**Section 1001.70 Commencement of Actions; Notice of Hearing**

a) Petition; Notice of Hearing

1) A contested case is commenced by the Office, either after the written request of the petitioner or on the Office's initiative, by service of a Notice of Hearing in accordance with Section 2-114, within the time limitation contained in Sections 2-118(a) and (b) and 3-402.B(7)(a) and (b), as applicable, of the Illinois Vehicle Code [625 ILCS 5/2-114, 2-218(a) and (b), and 3-402.B(7)(a) and (b)] upon the respondent. By "written request" it is meant that the petitioner may send the Office a petition via facsimile, electronic transmission, or regular mail. The Notice of Hearing may be sent by electronic transmission, if the petitioner agrees to receiving the Notice of Hearing and Decision and/or Order via electronic transmission.

2) Any petition for reinstatement of driving privileges will also be considered a petition for a restricted driving permit, unless the petitioner specifically waives any consideration for alternative relief.

b) Filing Fee

1) A petition for a hearing will not be accepted for filing unless it is accompanied by a fee of $50, as provided in Sections 2-118 and 3‑402.B(7)(a) of the Illinois Vehicle Code. This filing fee must be submitted in the form of a money order, a check, or a credit card charge (with a pre-approved card), made payable to the Secretary of State.

2) This filing fee will not be refunded to the party requesting a hearing if the hearing proceeds, the party submits multiple petitions for a hearing to different hearing locations simultaneously, the party withdraws from the hearing or an order of default is entered. The party will be required to submit another filing fee before another hearing will be scheduled.

3) In cases where a hearing is continued, the party requesting the hearing will not be required to submit another filing fee.

4) In cases where the party requesting a hearing withdraws or defaults, the party will be required to submit another filing fee before another hearing will be scheduled.

c) The Notice of Hearing shall include:

1) The names and addresses of all known parties, petitioner and respondent, including the department initiating the hearing;

2) Whether the hearing is at the request of the petitioner or the Department;

3) The time, date and place of hearing. The Department will endeavor to accommodate a party's request regarding the location of a hearing, but reserves the discretion to schedule a hearing at a site that is mutually convenient for all parties involved, including witnesses, and subject to the constraints imposed by budgetary and personnel considerations;

4) A short and concise statement of facts (as distinguished from conclusions of law or a mere recitation in the words of the statute) alleging the act or acts done by each petitioner or, where appropriate, respondent; the time, date, and place each such act was done or a short and concise statement of the matters asserted; and the rule, statute, or constitutional provision, if any, alleged to have been violated, or otherwise involved in the proceeding; and the relief sought by the petitioner party;

5) A statement to each party that:

A) Such party may be represented by legal counsel; may present evidence; may cross-examine witnesses and otherwise participate in the hearing.

B) Failure to so appear shall constitute a default, unless such party has, upon due notice to other parties, moved for and obtained a continuance from the hearing officer.

C) Delivery of notice to the designated representative of a party constitutes service upon the party.

d) Requirements for Felony Convictions Involving a Fatality. A petitioner who has an open revocation for reckless homicide or aggravated driving under the influence that involved a fatality must submit, with his or her petition for driving relief, either a copy of the Order of the circuit court that states the sentence received upon conviction, certified by the Clerk of the Court, or a document from the Department of Corrections that reflects: the offense for which the petitioner was imprisoned; the date of release from imprisonment; and the terms of release or parole. For the purpose of determining a petitioner's eligibility for reinstatement pursuant to Section 6-208(b)1 of the Code, and for the issuance of a restricted driving permit pursuant to Sections 6-205(c) and 6-206(c)3 of the Code, the date of release from imprisonment refers to the imprisonment on the conviction for the offense and does not include release from imprisonment for a violation of parole or probation. It is the responsibility of the petitioner to provide documentation that clearly reflects the date of his/her release from imprisonment.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)