

SB2955



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2955

Introduced 2/14/2018, by Sen. Omar Aquino

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205
625 ILCS 5/6-206

Amends the Illinois Vehicle Code. Provides that if a person has a license or permit that is revoked or suspended under certain provisions of the Code, the Secretary of State may issue the person a restricted driving permit to allow him or her to exercise his or her court ordered visitation rights or court ordered parenting time.

LRB100 13542 AXK 28159 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-205 and 6-206 as follows:

6 (625 ILCS 5/6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of
10 State shall immediately revoke the license, permit, or driving
11 privileges of any driver upon receiving a report of the
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, other drug or
19 drugs, intoxicating compound or compounds, or any
20 combination thereof;

21 3. Any felony under the laws of any State or the
22 federal government in the commission of which a motor
23 vehicle was used;

1 4. Violation of Section 11-401 of this Code relating to
2 the offense of leaving the scene of a traffic accident
3 involving death or personal injury;

4 5. Perjury or the making of a false affidavit or
5 statement under oath to the Secretary of State under this
6 Code or under any other law relating to the ownership or
7 operation of motor vehicles;

8 6. Conviction upon 3 charges of violation of Section
9 11-503 of this Code relating to the offense of reckless
10 driving committed within a period of 12 months;

11 7. Conviction of any offense defined in Section 4-102
12 of this Code;

13 8. Violation of Section 11-504 of this Code relating to
14 the offense of drag racing;

15 9. Violation of Chapters 8 and 9 of this Code;

16 10. Violation of Section 12-5 of the Criminal Code of
17 1961 or the Criminal Code of 2012 arising from the use of a
18 motor vehicle;

19 11. Violation of Section 11-204.1 of this Code relating
20 to aggravated fleeing or attempting to elude a peace
21 officer;

22 12. Violation of paragraph (1) of subsection (b) of
23 Section 6-507, or a similar law of any other state,
24 relating to the unlawful operation of a commercial motor
25 vehicle;

26 13. Violation of paragraph (a) of Section 11-502 of

1 this Code or a similar provision of a local ordinance if
2 the driver has been previously convicted of a violation of
3 that Section or a similar provision of a local ordinance
4 and the driver was less than 21 years of age at the time of
5 the offense;

6 14. Violation of paragraph (a) of Section 11-506 of
7 this Code or a similar provision of a local ordinance
8 relating to the offense of street racing;

9 15. A second or subsequent conviction of driving while
10 the person's driver's license, permit or privileges was
11 revoked for reckless homicide or a similar out-of-state
12 offense;

13 16. Any offense against any provision in this Code, or
14 any local ordinance, regulating the movement of traffic
15 when that offense was the proximate cause of the death of
16 any person. Any person whose driving privileges have been
17 revoked pursuant to this paragraph may seek to have the
18 revocation terminated or to have the length of revocation
19 reduced by requesting an administrative hearing with the
20 Secretary of State prior to the projected driver's license
21 application eligibility date;

22 17. Violation of subsection (a-2) of Section 11-1301.3
23 of this Code or a similar provision of a local ordinance;

24 18. A second or subsequent conviction of illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled
2 Substances Act, any cannabis prohibited under the Cannabis
3 Control Act, or any methamphetamine prohibited under the
4 Methamphetamine Control and Community Protection Act. A
5 defendant found guilty of this offense while operating a
6 motor vehicle shall have an entry made in the court record
7 by the presiding judge that this offense did occur while
8 the defendant was operating a motor vehicle and order the
9 clerk of the court to report the violation to the Secretary
10 of State.

11 (b) The Secretary of State shall also immediately revoke
12 the license or permit of any driver in the following
13 situations:

14 1. Of any minor upon receiving the notice provided for
15 in Section 5-901 of the Juvenile Court Act of 1987 that the
16 minor has been adjudicated under that Act as having
17 committed an offense relating to motor vehicles prescribed
18 in Section 4-103 of this Code;

19 2. Of any person when any other law of this State
20 requires either the revocation or suspension of a license
21 or permit;

22 3. Of any person adjudicated under the Juvenile Court
23 Act of 1987 based on an offense determined to have been
24 committed in furtherance of the criminal activities of an
25 organized gang as provided in Section 5-710 of that Act,
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation
2 shall remain in effect for the period determined by the
3 court.

4 (c)(1) Whenever a person is convicted of any of the
5 offenses enumerated in this Section, the court may recommend
6 and the Secretary of State in his discretion, without regard to
7 whether the recommendation is made by the court may, upon
8 application, issue to the person a restricted driving permit
9 granting the privilege of driving a motor vehicle between the
10 petitioner's residence and petitioner's place of employment or
11 within the scope of the petitioner's employment related duties,
12 or to allow the petitioner to transport himself or herself or a
13 family member of the petitioner's household to a medical
14 facility for the receipt of necessary medical care or to allow
15 the petitioner to transport himself or herself to and from
16 alcohol or drug remedial or rehabilitative activity
17 recommended by a licensed service provider, or to allow the
18 petitioner to transport himself or herself or a family member
19 of the petitioner's household to classes, as a student, at an
20 accredited educational institution, or to allow the petitioner
21 to transport children, elderly persons, or persons with
22 disabilities who do not hold driving privileges and are living
23 in the petitioner's household to and from daycare, or to allow
24 the petitioner to exercise his or her court ordered visitation
25 rights or court ordered parenting time, as defined under
26 Section 600 of the Illinois Marriage and Dissolution of

1 Marriage Act; if the petitioner is able to demonstrate that no
2 alternative means of transportation is reasonably available
3 and that the petitioner will not endanger the public safety or
4 welfare; provided that the Secretary's discretion shall be
5 limited to cases where undue hardship, as defined by the rules
6 of the Secretary of State, would result from a failure to issue
7 the restricted driving permit.

8 (1.5) A person subject to the provisions of paragraph 4
9 of subsection (b) of Section 6-208 of this Code may make
10 application for a restricted driving permit at a hearing
11 conducted under Section 2-118 of this Code after the
12 expiration of 5 years from the effective date of the most
13 recent revocation, or after 5 years from the date of
14 release from a period of imprisonment resulting from a
15 conviction of the most recent offense, whichever is later,
16 provided the person, in addition to all other requirements
17 of the Secretary, shows by clear and convincing evidence:

18 (A) a minimum of 3 years of uninterrupted
19 abstinence from alcohol and the unlawful use or
20 consumption of cannabis under the Cannabis Control
21 Act, a controlled substance under the Illinois
22 Controlled Substances Act, an intoxicating compound
23 under the Use of Intoxicating Compounds Act, or
24 methamphetamine under the Methamphetamine Control and
25 Community Protection Act; and

26 (B) the successful completion of any

1 rehabilitative treatment and involvement in any
2 ongoing rehabilitative activity that may be
3 recommended by a properly licensed service provider
4 according to an assessment of the person's alcohol or
5 drug use under Section 11-501.01 of this Code.

6 In determining whether an applicant is eligible for a
7 restricted driving permit under this paragraph (1.5), the
8 Secretary may consider any relevant evidence, including,
9 but not limited to, testimony, affidavits, records, and the
10 results of regular alcohol or drug tests. Persons subject
11 to the provisions of paragraph 4 of subsection (b) of
12 Section 6-208 of this Code and who have been convicted of
13 more than one violation of paragraph (3), paragraph (4), or
14 paragraph (5) of subsection (a) of Section 11-501 of this
15 Code shall not be eligible to apply for a restricted
16 driving permit.

17 A restricted driving permit issued under this
18 paragraph (1.5) shall provide that the holder may only
19 operate motor vehicles equipped with an ignition interlock
20 device as required under paragraph (2) of subsection (c) of
21 this Section and subparagraph (A) of paragraph 3 of
22 subsection (c) of Section 6-206 of this Code. The Secretary
23 may revoke a restricted driving permit or amend the
24 conditions of a restricted driving permit issued under this
25 paragraph (1.5) if the holder operates a vehicle that is
26 not equipped with an ignition interlock device, or for any

1 other reason authorized under this Code.

2 A restricted driving permit issued under this
3 paragraph (1.5) shall be revoked, and the holder barred
4 from applying for or being issued a restricted driving
5 permit in the future, if the holder is subsequently
6 convicted of a violation of Section 11-501 of this Code, a
7 similar provision of a local ordinance, or a similar
8 offense in another state.

9 (2) If a person's license or permit is revoked or
10 suspended due to 2 or more convictions of violating Section
11 11-501 of this Code or a similar provision of a local
12 ordinance or a similar out-of-state offense, or Section 9-3
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 where the use of alcohol or other drugs is recited as an
15 element of the offense, or a similar out-of-state offense,
16 or a combination of these offenses, arising out of separate
17 occurrences, that person, if issued a restricted driving
18 permit, may not operate a vehicle unless it has been
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1.

21 (3) If:

22 (A) a person's license or permit is revoked or
23 suspended 2 or more times due to any combination of:

24 (i) a single conviction of violating Section
25 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense,

1 or Section 9-3 of the Criminal Code of 1961 or the
2 Criminal Code of 2012, where the use of alcohol or
3 other drugs is recited as an element of the
4 offense, or a similar out-of-state offense; or

5 (ii) a statutory summary suspension or
6 revocation under Section 11-501.1; or

7 (iii) a suspension pursuant to Section
8 6-203.1;

9 arising out of separate occurrences; or

10 (B) a person has been convicted of one violation of
11 subparagraph (C) or (F) of paragraph (1) of subsection
12 (d) of Section 11-501 of this Code, Section 9-3 of the
13 Criminal Code of 1961 or the Criminal Code of 2012,
14 relating to the offense of reckless homicide where the
15 use of alcohol or other drugs was recited as an element
16 of the offense, or a similar provision of a law of
17 another state;

18 that person, if issued a restricted driving permit, may not
19 operate a vehicle unless it has been equipped with an
20 ignition interlock device as defined in Section 1-129.1.

21 (4) The person issued a permit conditioned on the use
22 of an ignition interlock device must pay to the Secretary
23 of State DUI Administration Fund an amount not to exceed
24 \$30 per month. The Secretary shall establish by rule the
25 amount and the procedures, terms, and conditions relating
26 to these fees.

1 (5) If the restricted driving permit is issued for
2 employment purposes, then the prohibition against
3 operating a motor vehicle that is not equipped with an
4 ignition interlock device does not apply to the operation
5 of an occupational vehicle owned or leased by that person's
6 employer when used solely for employment purposes. For any
7 person who, within a 5-year period, is convicted of a
8 second or subsequent offense under Section 11-501 of this
9 Code, or a similar provision of a local ordinance or
10 similar out-of-state offense, this employment exemption
11 does not apply until either a one-year period has elapsed
12 during which that person had his or her driving privileges
13 revoked or a one-year period has elapsed during which that
14 person had a restricted driving permit which required the
15 use of an ignition interlock device on every motor vehicle
16 owned or operated by that person.

17 (6) In each case the Secretary of State may issue a
18 restricted driving permit for a period he deems
19 appropriate, except that the permit shall expire within one
20 year from the date of issuance. A restricted driving permit
21 issued under this Section shall be subject to cancellation,
22 revocation, and suspension by the Secretary of State in
23 like manner and for like cause as a driver's license issued
24 under this Code may be cancelled, revoked, or suspended;
25 except that a conviction upon one or more offenses against
26 laws or ordinances regulating the movement of traffic shall

1 be deemed sufficient cause for the revocation, suspension,
2 or cancellation of a restricted driving permit. The
3 Secretary of State may, as a condition to the issuance of a
4 restricted driving permit, require the petitioner to
5 participate in a designated driver remedial or
6 rehabilitative program. The Secretary of State is
7 authorized to cancel a restricted driving permit if the
8 permit holder does not successfully complete the program.
9 However, if an individual's driving privileges have been
10 revoked in accordance with paragraph 13 of subsection (a)
11 of this Section, no restricted driving permit shall be
12 issued until the individual has served 6 months of the
13 revocation period.

14 (c-5) (Blank).

15 (c-6) If a person is convicted of a second violation of
16 operating a motor vehicle while the person's driver's license,
17 permit or privilege was revoked, where the revocation was for a
18 violation of Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 relating to the offense of reckless
20 homicide or a similar out-of-state offense, the person's
21 driving privileges shall be revoked pursuant to subdivision
22 (a) (15) of this Section. The person may not make application
23 for a license or permit until the expiration of five years from
24 the effective date of the revocation or the expiration of five
25 years from the date of release from a term of imprisonment,
26 whichever is later.

1 (c-7) If a person is convicted of a third or subsequent
2 violation of operating a motor vehicle while the person's
3 driver's license, permit or privilege was revoked, where the
4 revocation was for a violation of Section 9-3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012 relating to the
6 offense of reckless homicide or a similar out-of-state offense,
7 the person may never apply for a license or permit.

8 (d) (1) Whenever a person under the age of 21 is convicted
9 under Section 11-501 of this Code or a similar provision of a
10 local ordinance or a similar out-of-state offense, the
11 Secretary of State shall revoke the driving privileges of that
12 person. One year after the date of revocation, and upon
13 application, the Secretary of State may, if satisfied that the
14 person applying will not endanger the public safety or welfare,
15 issue a restricted driving permit granting the privilege of
16 driving a motor vehicle only between the hours of 5 a.m. and 9
17 p.m. or as otherwise provided by this Section for a period of
18 one year. After this one-year period, and upon reapplication
19 for a license as provided in Section 6-106, upon payment of the
20 appropriate reinstatement fee provided under paragraph (b) of
21 Section 6-118, the Secretary of State, in his discretion, may
22 reinstate the petitioner's driver's license and driving
23 privileges, or extend the restricted driving permit as many
24 times as the Secretary of State deems appropriate, by
25 additional periods of not more than 12 months each.

26 (2) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense, or Section 9-3
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 where the use of alcohol or other drugs is recited as an
6 element of the offense, or a similar out-of-state offense,
7 or a combination of these offenses, arising out of separate
8 occurrences, that person, if issued a restricted driving
9 permit, may not operate a vehicle unless it has been
10 equipped with an ignition interlock device as defined in
11 Section 1-129.1.

12 (3) If a person's license or permit is revoked or
13 suspended 2 or more times due to any combination of:

14 (A) a single conviction of violating Section
15 11-501 of this Code or a similar provision of a local
16 ordinance or a similar out-of-state offense, or
17 Section 9-3 of the Criminal Code of 1961 or the
18 Criminal Code of 2012, where the use of alcohol or
19 other drugs is recited as an element of the offense, or
20 a similar out-of-state offense; or

21 (B) a statutory summary suspension or revocation
22 under Section 11-501.1; or

23 (C) a suspension pursuant to Section 6-203.1;
24 arising out of separate occurrences, that person, if issued
25 a restricted driving permit, may not operate a vehicle
26 unless it has been equipped with an ignition interlock

1 device as defined in Section 1-129.1.

2 (3.5) If a person's license or permit is revoked or
3 suspended due to a conviction for a violation of
4 subparagraph (C) or (F) of paragraph (1) of subsection (d)
5 of Section 11-501 of this Code, or a similar provision of a
6 local ordinance or similar out-of-state offense, that
7 person, if issued a restricted driving permit, may not
8 operate a vehicle unless it has been equipped with an
9 ignition interlock device as defined in Section 1-129.1.

10 (4) The person issued a permit conditioned upon the use
11 of an interlock device must pay to the Secretary of State
12 DUI Administration Fund an amount not to exceed \$30 per
13 month. The Secretary shall establish by rule the amount and
14 the procedures, terms, and conditions relating to these
15 fees.

16 (5) If the restricted driving permit is issued for
17 employment purposes, then the prohibition against driving
18 a vehicle that is not equipped with an ignition interlock
19 device does not apply to the operation of an occupational
20 vehicle owned or leased by that person's employer when used
21 solely for employment purposes. For any person who, within
22 a 5-year period, is convicted of a second or subsequent
23 offense under Section 11-501 of this Code, or a similar
24 provision of a local ordinance or similar out-of-state
25 offense, this employment exemption does not apply until
26 either a one-year period has elapsed during which that

1 person had his or her driving privileges revoked or a
2 one-year period has elapsed during which that person had a
3 restricted driving permit which required the use of an
4 ignition interlock device on every motor vehicle owned or
5 operated by that person.

6 (6) A restricted driving permit issued under this
7 Section shall be subject to cancellation, revocation, and
8 suspension by the Secretary of State in like manner and for
9 like cause as a driver's license issued under this Code may
10 be cancelled, revoked, or suspended; except that a
11 conviction upon one or more offenses against laws or
12 ordinances regulating the movement of traffic shall be
13 deemed sufficient cause for the revocation, suspension, or
14 cancellation of a restricted driving permit.

15 (d-5) The revocation of the license, permit, or driving
16 privileges of a person convicted of a third or subsequent
17 violation of Section 6-303 of this Code committed while his or
18 her driver's license, permit, or privilege was revoked because
19 of a violation of Section 9-3 of the Criminal Code of 1961 or
20 the Criminal Code of 2012, relating to the offense of reckless
21 homicide, or a similar provision of a law of another state, is
22 permanent. The Secretary may not, at any time, issue a license
23 or permit to that person.

24 (e) This Section is subject to the provisions of the Driver
25 License Compact.

26 (f) Any revocation imposed upon any person under

1 subsections 2 and 3 of paragraph (b) that is in effect on
2 December 31, 1988 shall be converted to a suspension for a like
3 period of time.

4 (g) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been revoked under any provisions of
7 this Code.

8 (h) The Secretary of State shall require the use of
9 ignition interlock devices for a period not less than 5 years
10 on all vehicles owned by a person who has been convicted of a
11 second or subsequent offense under Section 11-501 of this Code
12 or a similar provision of a local ordinance. The person must
13 pay to the Secretary of State DUI Administration Fund an amount
14 not to exceed \$30 for each month that he or she uses the
15 device. The Secretary shall establish by rule and regulation
16 the procedures for certification and use of the interlock
17 system, the amount of the fee, and the procedures, terms, and
18 conditions relating to these fees. During the time period in
19 which a person is required to install an ignition interlock
20 device under this subsection (h), that person shall only
21 operate vehicles in which ignition interlock devices have been
22 installed, except as allowed by subdivision (c) (5) or (d) (5) of
23 this Section.

24 (i) (Blank).

25 (j) In accordance with 49 C.F.R. 384, the Secretary of
26 State may not issue a restricted driving permit for the

1 operation of a commercial motor vehicle to a person holding a
2 CDL whose driving privileges have been revoked, suspended,
3 cancelled, or disqualified under any provisions of this Code.

4 (k) The Secretary of State shall notify by mail any person
5 whose driving privileges have been revoked under paragraph 16
6 of subsection (a) of this Section that his or her driving
7 privileges and driver's license will be revoked 90 days from
8 the date of the mailing of the notice.

9 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;
10 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
11 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff.
12 7-28-16.)

13 (625 ILCS 5/6-206)

14 Sec. 6-206. Discretionary authority to suspend or revoke
15 license or permit; right to a hearing.

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without preliminary
18 hearing upon a showing of the person's records or other
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required upon
22 conviction;

23 2. Has been convicted of not less than 3 offenses
24 against traffic regulations governing the movement of
25 vehicles committed within any 12 month period. No

1 revocation or suspension shall be entered more than 6
2 months after the date of last conviction;

3 3. Has been repeatedly involved as a driver in motor
4 vehicle collisions or has been repeatedly convicted of
5 offenses against laws and ordinances regulating the
6 movement of traffic, to a degree that indicates lack of
7 ability to exercise ordinary and reasonable care in the
8 safe operation of a motor vehicle or disrespect for the
9 traffic laws and the safety of other persons upon the
10 highway;

11 4. Has by the unlawful operation of a motor vehicle
12 caused or contributed to an accident resulting in injury
13 requiring immediate professional treatment in a medical
14 facility or doctor's office to any person, except that any
15 suspension or revocation imposed by the Secretary of State
16 under the provisions of this subsection shall start no
17 later than 6 months after being convicted of violating a
18 law or ordinance regulating the movement of traffic, which
19 violation is related to the accident, or shall start not
20 more than one year after the date of the accident,
21 whichever date occurs later;

22 5. Has permitted an unlawful or fraudulent use of a
23 driver's license, identification card, or permit;

24 6. Has been lawfully convicted of an offense or
25 offenses in another state, including the authorization
26 contained in Section 6-203.1, which if committed within

1 this State would be grounds for suspension or revocation;

2 7. Has refused or failed to submit to an examination
3 provided for by Section 6-207 or has failed to pass the
4 examination;

5 8. Is ineligible for a driver's license or permit under
6 the provisions of Section 6-103;

7 9. Has made a false statement or knowingly concealed a
8 material fact or has used false information or
9 identification in any application for a license,
10 identification card, or permit;

11 10. Has possessed, displayed, or attempted to
12 fraudulently use any license, identification card, or
13 permit not issued to the person;

14 11. Has operated a motor vehicle upon a highway of this
15 State when the person's driving privilege or privilege to
16 obtain a driver's license or permit was revoked or
17 suspended unless the operation was authorized by a
18 monitoring device driving permit, judicial driving permit
19 issued prior to January 1, 2009, probationary license to
20 drive, or a restricted driving permit issued under this
21 Code;

22 12. Has submitted to any portion of the application
23 process for another person or has obtained the services of
24 another person to submit to any portion of the application
25 process for the purpose of obtaining a license,
26 identification card, or permit for some other person;

1 13. Has operated a motor vehicle upon a highway of this
2 State when the person's driver's license or permit was
3 invalid under the provisions of Sections 6-107.1 and 6-110;

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
6 14B of the Illinois Identification Card Act;

7 15. Has been convicted of violating Section 21-2 of the
8 Criminal Code of 1961 or the Criminal Code of 2012 relating
9 to criminal trespass to vehicles in which case, the
10 suspension shall be for one year;

11 16. Has been convicted of violating Section 11-204 of
12 this Code relating to fleeing from a peace officer;

13 17. Has refused to submit to a test, or tests, as
14 required under Section 11-501.1 of this Code and the person
15 has not sought a hearing as provided for in Section
16 11-501.1;

17 18. Has, since issuance of a driver's license or
18 permit, been adjudged to be afflicted with or suffering
19 from any mental disability or disease;

20 19. Has committed a violation of paragraph (a) or (b)
21 of Section 6-101 relating to driving without a driver's
22 license;

23 20. Has been convicted of violating Section 6-104
24 relating to classification of driver's license;

25 21. Has been convicted of violating Section 11-402 of
26 this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in
2 which case the suspension shall be for one year;

3 22. Has used a motor vehicle in violating paragraph
4 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
5 the Criminal Code of 1961 or the Criminal Code of 2012
6 relating to unlawful use of weapons, in which case the
7 suspension shall be for one year;

8 23. Has, as a driver, been convicted of committing a
9 violation of paragraph (a) of Section 11-502 of this Code
10 for a second or subsequent time within one year of a
11 similar violation;

12 24. Has been convicted by a court-martial or punished
13 by non-judicial punishment by military authorities of the
14 United States at a military installation in Illinois or in
15 another state of or for a traffic related offense that is
16 the same as or similar to an offense specified under
17 Section 6-205 or 6-206 of this Code;

18 25. Has permitted any form of identification to be used
19 by another in the application process in order to obtain or
20 attempt to obtain a license, identification card, or
21 permit;

22 26. Has altered or attempted to alter a license or has
23 possessed an altered license, identification card, or
24 permit;

25 27. Has violated Section 6-16 of the Liquor Control Act
26 of 1934;

1 28. Has been convicted for a first time of the illegal
2 possession, while operating or in actual physical control,
3 as a driver, of a motor vehicle, of any controlled
4 substance prohibited under the Illinois Controlled
5 Substances Act, any cannabis prohibited under the Cannabis
6 Control Act, or any methamphetamine prohibited under the
7 Methamphetamine Control and Community Protection Act, in
8 which case the person's driving privileges shall be
9 suspended for one year. Any defendant found guilty of this
10 offense while operating a motor vehicle, shall have an
11 entry made in the court record by the presiding judge that
12 this offense did occur while the defendant was operating a
13 motor vehicle and order the clerk of the court to report
14 the violation to the Secretary of State;

15 29. Has been convicted of the following offenses that
16 were committed while the person was operating or in actual
17 physical control, as a driver, of a motor vehicle: criminal
18 sexual assault, predatory criminal sexual assault of a
19 child, aggravated criminal sexual assault, criminal sexual
20 abuse, aggravated criminal sexual abuse, juvenile pimping,
21 soliciting for a juvenile prostitute, promoting juvenile
22 prostitution as described in subdivision (a) (1), (a) (2),
23 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
24 or the Criminal Code of 2012, and the manufacture, sale or
25 delivery of controlled substances or instruments used for
26 illegal drug use or abuse in which case the driver's

1 driving privileges shall be suspended for one year;

2 30. Has been convicted a second or subsequent time for
3 any combination of the offenses named in paragraph 29 of
4 this subsection, in which case the person's driving
5 privileges shall be suspended for 5 years;

6 31. Has refused to submit to a test as required by
7 Section 11-501.6 of this Code or Section 5-16c of the Boat
8 Registration and Safety Act or has submitted to a test
9 resulting in an alcohol concentration of 0.08 or more or
10 any amount of a drug, substance, or compound resulting from
11 the unlawful use or consumption of cannabis as listed in
12 the Cannabis Control Act, a controlled substance as listed
13 in the Illinois Controlled Substances Act, an intoxicating
14 compound as listed in the Use of Intoxicating Compounds
15 Act, or methamphetamine as listed in the Methamphetamine
16 Control and Community Protection Act, in which case the
17 penalty shall be as prescribed in Section 6-208.1;

18 32. Has been convicted of Section 24-1.2 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 relating
20 to the aggravated discharge of a firearm if the offender
21 was located in a motor vehicle at the time the firearm was
22 discharged, in which case the suspension shall be for 3
23 years;

24 33. Has as a driver, who was less than 21 years of age
25 on the date of the offense, been convicted a first time of
26 a violation of paragraph (a) of Section 11-502 of this Code

1 or a similar provision of a local ordinance;

2 34. Has committed a violation of Section 11-1301.5 of
3 this Code or a similar provision of a local ordinance;

4 35. Has committed a violation of Section 11-1301.6 of
5 this Code or a similar provision of a local ordinance;

6 36. Is under the age of 21 years at the time of arrest
7 and has been convicted of not less than 2 offenses against
8 traffic regulations governing the movement of vehicles
9 committed within any 24 month period. No revocation or
10 suspension shall be entered more than 6 months after the
11 date of last conviction;

12 37. Has committed a violation of subsection (c) of
13 Section 11-907 of this Code that resulted in damage to the
14 property of another or the death or injury of another;

15 38. Has been convicted of a violation of Section 6-20
16 of the Liquor Control Act of 1934 or a similar provision of
17 a local ordinance;

18 39. Has committed a second or subsequent violation of
19 Section 11-1201 of this Code;

20 40. Has committed a violation of subsection (a-1) of
21 Section 11-908 of this Code;

22 41. Has committed a second or subsequent violation of
23 Section 11-605.1 of this Code, a similar provision of a
24 local ordinance, or a similar violation in any other state
25 within 2 years of the date of the previous violation, in
26 which case the suspension shall be for 90 days;

1 42. Has committed a violation of subsection (a-1) of
2 Section 11-1301.3 of this Code or a similar provision of a
3 local ordinance;

4 43. Has received a disposition of court supervision for
5 a violation of subsection (a), (d), or (e) of Section 6-20
6 of the Liquor Control Act of 1934 or a similar provision of
7 a local ordinance, in which case the suspension shall be
8 for a period of 3 months;

9 44. Is under the age of 21 years at the time of arrest
10 and has been convicted of an offense against traffic
11 regulations governing the movement of vehicles after
12 having previously had his or her driving privileges
13 suspended or revoked pursuant to subparagraph 36 of this
14 Section;

15 45. Has, in connection with or during the course of a
16 formal hearing conducted under Section 2-118 of this Code:
17 (i) committed perjury; (ii) submitted fraudulent or
18 falsified documents; (iii) submitted documents that have
19 been materially altered; or (iv) submitted, as his or her
20 own, documents that were in fact prepared or composed for
21 another person;

22 46. Has committed a violation of subsection (j) of
23 Section 3-413 of this Code;

24 47. Has committed a violation of Section 11-502.1 of
25 this Code; or

26 48. Has submitted a falsified or altered medical

1 examiner's certificate to the Secretary of State or
2 provided false information to obtain a medical examiner's
3 certificate.

4 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
5 and 27 of this subsection, license means any driver's license,
6 any traffic ticket issued when the person's driver's license is
7 deposited in lieu of bail, a suspension notice issued by the
8 Secretary of State, a duplicate or corrected driver's license,
9 a probationary driver's license or a temporary driver's
10 license.

11 (b) If any conviction forming the basis of a suspension or
12 revocation authorized under this Section is appealed, the
13 Secretary of State may rescind or withhold the entry of the
14 order of suspension or revocation, as the case may be, provided
15 that a certified copy of a stay order of a court is filed with
16 the Secretary of State. If the conviction is affirmed on
17 appeal, the date of the conviction shall relate back to the
18 time the original judgment of conviction was entered and the 6
19 month limitation prescribed shall not apply.

20 (c) 1. Upon suspending or revoking the driver's license or
21 permit of any person as authorized in this Section, the
22 Secretary of State shall immediately notify the person in
23 writing of the revocation or suspension. The notice to be
24 deposited in the United States mail, postage prepaid, to the
25 last known address of the person.

26 2. If the Secretary of State suspends the driver's license

1 of a person under subsection 2 of paragraph (a) of this
2 Section, a person's privilege to operate a vehicle as an
3 occupation shall not be suspended, provided an affidavit is
4 properly completed, the appropriate fee received, and a permit
5 issued prior to the effective date of the suspension, unless 5
6 offenses were committed, at least 2 of which occurred while
7 operating a commercial vehicle in connection with the driver's
8 regular occupation. All other driving privileges shall be
9 suspended by the Secretary of State. Any driver prior to
10 operating a vehicle for occupational purposes only must submit
11 the affidavit on forms to be provided by the Secretary of State
12 setting forth the facts of the person's occupation. The
13 affidavit shall also state the number of offenses committed
14 while operating a vehicle in connection with the driver's
15 regular occupation. The affidavit shall be accompanied by the
16 driver's license. Upon receipt of a properly completed
17 affidavit, the Secretary of State shall issue the driver a
18 permit to operate a vehicle in connection with the driver's
19 regular occupation only. Unless the permit is issued by the
20 Secretary of State prior to the date of suspension, the
21 privilege to drive any motor vehicle shall be suspended as set
22 forth in the notice that was mailed under this Section. If an
23 affidavit is received subsequent to the effective date of this
24 suspension, a permit may be issued for the remainder of the
25 suspension period.

26 The provisions of this subparagraph shall not apply to any

1 driver required to possess a CDL for the purpose of operating a
2 commercial motor vehicle.

3 Any person who falsely states any fact in the affidavit
4 required herein shall be guilty of perjury under Section 6-302
5 and upon conviction thereof shall have all driving privileges
6 revoked without further rights.

7 3. At the conclusion of a hearing under Section 2-118 of
8 this Code, the Secretary of State shall either rescind or
9 continue an order of revocation or shall substitute an order of
10 suspension; or, good cause appearing therefor, rescind,
11 continue, change, or extend the order of suspension. If the
12 Secretary of State does not rescind the order, the Secretary
13 may upon application, to relieve undue hardship (as defined by
14 the rules of the Secretary of State), issue a restricted
15 driving permit granting the privilege of driving a motor
16 vehicle between the petitioner's residence and petitioner's
17 place of employment or within the scope of the petitioner's
18 employment related duties, or to allow the petitioner to
19 transport himself or herself, or a family member of the
20 petitioner's household to a medical facility, to receive
21 necessary medical care, to allow the petitioner to transport
22 himself or herself to and from alcohol or drug remedial or
23 rehabilitative activity recommended by a licensed service
24 provider, or to allow the petitioner to transport himself or
25 herself or a family member of the petitioner's household to
26 classes, as a student, at an accredited educational

1 institution, or to allow the petitioner to transport children,
2 elderly persons, or persons with disabilities who do not hold
3 driving privileges and are living in the petitioner's household
4 to and from daycare, or to allow the petitioner to exercise his
5 or her court ordered visitation rights or court ordered
6 parenting time, as defined under Section 600 of the Illinois
7 Marriage and Dissolution of Marriage Act. The petitioner must
8 demonstrate that no alternative means of transportation is
9 reasonably available and that the petitioner will not endanger
10 the public safety or welfare.

11 (A) If a person's license or permit is revoked or
12 suspended due to 2 or more convictions of violating Section
13 11-501 of this Code or a similar provision of a local
14 ordinance or a similar out-of-state offense, or Section 9-3
15 of the Criminal Code of 1961 or the Criminal Code of 2012,
16 where the use of alcohol or other drugs is recited as an
17 element of the offense, or a similar out-of-state offense,
18 or a combination of these offenses, arising out of separate
19 occurrences, that person, if issued a restricted driving
20 permit, may not operate a vehicle unless it has been
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1.

23 (B) If a person's license or permit is revoked or
24 suspended 2 or more times due to any combination of:

25 (i) a single conviction of violating Section
26 11-501 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense or Section
2 9-3 of the Criminal Code of 1961 or the Criminal Code
3 of 2012, where the use of alcohol or other drugs is
4 recited as an element of the offense, or a similar
5 out-of-state offense; or

6 (ii) a statutory summary suspension or revocation
7 under Section 11-501.1; or

8 (iii) a suspension under Section 6-203.1;

9 arising out of separate occurrences; that person, if issued
10 a restricted driving permit, may not operate a vehicle
11 unless it has been equipped with an ignition interlock
12 device as defined in Section 1-129.1.

13 (B-5) If a person's license or permit is revoked or
14 suspended due to a conviction for a violation of
15 subparagraph (C) or (F) of paragraph (1) of subsection (d)
16 of Section 11-501 of this Code, or a similar provision of a
17 local ordinance or similar out-of-state offense, that
18 person, if issued a restricted driving permit, may not
19 operate a vehicle unless it has been equipped with an
20 ignition interlock device as defined in Section 1-129.1.

21 (C) The person issued a permit conditioned upon the use
22 of an ignition interlock device must pay to the Secretary
23 of State DUI Administration Fund an amount not to exceed
24 \$30 per month. The Secretary shall establish by rule the
25 amount and the procedures, terms, and conditions relating
26 to these fees.

1 (D) If the restricted driving permit is issued for
2 employment purposes, then the prohibition against
3 operating a motor vehicle that is not equipped with an
4 ignition interlock device does not apply to the operation
5 of an occupational vehicle owned or leased by that person's
6 employer when used solely for employment purposes. For any
7 person who, within a 5-year period, is convicted of a
8 second or subsequent offense under Section 11-501 of this
9 Code, or a similar provision of a local ordinance or
10 similar out-of-state offense, this employment exemption
11 does not apply until either a one-year period has elapsed
12 during which that person had his or her driving privileges
13 revoked or a one-year period has elapsed during which that
14 person had a restricted driving permit which required the
15 use of an ignition interlock device on every motor vehicle
16 owned or operated by that person.

17 (E) In each case the Secretary may issue a restricted
18 driving permit for a period deemed appropriate, except that
19 all permits shall expire within one year from the date of
20 issuance. A restricted driving permit issued under this
21 Section shall be subject to cancellation, revocation, and
22 suspension by the Secretary of State in like manner and for
23 like cause as a driver's license issued under this Code may
24 be cancelled, revoked, or suspended; except that a
25 conviction upon one or more offenses against laws or
26 ordinances regulating the movement of traffic shall be

1 deemed sufficient cause for the revocation, suspension, or
2 cancellation of a restricted driving permit. The Secretary
3 of State may, as a condition to the issuance of a
4 restricted driving permit, require the applicant to
5 participate in a designated driver remedial or
6 rehabilitative program. The Secretary of State is
7 authorized to cancel a restricted driving permit if the
8 permit holder does not successfully complete the program.

9 (F) A person subject to the provisions of paragraph 4
10 of subsection (b) of Section 6-208 of this Code may make
11 application for a restricted driving permit at a hearing
12 conducted under Section 2-118 of this Code after the
13 expiration of 5 years from the effective date of the most
14 recent revocation or after 5 years from the date of release
15 from a period of imprisonment resulting from a conviction
16 of the most recent offense, whichever is later, provided
17 the person, in addition to all other requirements of the
18 Secretary, shows by clear and convincing evidence:

19 (i) a minimum of 3 years of uninterrupted
20 abstinence from alcohol and the unlawful use or
21 consumption of cannabis under the Cannabis Control
22 Act, a controlled substance under the Illinois
23 Controlled Substances Act, an intoxicating compound
24 under the Use of Intoxicating Compounds Act, or
25 methamphetamine under the Methamphetamine Control and
26 Community Protection Act; and

1 (ii) the successful completion of any
2 rehabilitative treatment and involvement in any
3 ongoing rehabilitative activity that may be
4 recommended by a properly licensed service provider
5 according to an assessment of the person's alcohol or
6 drug use under Section 11-501.01 of this Code.

7 In determining whether an applicant is eligible for a
8 restricted driving permit under this subparagraph (F), the
9 Secretary may consider any relevant evidence, including,
10 but not limited to, testimony, affidavits, records, and the
11 results of regular alcohol or drug tests. Persons subject
12 to the provisions of paragraph 4 of subsection (b) of
13 Section 6-208 of this Code and who have been convicted of
14 more than one violation of paragraph (3), paragraph (4), or
15 paragraph (5) of subsection (a) of Section 11-501 of this
16 Code shall not be eligible to apply for a restricted
17 driving permit under this subparagraph (F).

18 A restricted driving permit issued under this
19 subparagraph (F) shall provide that the holder may only
20 operate motor vehicles equipped with an ignition interlock
21 device as required under paragraph (2) of subsection (c) of
22 Section 6-205 of this Code and subparagraph (A) of
23 paragraph 3 of subsection (c) of this Section. The
24 Secretary may revoke a restricted driving permit or amend
25 the conditions of a restricted driving permit issued under
26 this subparagraph (F) if the holder operates a vehicle that

1 is not equipped with an ignition interlock device, or for
2 any other reason authorized under this Code.

3 A restricted driving permit issued under this
4 subparagraph (F) shall be revoked, and the holder barred
5 from applying for or being issued a restricted driving
6 permit in the future, if the holder is convicted of a
7 violation of Section 11-501 of this Code, a similar
8 provision of a local ordinance, or a similar offense in
9 another state.

10 (c-3) In the case of a suspension under paragraph 43 of
11 subsection (a), reports received by the Secretary of State
12 under this Section shall, except during the actual time the
13 suspension is in effect, be privileged information and for use
14 only by the courts, police officers, prosecuting authorities,
15 the driver licensing administrator of any other state, the
16 Secretary of State, or the parent or legal guardian of a driver
17 under the age of 18. However, beginning January 1, 2008, if the
18 person is a CDL holder, the suspension shall also be made
19 available to the driver licensing administrator of any other
20 state, the U.S. Department of Transportation, and the affected
21 driver or motor carrier or prospective motor carrier upon
22 request.

23 (c-4) In the case of a suspension under paragraph 43 of
24 subsection (a), the Secretary of State shall notify the person
25 by mail that his or her driving privileges and driver's license
26 will be suspended one month after the date of the mailing of

1 the notice.

2 (c-5) The Secretary of State may, as a condition of the
3 reissuance of a driver's license or permit to an applicant
4 whose driver's license or permit has been suspended before he
5 or she reached the age of 21 years pursuant to any of the
6 provisions of this Section, require the applicant to
7 participate in a driver remedial education course and be
8 retested under Section 6-109 of this Code.

9 (d) This Section is subject to the provisions of the
10 Drivers License Compact.

11 (e) The Secretary of State shall not issue a restricted
12 driving permit to a person under the age of 16 years whose
13 driving privileges have been suspended or revoked under any
14 provisions of this Code.

15 (f) In accordance with 49 C.F.R. 384, the Secretary of
16 State may not issue a restricted driving permit for the
17 operation of a commercial motor vehicle to a person holding a
18 CDL whose driving privileges have been suspended, revoked,
19 cancelled, or disqualified under any provisions of this Code.

20 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,
21 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
22 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
23 99-607, eff. 7-22-16; 99-642, eff. 7-28-16.)