**Section 1040.50 Occupational Driving Permit**

a) If the Secretary of State suspends the driver's license of a person pursuant to IVC Section 6-206(a)(2) and the person drives a commercial vehicle in connection with his/her regular occupation, the person may qualify for an occupational driving permit if:

1) the individual is at least 18 years of age; and

2) the individual has been issued or has qualified for a valid Illinois driver's license prior to issuance of the occupational driving permit; and

3) there are no outstanding reinstatement fees or failure to pay notations on the Illinois driving record; and

4) there are no open or pending suspensions, revocations, cancellations or disqualifications on the individual's Illinois driving record; and

5) the suspension period does not exceed 12 months; and

6) the suspension was the result of three, four or five offenses that were committed within a 12-month period. If five offenses were committed, at least two of which occurred while operating a commercial vehicle in connection with the driver's regular occupation, the driver would not qualify for an occupational driving permit; and

7) the individual's occupation is full time, and one that involves driving a commercial vehicle on a regular basis. Part-time employment or a person renting a commercial vehicle under a short term lease shall not qualify; and

8) the individual successfully completes a Driver Remedial Education Course prior to the issuance of the occupational driving permit; and

9) the individual completes and signs an affidavit prescribed by the Secretary of State setting forth his/her eligibility as a driver of a commercial vehicle and such other information as required by the Secretary of State. The affidavit shall also be notarized by a Notary Public or signed by a Secretary of State Hearing Officer; and

10) the individual submits a notarized letter from the employer, on the employer's letterhead, verifying employment; and

11) the individual submits appropriate fee; and

12) the individual surrenders his/her current Illinois driver's license.

b) Operation of the following vehicles shall not be deemed to be the operation of a commercial vehicle:

1) farm vehicle;

2) implements of husbandry;

3) road machinery temporarily on the highway;

4) a farm tractor being operated between the home farm and adjacent or nearby farm.

c) If the permit holder's regular occupation changes, or if the original permit is lost or stolen, the driver is required to apply for a corrected or duplicate permit in order to continue driving. The driver must qualify by meeting the requirements outlined in subsection (a) and shall submit an affidavit verifying the lost or stolen permit in order to be issued a duplicate permit, or surrender the original permit to obtain a corrected permit.

d) Upon receipt by this Office of the fifth conviction within a 12-month period, if at least two of the convictions were issued for violations committed in his/her commercial vehicle, or a sixth conviction within a 12-month period was received and the permit was still valid, an Order of Cancellation shall be entered pursuant to IVC Section 6-206(c)(3).

e) An occupational driving permit shall be cancelled if the Secretary of State receives reliable written evidence that the individual does not qualify for the permit as outlined in subsection (a).

f) Any driver required to obtain a commercial driver's license pursuant to IVC Section 6-507 may not be issued an occupational driving permit to operate a commercial motor vehicle while the individual's CDL is cancelled, revoked, suspended or disqualified pursuant to IVC Sections 6-507(b) and 6-514.

g) Any person who falsely states any fact in the affidavit required by subsection (a)(9) shall be guilty of perjury pursuant to IVC Section 6-302 and upon conviction shall have all driving privileges revoked without further rights.

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