**Section 1001.430 General Provisions for Reinstatement of Driving Privileges after Revocation**

a) Conviction is Dispositive. In all cases, a conviction in a court of law in Illinois or any other state is dispositive of the guilt of a petitioner of the offense that caused the revocation.

b) Cause Removed. If revocation was for a cause that has been removed, such as the reversal of a conviction upon which revocation was entered, the petitioner must demonstrate that fact by clear and convincing evidence.

c) Hardship Not Required; Factors Considered. A petitioner who is otherwise eligible for reinstatement of driving privileges at the time of the hearing is not required to prove an undue hardship as a condition of being, or in order to be, reinstated. The factors that will be considered by the Department in determining the propriety of reinstating a petitioner whose driving privileges have been revoked include but are not limited to: the petitioner's age; whether the petitioner has driven while suspended or revoked; duration of present employment; number of years licensed to drive; number, severity, and frequency of accidents; frequency, type, and severity of traffic violations; efforts at rehabilitation or reform of past driving practices; demeanor of petitioner in the hearing; credibility of petitioner and witnesses in the hearing; credibility of and weight given to the petitioner's documentary evidence; petitioner's total driving record, including but not limited to reasons for violations, prior permits issued (unless such permit was issued pursuant to the order of circuit or appellate court following an administrative review action), the length of time that the petitioner actually drove or has been driving on permits, and driving record while on any permit; record of performance while driving with an interlock device; driving history in another state if licensed previously; any arrest or implied consent suspension for boating or snowmobiling under the influence; petitioner's alcohol/drug-related criminal record, as defined in Section 1001.410; whether the petitioner was incarcerated and participated in any rehabilitative activity during incarceration; whether the petitioner complied with the terms and conditions of probation or parole; and psychiatric reports in which the evidence shows that petitioner is suffering or has suffered from a psychiatric disorder that might affect the ability to operate a motor vehicle in a safe and responsible manner. The fact that a petitioner was not cited or arrested for, or convicted of, any traffic offense while driving on a probationary permit does not, in and of itself, entitle the petitioner to reinstatement.

d) Investigative Evaluation

1) A petitioner will be required to complete and submit an investigative alcohol drug evaluation as part of the Secretary's investigative process, where the evidence, including the petitioner's driving record, indicates that:

A) the current loss of driving privileges is not related to a DUI arrest/disposition yet:

i) the petitioner's/respondent's driving record contains, or other evidence indicates the existence of, a prior DUI disposition or any other conviction or loss of driving privileges that was alcohol/drug related within the last 5 years (as of the date of the hearing) for which the petitioner/respondent did not or was not required to submit to the Secretary of State an alcohol/drug evaluation to obtain driving privileges;

ii) there is credible evidence that the petitioner had any arrest or implied consent suspension for boating or snowmobiling under the influence within the last 5 years (as of the date of the hearing);

iii) the petitioner has an alcohol/drug-related criminal conviction within the last 5 years (as of the date of the hearing), as defined in Section 1001.410; or

iv) the facts of the current loss of driving privileges indicate the use or potential use of alcoholic beverages or other drugs at a time when the offender was under the age of 21 years and within the last 5 years (as of the date of the hearing); or

B) the petitioner/respondent may be a user of alcohol or any other drug to a degree that renders that person incapable of safely driving a motor vehicle. (See Section IVC 6-103.4.)

2) The petitioner will be required to complete any recommended rehabilitative activity or provide a waiver. Furthermore, if any rehabilitative (i.e., a driver risk education course, intervention, or treatment for alcohol/drug abuse) activity is recommended, then the petitioner must submit an update evaluation, as provided in this Subpart D, until the petitioner's driving privileges are reinstated. An update evaluation is required even if the waiver is based upon the fact that the petitioner completed treatment prior to the date that the investigative evaluation was conducted.

3) The requirements of this subsection (d) also apply to an investigative evaluation that is submitted by a petitioner voluntarily.

4) The Department reserves the discretion to waive the requirement of the investigative evaluation if the current criminal offense is a misdemeanor and there is no other evidence of a current alcohol or drug problem.

e) Examination. A petitioner will be required to submit to a driver's license examination prior to the reinstatement of driving privileges if the test has not been successfully completed in the preceding 24 months.

f) Public Safety and Welfare. In case of either subsection (b) or (c), the public welfare and safety must not be endangered by the reinstatement of the petitioner's driving privileges. The petitioner, if restored to full driving privileges, must operate a motor vehicle safely so as not to be a danger to the petitioner or other drivers on the road. The mere passage of time since the date of revocation is not sufficient evidence.

g) Eligibility; New Residents of Illinois. A hearing for reinstatement will not be conducted at any time before the prescribed date of eligibility. The Secretary of State will not issue a driver's license to a new resident of Illinois while driving privileges are revoked in another jurisdiction, pursuant to IVC Section 6‑103.1, unless petitioner meets the requirements set forth in Section 1001.420(1), pursuant to IVC Section 6-103.1.

h) Ticket Pending. The driving privileges of a petitioner shall not be reinstated while any moving offense is pending against a petitioner in any court of this or any other state unless the pending citation or citations are also the only cause of the current loss of driving privileges.

i) 75% Rule. A petitioner who was issued a probationary permit or any RDP, who otherwise becomes eligible for full reinstatement, will not be considered for reinstatement of driving privileges, unless the petitioner has successfully completed driving on the initial permit for 75% of its length. Probationary permits will be issued for any lawful purpose 12 hours per day, 6 days per week, within a 200-mile radius for up to one year in length. However, a petitioner may appeal to the Director of the Department for a waiver of this provision when exigent circumstances warrant consideration of a waiver. An exigent circumstance is one that would prevent the petitioner from ever being able to meet this requirement, such as moving out of the State.

j) Decision. The Director or a designee shall make the final decision, on each petition, on behalf of the Secretary. If relief was sought at a formal hearing, petitioners will receive a copy of the hearing officer's Findings of Fact, Conclusions of Law, and Recommendations, and the Secretary's Order.

k) Out-of-state Petitioners – Never Resided in Illinois. Notwithstanding any other provisions of this Subpart, the following provisions for reinstatement of the Illinois driving privileges for certain out-of-state petitioners shall apply:

1) Out-of-state petitioners whose driving privileges are revoked in Illinois shall be granted reinstatement of Illinois driving privileges upon a showing that:

A) the petitioner is not currently a resident of the State of Illinois by producing a government-issued Driver's License or Identification Card from another state;

B) at the time of arrest or arrests in Illinois for the violations that led to the revocation of the Illinois driving privileges, the petitioner was not licensed to drive in Illinois, was a resident of a state or jurisdiction other than Illinois, and continues to reside in that or any other state or jurisdiction;

C) the petitioner is not currently seeking to reside in or be licensed to drive in the State of Illinois;

D) the state of residence and/or licensure of the petitioner at the time of the Illinois arrests did not take action, or took action against the driving privileges of the petitioner based upon the Illinois arrest and the action has terminated;

E) but for the revocation in Illinois, the petitioner is not prohibited from obtaining driving privileges in any state or jurisdiction other than Illinois. The Secretary reserves the discretion to check the status of the petitioner's driving privileges in other states, as reported by the PDPS; and

F) the petitioner has paid all necessary fees due the State of Illinois.

2) Out-of-state petitioners granted reinstatement under the provisions of this subsection (k), who subsequently apply for Illinois driving privileges and a driver's license within 3 years after the date of reinstatement in Illinois, shall be required to have an administrative hearing and meet all of the applicable requirements of this Subpart prior to the issuance of any Illinois driving privileges and a driver's license.

l) Driving Privileges of Out-of-State Petitioners Revoked for Life. Notwithstanding any other provisions of this Subpart, the following provisions for the termination of a lifetime revocation of Illinois driving privileges for certain out-of-state petitioners shall apply:

1) Out-of-state petitioners seeking termination of a lifetime revocation will be required to have an in-person hearing in Illinois, unless the hearing officer determines that there are material extenuating circumstances that prohibit the petitioner from attending an in-person hearing. Material extenuating circumstances do not include inconvenience or monetary considerations. In-person hearings require the petitioner to be physically present and do not include telephonic hearings but do include real-time audio and visual internet hearings.

2) Out-of-state petitioners whose driving privileges are revoked in Illinois for life shall be granted termination of the lifetime revocation upon a showing that:

A) he or she is not currently a resident of the State of Illinois;

B) the petitioner is not currently seeking to reside in or be licensed to drive in the State of Illinois;

C) more than 10 years has elapsed since the date of the most recent revocation;

D) the petitioner meets all requirements set forth in Section 1001.440; and

E) the petitioner has paid all necessary fees due to the State of Illinois.

3) Out-of-state petitioners whose Illinois lifetime revocation has been terminated under the provisions of this subsection (l) and who subsequently become an Illinois resident again shall have the lifetime revocation reinstated. The petitioner may apply for an RDP pursuant to IVC Section 6-205(c)(1.5) or 6-206(c)(3)(F).

m) Revocations for Reckless Homicide and Aggravated DUI 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 the 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 IVC Section 6-208(b)1, 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 release from imprisonment.

(Source: Amended at 45 Ill. Reg. 14985, effective November 12, 2021)