**Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License**

a) When considering prior convictions, only convictions for driving without a valid driver's license within seven years prior to the arrest date of the incoming conviction shall be considered.

b) Only those suspensions or revocations cleared within seven years prior to the effective date of the forthcoming suspension or revocation shall be considered as prior suspensions or revocations. Cleared miscellaneous suspensions shall not be considered prior suspensions for purposes of this Section.

c) Miscellaneous suspensions that have not been cleared shall be counted as a prior suspension if the arrest date of the conviction for driving without a valid license occurred after the effective date of the miscellaneous suspension and if the miscellaneous suspension is in full force and effect upon entry of the suspension or revocation for driving without a valid driver's license.

d) A person shall have his/her driving privileges suspended or revoked by the Department if he/she is convicted of driving without a valid driver's license and has not been issued a valid Illinois driver's license on or prior to the date of conviction for the violation of driving without a valid license.

e) If a person has no prior suspension or revocation and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
|   |  |  |
| 1st Conviction |  | 2-month Suspension |
| 2nd Conviction |  | 4-month Suspension |
| 3rd Conviction |  | 6-month Suspension |
| 4th Conviction |  | 12-month Suspension |
| 5th or subsequent Conviction |  | Revocation |

f) If a person has one prior suspension or revocation (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
|  |  |  |
| 1st Conviction |  | 4-month Suspension |
| 2nd Conviction |  | 6-month Suspension |
| 3rd Conviction |  | 12-month Suspension |
| 4th or subsequent Conviction |  | Revocation |

g) If a person has two prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
|  |  |  |
| 1st Conviction |  | 6-month Suspension |
| 2nd Conviction |  | 12-month Suspension |
| 3rd or subsequent Conviction |  | Revocation |

h) If a person has three prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
|  |  |  |
| 1st Conviction |  | 12-month Suspension |
| 2nd or subsequent Conviction |  | Revocation |

i) If a person has four or more prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall enter an order of revocation.

j) If a conviction for driving without a valid driver's license shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for one year from the date of the conviction or one year from the latest projected eligibility date on record whichever is the longer period of time. If a conviction for driving without a valid driver's license shows an arrest date during a period of suspension (excluding all miscellaneous suspensions except curfew and night time driving restriction suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension in accordance with IVC Section 6-303.

k) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has no prior suspensions or revocations and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
|  |  |  |
| 1st Conviction |  | 4-month Suspension |
| 2nd Conviction |  | 6-month Suspension |
| 3rd Conviction |  | 12-month Suspension |
| 4th or subsequent Conviction |  | Revocation |

l) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has one prior suspension or revocation and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
|  |  |  |
| 1st Conviction |  | 6-month Suspension |
| 2nd Conviction |  | 12-month Suspension |
| 3rd or subsequent Conviction |  | Revocation |

m) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has two prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
|  |  |  |
| 1st Conviction |  | 12-month Suspension |
| 2nd or subsequent Conviction |  | Revocation |

n) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that is in effect, has three or more prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall enter an order of revocation.

o) If a person has a suspension in effect pursuant to IVC Section 6-206(a)(19) or (a)(6) and receives a subsequent conviction for driving without a valid driver's license, the suspension shall be amended in accordance with the guidelines of this Section.

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)