



Rep. Martin J. Moylan

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10200HB5100ham002

LRB102 25111 NLB 38069 a

1 AMENDMENT TO HOUSE BILL 5100

2 AMENDMENT NO. _____. Amend House Bill 5100 on page 1,
3 line 5, after "Sections", by inserting "6-206,"; and

4 on page 1, immediately below line 6, by inserting the
5 following:

6 "(625 ILCS 5/6-206)

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

9 (a) The Secretary of State is authorized to suspend or
10 revoke the driving privileges of any person without
11 preliminary hearing upon a showing of the person's records or
12 other sufficient evidence that the person:

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required
15 upon conviction;

16 2. Has been convicted of not less than 3 offenses

1 against traffic regulations governing the movement of
2 vehicles committed within any 12-month period. No
3 revocation or suspension shall be entered more than 6
4 months after the date of last conviction;

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

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

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

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization
2 contained in Section 6-203.1, which if committed within
3 this State would be grounds for suspension or revocation;

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

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

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

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

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

24 12. Has submitted to any portion of the application
25 process for another person or has obtained the services of
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,
2 identification card, or permit for some other person;

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

7 14. Has committed a violation of Section 6-301,
8 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
9 14B of the Illinois Identification Card Act;

10 15. Has been convicted of violating Section 21-2 of
11 the Criminal Code of 1961 or the Criminal Code of 2012
12 relating to criminal trespass to vehicles if the person
13 exercised actual physical control over the vehicle during
14 the commission of the offense, in which case the
15 suspension shall be for one year;

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

18 17. Has refused to submit to a test, or tests, as
19 required under Section 11-501.1 of this Code and the
20 person has not sought a hearing as provided for in Section
21 11-501.1;

22 18. (Blank);

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

26 20. Has been convicted of violating Section 6-104

1 relating to classification of driver's license;

2 21. Has been convicted of violating Section 11-402 of
3 this Code relating to leaving the scene of an accident
4 resulting in damage to a vehicle in excess of \$1,000, in
5 which case the suspension shall be for one year;

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

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

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

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

25 26. Has altered or attempted to alter a license or has
26 possessed an altered license, identification card, or

1 permit;

2 27. (Blank);

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

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

1 sale or delivery of controlled substances or instruments
2 used for illegal drug use or abuse in which case the
3 driver's driving privileges shall be suspended for one
4 year;

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

9 31. Has refused to submit to a test as required by
10 Section 11-501.6 of this Code or Section 5-16c of the Boat
11 Registration and Safety Act or has submitted to a test
12 resulting in an alcohol concentration of 0.08 or more or
13 any amount of a drug, substance, or compound resulting
14 from the unlawful use or consumption of cannabis as listed
15 in the Cannabis Control Act, a controlled substance as
16 listed in the Illinois Controlled Substances Act, an
17 intoxicating compound as listed in the Use of Intoxicating
18 Compounds Act, or methamphetamine as listed in the
19 Methamphetamine Control and Community Protection Act, in
20 which case the penalty shall be as prescribed in Section
21 6-208.1;

22 32. Has been convicted of Section 24-1.2 of the
23 Criminal Code of 1961 or the Criminal Code of 2012
24 relating to the aggravated discharge of a firearm if the
25 offender was located in a motor vehicle at the time the
26 firearm was discharged, in which case the suspension shall

1 be for 3 years;

2 33. Has as a driver, who was less than 21 years of age
3 on the date of the offense, been convicted a first time of
4 a violation of paragraph (a) of Section 11-502 of this
5 Code or a similar provision of a local ordinance;

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

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

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

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

19 38. Has been convicted of a violation of Section 6-20
20 of the Liquor Control Act of 1934 or a similar provision of
21 a local ordinance and the person was an occupant of a motor
22 vehicle at the time of the violation;

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

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

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

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

9 43. Has received a disposition of court supervision
10 for a violation of subsection (a), (d), or (e) of Section
11 6-20 of the Liquor Control Act of 1934 or a similar
12 provision of a local ordinance and the person was an
13 occupant of a motor vehicle at the time of the violation,
14 in which case the suspension shall be for a period of 3
15 months;

16 44. Is under the age of 21 years at the time of arrest
17 and has been convicted of an offense against traffic
18 regulations governing the movement of vehicles after
19 having previously had his or her driving privileges
20 suspended or revoked pursuant to subparagraph 36 of this
21 Section;

22 45. Has, in connection with or during the course of a
23 formal hearing conducted under Section 2-118 of this Code:
24 (i) committed perjury; (ii) submitted fraudulent or
25 falsified documents; (iii) submitted documents that have
26 been materially altered; or (iv) submitted, as his or her

1 own, documents that were in fact prepared or composed for
2 another person;

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

5 47. Has committed a violation of subsection (a) of
6 Section 11-502.1 of this Code;

7 48. Has submitted a falsified or altered medical
8 examiner's certificate to the Secretary of State or
9 provided false information to obtain a medical examiner's
10 certificate;

11 49. Has been convicted of a violation of Section
12 11-1002 or 11-1002.5 that resulted in a Type A injury to
13 another, in which case the driving privileges of the
14 person shall be suspended for 12 months; ~~or~~

15 50. Has committed a violation of subsection (b-5) of
16 Section 12-610.2 that resulted in great bodily harm,
17 permanent disability, or disfigurement, in which case the
18 driving privileges of the person shall be suspended for 12
19 months; ~~or~~ ~~50~~

20 51. Has been convicted of a violation of Section
21 11-407 of this Code.

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

1 a probationary driver's license, or a temporary driver's
2 license.

3 (b) If any conviction forming the basis of a suspension or
4 revocation authorized under this Section is appealed, the
5 Secretary of State may rescind or withhold the entry of the
6 order of suspension or revocation, as the case may be,
7 provided that a certified copy of a stay order of a court is
8 filed with the Secretary of State. If the conviction is
9 affirmed on appeal, the date of the conviction shall relate
10 back to the time the original judgment of conviction was
11 entered and the 6-month limitation prescribed shall not apply.

12 (c) 1. Upon suspending or revoking the driver's license or
13 permit of any person as authorized in this Section, the
14 Secretary of State shall immediately notify the person in
15 writing of the revocation or suspension. The notice to be
16 deposited in the United States mail, postage prepaid, to the
17 last known address of the person.

18 2. If the Secretary of State suspends the driver's license
19 of a person under subsection 2 of paragraph (a) of this
20 Section, a person's privilege to operate a vehicle as an
21 occupation shall not be suspended, provided an affidavit is
22 properly completed, the appropriate fee received, and a permit
23 issued prior to the effective date of the suspension, unless 5
24 offenses were committed, at least 2 of which occurred while
25 operating a commercial vehicle in connection with the driver's
26 regular occupation. All other driving privileges shall be

1 suspended by the Secretary of State. Any driver prior to
2 operating a vehicle for occupational purposes only must submit
3 the affidavit on forms to be provided by the Secretary of State
4 setting forth the facts of the person's occupation. The
5 affidavit shall also state the number of offenses committed
6 while operating a vehicle in connection with the driver's
7 regular occupation. The affidavit shall be accompanied by the
8 driver's license. Upon receipt of a properly completed
9 affidavit, the Secretary of State shall issue the driver a
10 permit to operate a vehicle in connection with the driver's
11 regular occupation only. Unless the permit is issued by the
12 Secretary of State prior to the date of suspension, the
13 privilege to drive any motor vehicle shall be suspended as set
14 forth in the notice that was mailed under this Section. If an
15 affidavit is received subsequent to the effective date of this
16 suspension, a permit may be issued for the remainder of the
17 suspension period.

18 The provisions of this subparagraph shall not apply to any
19 driver required to possess a CDL for the purpose of operating a
20 commercial motor vehicle.

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

25 3. At the conclusion of a hearing under Section 2-118 of
26 this Code, the Secretary of State shall either rescind or

1 continue an order of revocation or shall substitute an order
2 of suspension; or, good cause appearing therefor, rescind,
3 continue, change, or extend the order of suspension. If the
4 Secretary of State does not rescind the order, the Secretary
5 may upon application, to relieve undue hardship (as defined by
6 the rules of the Secretary of State), issue a restricted
7 driving permit granting the privilege of driving a motor
8 vehicle between the petitioner's residence and petitioner's
9 place of employment or within the scope of the petitioner's
10 employment-related duties, or to allow the petitioner to
11 transport himself or herself, or a family member of the
12 petitioner's household to a medical facility, to receive
13 necessary medical care, to allow the petitioner to transport
14 himself or herself to and from alcohol or drug remedial or
15 rehabilitative activity recommended by a licensed service
16 provider, or to allow the petitioner to transport himself or
17 herself or a family member of the petitioner's household to
18 classes, as a student, at an accredited educational
19 institution, or to allow the petitioner to transport children,
20 elderly persons, or persons with disabilities who do not hold
21 driving privileges and are living in the petitioner's
22 household to and from daycare. The petitioner must demonstrate
23 that no alternative means of transportation is reasonably
24 available and that the petitioner will not endanger the public
25 safety or welfare.

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

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

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

14 (i) 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 Section
17 9-3 of the Criminal Code of 1961 or the Criminal Code
18 of 2012, where the use of alcohol or other drugs is
19 recited as an element of the offense, or a similar
20 out-of-state offense; or

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

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

24 arising out of separate occurrences; that person, if
25 issued a restricted driving permit, may not operate a
26 vehicle unless it has been equipped with an ignition

1 interlock device as defined in Section 1-129.1.

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

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

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

7 (E) In each case the Secretary may issue a restricted
8 driving permit for a period deemed appropriate, except
9 that all permits shall expire no later than 2 years from
10 the date of issuance. A restricted driving permit issued
11 under this Section shall be subject to cancellation,
12 revocation, and suspension by the Secretary of State in
13 like manner and for like cause as a driver's license
14 issued under this Code may be cancelled, revoked, or
15 suspended; except that a conviction upon one or more
16 offenses against laws or ordinances regulating the
17 movement of traffic shall be deemed sufficient cause for
18 the revocation, suspension, or cancellation of a
19 restricted driving permit. The Secretary of State may, as
20 a condition to the issuance of a restricted driving
21 permit, require the applicant to participate in a
22 designated driver remedial or rehabilitative program. The
23 Secretary of State is authorized to cancel a restricted
24 driving permit if the permit holder does not successfully
25 complete the program.

26 (F) A person subject to the provisions of paragraph 4

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

10 (i) a minimum of 3 years of uninterrupted
11 abstinence from alcohol and the unlawful use or
12 consumption of cannabis under the Cannabis Control
13 Act, a controlled substance under the Illinois
14 Controlled Substances Act, an intoxicating compound
15 under the Use of Intoxicating Compounds Act, or
16 methamphetamine under the Methamphetamine Control and
17 Community Protection Act; and

18 (ii) the successful completion of any
19 rehabilitative treatment and involvement in any
20 ongoing rehabilitative activity that may be
21 recommended by a properly licensed service provider
22 according to an assessment of the person's alcohol or
23 drug use under Section 11-501.01 of this Code.

24 In determining whether an applicant is eligible for a
25 restricted driving permit under this subparagraph (F), the
26 Secretary may consider any relevant evidence, including,

1 but not limited to, testimony, affidavits, records, and
2 the results of regular alcohol or drug tests. Persons
3 subject to the provisions of paragraph 4 of subsection (b)
4 of Section 6-208 of this Code and who have been convicted
5 of more than one violation of paragraph (3), paragraph
6 (4), or paragraph (5) of subsection (a) of Section 11-501
7 of this Code shall not be eligible to apply for a
8 restricted driving permit under this subparagraph (F).

9 A restricted driving permit issued under this
10 subparagraph (F) shall provide that the holder may only
11 operate motor vehicles equipped with an ignition interlock
12 device as required under paragraph (2) of subsection (c)
13 of Section 6-205 of this Code and subparagraph (A) of
14 paragraph 3 of subsection (c) of this Section. The
15 Secretary may revoke a restricted driving permit or amend
16 the conditions of a restricted driving permit issued under
17 this subparagraph (F) if the holder operates a vehicle
18 that is not equipped with an ignition interlock device, or
19 for any other reason authorized under this Code.

20 A restricted driving permit issued under this
21 subparagraph (F) shall be revoked, and the holder barred
22 from applying for or being issued a restricted driving
23 permit in the future, if the holder is convicted of a
24 violation of Section 11-501 of this Code, a similar
25 provision of a local ordinance, or a similar offense in
26 another state.

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

14 (c-4) In the case of a suspension under paragraph 43 of
15 subsection (a), the Secretary of State shall notify the person
16 by mail that his or her driving privileges and driver's
17 license will be suspended one month after the date of the
18 mailing of the notice.

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

26 (d) This Section is subject to the provisions of the

1 Driver License Compact.

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

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

11 (Source: P.A. 101-90, eff. 7-1-20; 101-470, eff. 7-1-20;
12 101-623, eff. 7-1-20; 101-652, eff. 1-1-23; 102-299, eff.
13 8-6-21; 102-558, eff. 8-20-21; revised 10-28-21.)"; and

14 on page 5, by deleting lines 21 through 24; and

15 on page 6, immediately below line 19, by inserting the
16 following:

17 "Section 99. Effective date. This Act takes effect upon
18 becoming law."