**Section 1040.37 Suspension for Violation of Restrictions on Instruction Permit**

a) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on an instruction permit shall have his/her driving privileges suspended by the Department. If a new driver's license is issued on or prior to the conviction date of the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.

b) A person who is arrested for a traffic offense prior to the initial issuance of a driver's license and is subsequently convicted of the offense shall be returned to instruction permit status. If the person is subsequently convicted of operating a motor vehicle in violation of the restrictions of the instruction permit, he or she shall have his or her driving privileges suspended by the Department. If the person has returned to driver's license status when the Department receives the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.

c) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.

d) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on an instruction permit within seven years prior to the arrest date of the incoming conviction shall be considered.

e) Only those suspensions currently in effect or pending or suspensions or revocations cleared within seven years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.

f) If a person has no prior suspension or revocation of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, 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 or subsequent Conviction |  | 12-month Suspension |

g) If a person has one prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

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

h) If a person has two prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

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

i) If a person has three or more prior suspensions or revocations or any combination thereof and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

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

j) If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit 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 the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of suspension (including 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 suspension in effect pursuant to IVC Section 6-113(d) and receives a subsequent conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the suspension shall be amended in accordance with the guidelines of subsections (f) through (i).

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