**Section 1040.55 Suspension or Revocation for Driver's License Classification Violations**

a) A person who is convicted of operating a motor vehicle without the proper license classification shall have his/her driving privileges suspended or revoked by the Department. If a new upgraded license has been issued for the proper classification of the vehicle being operated at the time of arrest on or prior to the conviction date for a first offense of a license classification violation, no action shall be taken against the individual by the Department.

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

c) When considering prior convictions, only convictions for operating a motor vehicle without the proper license classification within seven years prior to the arrest date of the incoming conviction shall be considered.

d) 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.

e) If a person has no prior suspensions or revocations of any kind and is convicted of operating a motor vehicle in violation of license classification, the Department shall take action as follows:

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 more Convictions |  | Revocation |

f) If a person has one prior suspension or revocation and is convicted of operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

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

g) If a person has two prior suspensions or revocations or any combination thereof and is convicted of operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

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

h) If a person has three prior suspensions or revocations or any combination thereof and is convicted of operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

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

i) If a person has four or more prior suspensions or revocations or any combination thereof and is convicted of operating a motor vehicle in violation of license classification, the Department shall take action as follows:

TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
|   |  |  |
| 1st or more Convictions |  | Revocation |

j) If a person convicted of operating a motor vehicle in violation of license classification has 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 person convicted for operating a motor vehicle in violation of license classification has 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 6-206(a)(20) or 6-206(a)(6)and receives a subsequent conviction for operating a motor vehicle in violation of license classification, 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)