 18 years pursuant to any of the
31 provisions of this Section, require the applicant to
32 participate in a driver remedial education course and be
33 retested under Section 6-109 of this Code.

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

1 Drivers License Compact.

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

6 (f) The Secretary of State shall suspend the driver's
7 license of a person convicted of a violation of Section 3.7
8 of the Drug Paraphernalia Control Act for a period of 12
9 months from the date of the defendant's sentence for a
10 violation of that Section.

11 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
12 92-458, eff. 8-22-01; revised 8-27-01.)

13 Section 10. The Drug Paraphernalia Control Act is amended
14 by adding Sections 3.6 and 3.7 as follows:

15 (720 ILCS 600/3.6 new)

16 Sec. 3.6. Sale of a drug cleanser.

17 (a) Definition. In this Section, "drug cleanser" means a
18 product that masks, dilutes, or substitutes hair or any
19 bodily fluid to enable a user to produce a false negative
20 result on a drug test.

21 (b) A retail establishment that offers for sale, sells,
22 gives, exchanges, or delivers a drug cleanser for any
23 commercial consideration is a public nuisance and shall be
24 fined \$1,000 for the first offense and \$1,500 for each and
25 every subsequent offense.

26 (720 ILCS 600/3.7 new)

27 Sec. 3.7. Possession or use of a drug cleanser.

28 (a) A person who knowingly possesses or uses a drug
29 cleanser that masks, dilutes, or substitutes blood, urine, or
30 hair samples to enable its users to produce a false negative
31 result on a drug test is guilty of a Class C misdemeanor for

1 which the court shall impose a minimum fine of \$500 for the
2 first offense in addition to any other penalty prescribed for
3 a Class C misdemeanor. A second or subsequent violation of
4 this Section is a Class A misdemeanor for which the court
5 shall impose a minimum fine of \$1,500 in addition to any
6 other penalty prescribed for a Class A misdemeanor.

7 (b) The court shall, in addition to any other penalty
8 that the court imposes for a violation of this Section, order
9 the defendant's driver's license suspended for a period of 12
10 months from the date on which the person who is convicted of
11 a violation of this Section is sentenced by the court.

12 Section 99. Effective date. This Act takes effect on
13 September 1, 2002.