



## 102ND GENERAL ASSEMBLY

### State of Illinois

### 2021 and 2022

### SB0698

Introduced 2/25/2021, by Sen. Ram Villivalam

#### SYNOPSIS AS INTRODUCED:

15 ILCS 335/4	from Ch. 124, par. 24
625 ILCS 5/6-106.1	from Ch. 95 1/2, par. 6-106.1
625 ILCS 5/6-205	
625 ILCS 5/6-206	
625 ILCS 5/6-508	from Ch. 95 1/2, par. 6-508
730 ILCS 5/5-6-3.1	from Ch. 38, par. 1005-6-3.1

Amends the Illinois Identification Card Act. Provides that Illinois Identification Cards issued to persons upon conditional release or absolute discharge from the custody of the Department of Human Services be issued prior to release or discharge (instead of no sooner than 14 days prior to release or discharge). Amends the Illinois Vehicle Code. Provides that applicants for school bus driver permits and commercial driver's licenses must not have been convicted of (i) aggravated domestic battery, or (ii) specified offenses under the Liquor Control Act of 1934 within the last 20 years before the date of the application (rather than at any point in the applicant's past). Provides that, regardless of whether an exemption for employment-related transportation applies, every person required to install and maintain an ignition interlock device shall not be eligible for reinstatement until the person installs an ignition interlock device and maintains the ignition interlock device for 5 years. Amends the Unified Code of Corrections. Provides that a subsection concerning required proof of financial responsibility does not apply to a person who, at the time of the offense, was operating a motor vehicle registered in a state other than Illinois. Makes other changes. Effective immediately.

LRB102 10213 HEP 15536 b

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Identification Card Act is amended  
5 by changing Section 4 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification card.

8 (a) The Secretary of State shall issue a standard Illinois  
9 Identification Card to any natural person who is a resident of  
10 the State of Illinois who applies for such card, or renewal  
11 thereof. No identification card shall be issued to any person  
12 who holds a valid foreign state identification card, license,  
13 or permit unless the person first surrenders to the Secretary  
14 of State the valid foreign state identification card, license,  
15 or permit. The card shall be prepared and supplied by the  
16 Secretary of State and shall include a photograph and  
17 signature or mark of the applicant. However, the Secretary of  
18 State may provide by rule for the issuance of Illinois  
19 Identification Cards without photographs if the applicant has  
20 a bona fide religious objection to being photographed or to  
21 the display of his or her photograph. The Illinois  
22 Identification Card may be used for identification purposes in  
23 any lawful situation only by the person to whom it was issued.

1 As used in this Act, "photograph" means any color photograph  
2 or digitally produced and captured image of an applicant for  
3 an identification card. As used in this Act, "signature" means  
4 the name of a person as written by that person and captured in  
5 a manner acceptable to the Secretary of State.

6 (a-5) If an applicant for an identification card has a  
7 current driver's license or instruction permit issued by the  
8 Secretary of State, the Secretary may require the applicant to  
9 utilize the same residence address and name on the  
10 identification card, driver's license, and instruction permit  
11 records maintained by the Secretary. The Secretary may  
12 promulgate rules to implement this provision.

13 (a-10) If the applicant is a judicial officer as defined  
14 in Section 1-10 of the Judicial Privacy Act or a peace officer,  
15 the applicant may elect to have his or her office or work  
16 address listed on the card instead of the applicant's  
17 residence or mailing address. The Secretary may promulgate  
18 rules to implement this provision. For the purposes of this  
19 subsection (a-10), "peace officer" means any person who by  
20 virtue of his or her office or public employment is vested by  
21 law with a duty to maintain public order or to make arrests for  
22 a violation of any penal statute of this State, whether that  
23 duty extends to all violations or is limited to specific  
24 violations.

25 (a-15) The Secretary of State may provide for an expedited  
26 process for the issuance of an Illinois Identification Card.

1 The Secretary shall charge an additional fee for the expedited  
2 issuance of an Illinois Identification Card, to be set by  
3 rule, not to exceed \$75. All fees collected by the Secretary  
4 for expedited Illinois Identification Card service shall be  
5 deposited into the Secretary of State Special Services Fund.  
6 The Secretary may adopt rules regarding the eligibility,  
7 process, and fee for an expedited Illinois Identification  
8 Card. If the Secretary of State determines that the volume of  
9 expedited identification card requests received on a given day  
10 exceeds the ability of the Secretary to process those requests  
11 in an expedited manner, the Secretary may decline to provide  
12 expedited services, and the additional fee for the expedited  
13 service shall be refunded to the applicant.

14 (a-20) The Secretary of State shall issue a standard  
15 Illinois Identification Card to a committed person upon  
16 release on parole, mandatory supervised release, aftercare  
17 release, final discharge, or pardon from the Department of  
18 Corrections or Department of Juvenile Justice, if the released  
19 person presents a certified copy of his or her birth  
20 certificate, social security card or other documents  
21 authorized by the Secretary, and 2 documents proving his or  
22 her Illinois residence address. Documents proving residence  
23 address may include any official document of the Department of  
24 Corrections or the Department of Juvenile Justice showing the  
25 released person's address after release and a Secretary of  
26 State prescribed certificate of residency form, which may be

1 executed by Department of Corrections or Department of  
2 Juvenile Justice personnel.

3 (a-25) The Secretary of State shall issue a limited-term  
4 Illinois Identification Card valid for 90 days to a committed  
5 person upon release on parole, mandatory supervised release,  
6 aftercare release, final discharge, or pardon from the  
7 Department of Corrections or Department of Juvenile Justice,  
8 if the released person is unable to present a certified copy of  
9 his or her birth certificate and social security card or other  
10 documents authorized by the Secretary, but does present a  
11 Secretary of State prescribed verification form completed by  
12 the Department of Corrections or Department of Juvenile  
13 Justice, verifying the released person's date of birth and  
14 social security number and 2 documents proving his or her  
15 Illinois residence address. The verification form must have  
16 been completed no more than 30 days prior to the date of  
17 application for the Illinois Identification Card. Documents  
18 proving residence address shall include any official document  
19 of the Department of Corrections or the Department of Juvenile  
20 Justice showing the person's address after release and a  
21 Secretary of State prescribed certificate of residency, which  
22 may be executed by Department of Corrections or Department of  
23 Juvenile Justice personnel.

24 Prior to the expiration of the 90-day period of the  
25 limited-term Illinois Identification Card, if the released  
26 person submits to the Secretary of State a certified copy of

1 his or her birth certificate and his or her social security  
2 card or other documents authorized by the Secretary, a  
3 standard Illinois Identification Card shall be issued. A  
4 limited-term Illinois Identification Card may not be renewed.

5 (a-30) The Secretary of State shall issue a standard  
6 Illinois Identification Card to a person upon conditional  
7 release or absolute discharge from the custody of the  
8 Department of Human Services, if the person presents a  
9 certified copy of his or her birth certificate, social  
10 security card, or other documents authorized by the Secretary,  
11 and a document proving his or her Illinois residence address.  
12 The Secretary of State shall issue a standard Illinois  
13 Identification Card to a person ~~no sooner than 14 days~~ prior to  
14 his or her conditional release or absolute discharge if  
15 personnel from the Department of Human Services bring the  
16 person to a Secretary of State location with the required  
17 documents. Documents proving residence address may include any  
18 official document of the Department of Human Services showing  
19 the person's address after release and a Secretary of State  
20 prescribed verification form, which may be executed by  
21 personnel of the Department of Human Services.

22 (a-35) The Secretary of State shall issue a limited-term  
23 Illinois Identification Card valid for 90 days to a person  
24 upon conditional release or absolute discharge from the  
25 custody of the Department of Human Services, if the person is  
26 unable to present a certified copy of his or her birth

1 certificate and social security card or other documents  
2 authorized by the Secretary, but does present a Secretary of  
3 State prescribed verification form completed by the Department  
4 of Human Services, verifying the person's date of birth and  
5 social security number, and a document proving his or her  
6 Illinois residence address. The verification form must have  
7 been completed no more than 30 days prior to the date of  
8 application for the Illinois Identification Card. The  
9 Secretary of State shall issue a limited-term Illinois  
10 Identification Card to a person no sooner than 14 days prior to  
11 his or her conditional release or absolute discharge if  
12 personnel from the Department of Human Services bring the  
13 person to a Secretary of State location with the required  
14 documents. Documents proving residence address shall include  
15 any official document of the Department of Human Services  
16 showing the person's address after release and a Secretary of  
17 State prescribed verification form, which may be executed by  
18 personnel of the Department of Human Services.

19 (b) The Secretary of State shall issue a special Illinois  
20 Identification Card, which shall be known as an Illinois  
21 Person with a Disability Identification Card, to any natural  
22 person who is a resident of the State of Illinois, who is a  
23 person with a disability as defined in Section 4A of this Act,  
24 who applies for such card, or renewal thereof. No Illinois  
25 Person with a Disability Identification Card shall be issued  
26 to any person who holds a valid foreign state identification

1 card, license, or permit unless the person first surrenders to  
2 the Secretary of State the valid foreign state identification  
3 card, license, or permit. The Secretary of State shall charge  
4 no fee to issue such card. The card shall be prepared and  
5 supplied by the Secretary of State, and shall include a  
6 photograph and signature or mark of the applicant, a  
7 designation indicating that the card is an Illinois Person  
8 with a Disability Identification Card, and shall include a  
9 comprehensible designation of the type and classification of  
10 the applicant's disability as set out in Section 4A of this  
11 Act. However, the Secretary of State may provide by rule for  
12 the issuance of Illinois Person with a Disability  
13 Identification Cards without photographs if the applicant has  
14 a bona fide religious objection to being photographed or to  
15 the display of his or her photograph. If the applicant so  
16 requests, the card shall include a description of the  
17 applicant's disability and any information about the  
18 applicant's disability or medical history which the Secretary  
19 determines would be helpful to the applicant in securing  
20 emergency medical care. If a mark is used in lieu of a  
21 signature, such mark shall be affixed to the card in the  
22 presence of two witnesses who attest to the authenticity of  
23 the mark. The Illinois Person with a Disability Identification  
24 Card may be used for identification purposes in any lawful  
25 situation by the person to whom it was issued.

26 The Illinois Person with a Disability Identification Card



1 may be used as adequate documentation of disability in lieu of  
2 a physician's determination of disability, a determination of  
3 disability from a physician assistant, a determination of  
4 disability from an advanced practice registered nurse, or any  
5 other documentation of disability whenever any State law  
6 requires that a person with a disability provide such  
7 documentation of disability, however an Illinois Person with a  
8 Disability Identification Card shall not qualify the  
9 cardholder to participate in any program or to receive any  
10 benefit which is not available to all persons with like  
11 disabilities. Notwithstanding any other provisions of law, an  
12 Illinois Person with a Disability Identification Card, or  
13 evidence that the Secretary of State has issued an Illinois  
14 Person with a Disability Identification Card, shall not be  
15 used by any person other than the person named on such card to  
16 prove that the person named on such card is a person with a  
17 disability or for any other purpose unless the card is used for  
18 the benefit of the person named on such card, and the person  
19 named on such card consents to such use at the time the card is  
20 so used.

21 An optometrist's determination of a visual disability  
22 under Section 4A of this Act is acceptable as documentation  
23 for the purpose of issuing an Illinois Person with a  
24 Disability Identification Card.

25 When medical information is contained on an Illinois  
26 Person with a Disability Identification Card, the Office of

1 the Secretary of State shall not be liable for any actions  
2 taken based upon that medical information.

3 (c) The Secretary of State shall provide that each  
4 original or renewal Illinois Identification Card or Illinois  
5 Person with a Disability Identification Card issued to a  
6 person under the age of 21 shall be of a distinct nature from  
7 those Illinois Identification Cards or Illinois Person with a  
8 Disability Identification Cards issued to individuals 21 years  
9 of age or older. The color designated for Illinois  
10 Identification Cards or Illinois Person with a Disability  
11 Identification Cards for persons under the age of 21 shall be  
12 at the discretion of the Secretary of State.

13 (c-1) Each original or renewal Illinois Identification  
14 Card or Illinois Person with a Disability Identification Card  
15 issued to a person under the age of 21 shall display the date  
16 upon which the person becomes 18 years of age and the date upon  
17 which the person becomes 21 years of age.

18 (c-3) The General Assembly recognizes the need to identify  
19 military veterans living in this State for the purpose of  
20 ensuring that they receive all of the services and benefits to  
21 which they are legally entitled, including healthcare,  
22 education assistance, and job placement. To assist the State  
23 in identifying these veterans and delivering these vital  
24 services and benefits, the Secretary of State is authorized to  
25 issue Illinois Identification Cards and Illinois Person with a  
26 Disability Identification Cards with the word "veteran"

1 appearing on the face of the cards. This authorization is  
2 predicated on the unique status of veterans. The Secretary may  
3 not issue any other identification card which identifies an  
4 occupation, status, affiliation, hobby, or other unique  
5 characteristics of the identification card holder which is  
6 unrelated to the purpose of the identification card.

7 (c-5) Beginning on or before July 1, 2015, the Secretary  
8 of State shall designate a space on each original or renewal  
9 identification card where, at the request of the applicant,  
10 the word "veteran" shall be placed. The veteran designation  
11 shall be available to a person identified as a veteran under  
12 subsection (b) of Section 5 of this Act who was discharged or  
13 separated under honorable conditions.

14 (d) The Secretary of State may issue a Senior Citizen  
15 discount card, to any natural person who is a resident of the  
16 State of Illinois who is 60 years of age or older and who  
17 applies for such a card or renewal thereof. The Secretary of  
18 State shall charge no fee to issue such card. The card shall be  
19 issued in every county and applications shall be made  
20 available at, but not limited to, nutrition sites, senior  
21 citizen centers and Area Agencies on Aging. The applicant,  
22 upon receipt of such card and prior to its use for any purpose,  
23 shall have affixed thereon in the space provided therefor his  
24 signature or mark.

25 (e) The Secretary of State, in his or her discretion, may  
26 designate on each Illinois Identification Card or Illinois

1 Person with a Disability Identification Card a space where the  
2 card holder may place a sticker or decal, issued by the  
3 Secretary of State, of uniform size as the Secretary may  
4 specify, that shall indicate in appropriate language that the  
5 card holder has renewed his or her Illinois Identification  
6 Card or Illinois Person with a Disability Identification Card.  
7 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;  
8 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff.  
9 7-1-17; 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

10 Section 10. The Illinois Vehicle Code is amended by  
11 changing Sections 6-106.1, 6-205, 6-206, and 6-508 as follows:

12 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

13 Sec. 6-106.1. School bus driver permit.

14 (a) The Secretary of State shall issue a school bus driver  
15 permit to those applicants who have met all the requirements  
16 of the application and screening process under this Section to  
17 insure the welfare and safety of children who are transported  
18 on school buses throughout the State of Illinois. Applicants  
19 shall obtain the proper application required by the Secretary  
20 of State from their prospective or current employer and submit  
21 the completed application to the prospective or current  
22 employer along with the necessary fingerprint submission as  
23 required by the Department of State Police to conduct  
24 fingerprint based criminal background checks on current and

1 future information available in the state system and current  
2 information available through the Federal Bureau of  
3 Investigation's system. Applicants who have completed the  
4 fingerprinting requirements shall not be subjected to the  
5 fingerprinting process when applying for subsequent permits or  
6 submitting proof of successful completion of the annual  
7 refresher course. Individuals who on July 1, 1995 (the  
8 effective date of Public Act 88-612) possess a valid school  
9 bus driver permit that has been previously issued by the  
10 appropriate Regional School Superintendent are not subject to  
11 the fingerprinting provisions of this Section as long as the  
12 permit remains valid and does not lapse. The applicant shall  
13 be required to pay all related application and fingerprinting  
14 fees as established by rule including, but not limited to, the  
15 amounts established by the Department of State Police and the  
16 Federal Bureau of Investigation to process fingerprint based  
17 criminal background investigations. All fees paid for  
18 fingerprint processing services under this Section shall be  
19 deposited into the State Police Services Fund for the cost  
20 incurred in processing the fingerprint based criminal  
21 background investigations. All other fees paid under this  
22 Section shall be deposited into the Road Fund for the purpose  
23 of defraying the costs of the Secretary of State in  
24 administering this Section. All applicants must:

25 1. be 21 years of age or older;

26 2. possess a valid and properly classified driver's

1 license issued by the Secretary of State;

2 3. possess a valid driver's license, which has not  
3 been revoked, suspended, or canceled for 3 years  
4 immediately prior to the date of application, or have not  
5 had his or her commercial motor vehicle driving privileges  
6 disqualified within the 3 years immediately prior to the  
7 date of application;

8 4. successfully pass a written test, administered by  
9 the Secretary of State, on school bus operation, school  
10 bus safety, and special traffic laws relating to school  
11 buses and submit to a review of the applicant's driving  
12 habits by the Secretary of State at the time the written  
13 test is given;

14 5. demonstrate ability to exercise reasonable care in  
15 the operation of school buses in accordance with rules  
16 promulgated by the Secretary of State;

17 6. demonstrate physical fitness to operate school  
18 buses by submitting the results of a medical examination,  
19 including tests for drug use for each applicant not  
20 subject to such testing pursuant to federal law, conducted  
21 by a licensed physician, a licensed advanced practice  
22 registered nurse, or a licensed physician assistant within  
23 90 days of the date of application according to standards  
24 promulgated by the Secretary of State;

25 7. affirm under penalties of perjury that he or she  
26 has not made a false statement or knowingly concealed a

1 material fact in any application for permit;

2 8. have completed an initial classroom course,  
3 including first aid procedures, in school bus driver  
4 safety as promulgated by the Secretary of State; and after  
5 satisfactory completion of said initial course an annual  
6 refresher course; such courses and the agency or  
7 organization conducting such courses shall be approved by  
8 the Secretary of State; failure to complete the annual  
9 refresher course, shall result in cancellation of the  
10 permit until such course is completed;

11 9. not have been under an order of court supervision  
12 for or convicted of 2 or more serious traffic offenses, as  
13 defined by rule, within one year prior to the date of  
14 application that may endanger the life or safety of any of  
15 the driver's passengers within the duration of the permit  
16 period;

17 10. not have been under an order of court supervision  
18 for or convicted of reckless driving, aggravated reckless  
19 driving, driving while under the influence of alcohol,  
20 other drug or drugs, intoxicating compound or compounds or  
21 any combination thereof, or reckless homicide resulting  
22 from the operation of a motor vehicle within 3 years of the  
23 date of application;

24 11. not have been convicted of committing or  
25 attempting to commit any one or more of the following  
26 offenses: (i) those offenses defined in Sections 8-1,

1 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1,  
2 10-2, 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9,  
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5,  
4 11-6.6, 11-9, 11-9.1, 11-9.1A, 11-9.3, 11-9.4, 11-9.4-1,  
5 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16,  
6 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2,  
7 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-23,  
8 11-24, 11-25, 11-26, 11-30, 12-2.6, 12-3.05, 12-3.1,  
9 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
10 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-5.3, 12-6,  
11 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13,  
12 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6,  
13 12-33, 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16,  
14 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1, 20-1.1,  
15 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5,  
16 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 24-3.8, 24-3.9,  
17 31A-1.1, 33A-2, and 33D-1, in subsection (A), clauses (a)  
18 and (b), of Section 24-3, and those offenses contained in  
19 Article 29D of the Criminal Code of 1961 or the Criminal  
20 Code of 2012; (ii) those offenses defined in the Cannabis  
21 Control Act except those offenses defined in subsections  
22 (a) and (b) of Section 4, and subsection (a) of Section 5  
23 of the Cannabis Control Act; (iii) those offenses defined  
24 in the Illinois Controlled Substances Act; (iv) those  
25 offenses defined in the Methamphetamine Control and  
26 Community Protection Act; and (v) any offense committed or



1 attempted in any other state or against the laws of the  
2 United States, which if committed or attempted in this  
3 State would be punishable as one or more of the foregoing  
4 offenses; (vi) the offenses defined in Section 4.1 and 5.1  
5 of the Wrongs to Children Act or Section 11-9.1A of the  
6 Criminal Code of 1961 or the Criminal Code of 2012; (vii)  
7 those offenses defined in Section 6-16 of the Liquor  
8 Control Act of 1934 within the last 20 years before the  
9 date of the application; and (viii) those offenses defined  
10 in the Methamphetamine Precursor Control Act;

11 12. not have been repeatedly involved as a driver in  
12 motor vehicle collisions or been repeatedly convicted of  
13 offenses against laws and ordinances regulating the  
14 movement of traffic, to a degree which indicates lack of  
15 ability to exercise ordinary and reasonable care in the  
16 safe operation of a motor vehicle or disrespect for the  
17 traffic laws and the safety of other persons upon the  
18 highway;

19 13. not have, through the unlawful operation of a  
20 motor vehicle, caused an accident resulting in the death  
21 of any person;

22 14. not have, within the last 5 years, been adjudged  
23 to be afflicted with or suffering from any mental  
24 disability or disease;

25 15. consent, in writing, to the release of results of  
26 reasonable suspicion drug and alcohol testing under

1 Section 6-106.1c of this Code by the employer of the  
2 applicant to the Secretary of State; and

3 16. not have been convicted of committing or  
4 attempting to commit within the last 20 years: (i) an  
5 offense defined in subsection (c) of Section 4, subsection  
6 (b) of Section 5, and subsection (a) of Section 8 of the  
7 Cannabis Control Act; or (ii) any offenses in any other  
8 state or against the laws of the United States that, if  
9 committed or attempted in this State, would be punishable  
10 as one or more of the foregoing offenses.

11 (b) A school bus driver permit shall be valid for a period  
12 specified by the Secretary of State as set forth by rule. It  
13 shall be renewable upon compliance with subsection (a) of this  
14 Section.

15 (c) A school bus driver permit shall contain the holder's  
16 driver's license number, legal name, residence address, zip  
17 code, and date of birth, a brief description of the holder and  
18 a space for signature. The Secretary of State may require a  
19 suitable photograph of the holder.

20 (d) The employer shall be responsible for conducting a  
21 pre-employment interview with prospective school bus driver  
22 candidates, distributing school bus driver applications and  
23 medical forms to be completed by the applicant, and submitting  
24 the applicant's fingerprint cards to the Department of State  
25 Police that are required for the criminal background  
26 investigations. The employer shall certify in writing to the

1 Secretary of State that all pre-employment conditions have  
2 been successfully completed including the successful  
3 completion of an Illinois specific criminal background  
4 investigation through the Department of State Police and the  
5 submission of necessary fingerprints to the Federal Bureau of  
6 Investigation for criminal history information available  
7 through the Federal Bureau of Investigation system. The  
8 applicant shall present the certification to the Secretary of  
9 State at the time of submitting the school bus driver permit  
10 application.

11 (e) Permits shall initially be provisional upon receiving  
12 certification from the employer that all pre-employment  
13 conditions have been successfully completed, and upon  
14 successful completion of all training and examination  
15 requirements for the classification of the vehicle to be  
16 operated, the Secretary of State shall provisionally issue a  
17 School Bus Driver Permit. The permit shall remain in a  
18 provisional status pending the completion of the Federal  
19 Bureau of Investigation's criminal background investigation  
20 based upon fingerprinting specimens submitted to the Federal  
21 Bureau of Investigation by the Department of State Police. The  
22 Federal Bureau of Investigation shall report the findings  
23 directly to the Secretary of State. The Secretary of State  
24 shall remove the bus driver permit from provisional status  
25 upon the applicant's successful completion of the Federal  
26 Bureau of Investigation's criminal background investigation.

1 (f) A school bus driver permit holder shall notify the  
2 employer and the Secretary of State if he or she is issued an  
3 order of court supervision for or convicted in another state  
4 of an offense that would make him or her ineligible for a  
5 permit under subsection (a) of this Section. The written  
6 notification shall be made within 5 days of the entry of the  
7 order of court supervision or conviction. Failure of the  
8 permit holder to provide the notification is punishable as a  
9 petty offense for a first violation and a Class B misdemeanor  
10 for a second or subsequent violation.

11 (g) Cancellation; suspension; notice and procedure.

12 (1) The Secretary of State shall cancel a school bus  
13 driver permit of an applicant whose criminal background  
14 investigation discloses that he or she is not in  
15 compliance with the provisions of subsection (a) of this  
16 Section.

17 (2) The Secretary of State shall cancel a school bus  
18 driver permit when he or she receives notice that the  
19 permit holder fails to comply with any provision of this  
20 Section or any rule promulgated for the administration of  
21 this Section.

22 (3) The Secretary of State shall cancel a school bus  
23 driver permit if the permit holder's restricted commercial  
24 or commercial driving privileges are withdrawn or  
25 otherwise invalidated.

26 (4) The Secretary of State may not issue a school bus

1 driver permit for a period of 3 years to an applicant who  
2 fails to obtain a negative result on a drug test as  
3 required in item 6 of subsection (a) of this Section or  
4 under federal law.

5 (5) The Secretary of State shall forthwith suspend a  
6 school bus driver permit for a period of 3 years upon  
7 receiving notice that the holder has failed to obtain a  
8 negative result on a drug test as required in item 6 of  
9 subsection (a) of this Section or under federal law.

10 (6) The Secretary of State shall suspend a school bus  
11 driver permit for a period of 3 years upon receiving  
12 notice from the employer that the holder failed to perform  
13 the inspection procedure set forth in subsection (a) or  
14 (b) of Section 12-816 of this Code.

15 (7) The Secretary of State shall suspend a school bus  
16 driver permit for a period of 3 years upon receiving  
17 notice from the employer that the holder refused to submit  
18 to an alcohol or drug test as required by Section 6-106.1c  
19 or has submitted to a test required by that Section which  
20 disclosed an alcohol concentration of more than 0.00 or  
21 disclosed a positive result on a National Institute on  
22 Drug Abuse five-drug panel, utilizing federal standards  
23 set forth in 49 CFR 40.87.

24 The Secretary of State shall notify the State  
25 Superintendent of Education and the permit holder's  
26 prospective or current employer that the applicant has (1) has

1 failed a criminal background investigation or (2) is no longer  
2 eligible for a school bus driver permit; and of the related  
3 cancellation of the applicant's provisional school bus driver  
4 permit. The cancellation shall remain in effect pending the  
5 outcome of a hearing pursuant to Section 2-118 of this Code.  
6 The scope of the hearing shall be limited to the issuance  
7 criteria contained in subsection (a) of this Section. A  
8 petition requesting a hearing shall be submitted to the  
9 Secretary of State and shall contain the reason the individual  
10 feels he or she is entitled to a school bus driver permit. The  
11 permit holder's employer shall notify in writing to the  
12 Secretary of State that the employer has certified the removal  
13 of the offending school bus driver from service prior to the  
14 start of that school bus driver's next workshift. An employing  
15 school board that fails to remove the offending school bus  
16 driver from service is subject to the penalties defined in  
17 Section 3-14.23 of the School Code. A school bus contractor  
18 who violates a provision of this Section is subject to the  
19 penalties defined in Section 6-106.11.

20 All valid school bus driver permits issued under this  
21 Section prior to January 1, 1995, shall remain effective until  
22 their expiration date unless otherwise invalidated.

23 (h) When a school bus driver permit holder who is a service  
24 member is called to active duty, the employer of the permit  
25 holder shall notify the Secretary of State, within 30 days of  
26 notification from the permit holder, that the permit holder

1 has been called to active duty. Upon notification pursuant to  
2 this subsection, (i) the Secretary of State shall characterize  
3 the permit as inactive until a permit holder renews the permit  
4 as provided in subsection (i) of this Section, and (ii) if a  
5 permit holder fails to comply with the requirements of this  
6 Section while called to active duty, the Secretary of State  
7 shall not characterize the permit as invalid.

8 (i) A school bus driver permit holder who is a service  
9 member returning from active duty must, within 90 days, renew  
10 a permit characterized as inactive pursuant to subsection (h)  
11 of this Section by complying with the renewal requirements of  
12 subsection (b) of this Section.

13 (j) For purposes of subsections (h) and (i) of this  
14 Section:

15 "Active duty" means active duty pursuant to an executive  
16 order of the President of the United States, an act of the  
17 Congress of the United States, or an order of the Governor.

18 "Service member" means a member of the Armed Services or  
19 reserve forces of the United States or a member of the Illinois  
20 National Guard.

21 (k) A private carrier employer of a school bus driver  
22 permit holder, having satisfied the employer requirements of  
23 this Section, shall be held to a standard of ordinary care for  
24 intentional acts committed in the course of employment by the  
25 bus driver permit holder. This subsection (k) shall in no way  
26 limit the liability of the private carrier employer for

1 violation of any provision of this Section or for the  
2 negligent hiring or retention of a school bus driver permit  
3 holder.

4 (Source: P.A. 100-513, eff. 1-1-18; 101-458, eff. 1-1-20.)

5 (625 ILCS 5/6-205)

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

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

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

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

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

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



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

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

8           7. Conviction of any offense defined in Section 4-102  
9 of this Code if the person exercised actual physical  
10 control over the vehicle during the commission of the  
11 offense;

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

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

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

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

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

25           13. Violation of paragraph (a) of Section 11-502 of  
26 this Code or a similar provision of a local ordinance if

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

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

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

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

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

23 18. A second or subsequent conviction of illegal  
24 possession, while operating or in actual physical control,  
25 as a driver, of a motor vehicle, of any controlled  
26 substance prohibited under the Illinois Controlled

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

10 19. Violation of subsection (a) of Section 11-1414 of  
11 this Code, or a similar provision of a local ordinance,  
12 relating to the offense of overtaking or passing of a  
13 school bus when the driver, in committing the violation,  
14 is involved in a motor vehicle accident that results in  
15 death to another and the violation is a proximate cause of  
16 the death.

17 (b) The Secretary of State shall also immediately revoke  
18 the license or permit of any driver in the following  
19 situations:

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

25 2. Of any person when any other law of this State  
26 requires either the revocation or suspension of a license

1 or permit;

2 3. Of any person adjudicated under the Juvenile Court  
3 Act of 1987 based on an offense determined to have been  
4 committed in furtherance of the criminal activities of an  
5 organized gang as provided in Section 5-710 of that Act,  
6 and that involved the operation or use of a motor vehicle  
7 or the use of a driver's license or permit. The revocation  
8 shall remain in effect for the period determined by the  
9 court.

10 (c) (1) Whenever a person is convicted of any of the  
11 offenses enumerated in this Section, the court may recommend  
12 and the Secretary of State in his discretion, without regard  
13 to whether the recommendation is made by the court may, upon  
14 application, issue to the person a restricted driving permit  
15 granting the privilege of driving a motor vehicle between the  
16 petitioner's residence and petitioner's place of employment or  
17 within the scope of the petitioner's employment related  
18 duties, or to allow the petitioner to transport himself or  
19 herself or a family member of the petitioner's household to a  
20 medical facility for the receipt of necessary medical care or  
21 to allow the petitioner to transport himself or herself to and  
22 from alcohol or drug remedial or rehabilitative activity  
23 recommended by a licensed service provider, or to allow the  
24 petitioner to transport himself or herself or a family member  
25 of the petitioner's household to classes, as a student, at an  
26 accredited educational institution, or to allow the petitioner

1 to transport children, elderly persons, or persons with  
2 disabilities who do not hold driving privileges and are living  
3 in the petitioner's household to and from daycare; if the  
4 petitioner is able to demonstrate that no alternative means of  
5 transportation is reasonably available and that the petitioner  
6 will not endanger the public safety or welfare; provided that  
7 the Secretary's discretion shall be limited to cases where  
8 undue hardship, as defined by the rules of the Secretary of  
9 State, would result from a failure to issue the restricted  
10 driving permit.

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

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

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

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

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

1 ignition interlock device, or for any other reason authorized  
2 under this Code.

3 A restricted driving permit issued under this paragraph  
4 (1.5) shall be revoked, and the holder barred from applying  
5 for or being issued a restricted driving permit in the future,  
6 if the holder is subsequently convicted of a violation of  
7 Section 11-501 of this Code, a similar provision of a local  
8 ordinance, or a similar 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 ordinance  
12 or a similar out-of-state offense, or Section 9-3 of the  
13 Criminal Code of 1961 or the Criminal Code of 2012, where the  
14 use of alcohol or other drugs is recited as an element of the  
15 offense, or a similar out-of-state offense, or a combination  
16 of these offenses, arising out of separate occurrences, that  
17 person, if issued a restricted driving permit, may not operate  
18 a vehicle unless it has been equipped with an ignition  
19 interlock device as defined in Section 1-129.1.

20 (3) If:

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

23 (i) a single conviction of violating Section  
24 11-501 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense, or  
26 Section 9-3 of the Criminal Code of 1961 or the

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

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

6 (iii) a suspension pursuant to Section 6-203.1;  
7 arising out of separate occurrences; or

8 (B) a person has been convicted of one violation of  
9 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
10 of Section 11-501 of this Code, Section 9-3 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012,  
12 relating to the offense of reckless homicide where the use  
13 of alcohol or other drugs was recited as an element of the  
14 offense, or a similar provision of a law of another state;  
15 that person, if issued a restricted driving permit, may not  
16 operate a vehicle unless it has been equipped with an ignition  
17 interlock device as defined in Section 1-129.1.

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

23 (5) If the restricted driving permit is issued for  
24 employment purposes, then the prohibition against operating a  
25 motor vehicle that is not equipped with an ignition interlock  
26 device does not apply to the operation of an occupational



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

12 (6) In each case the Secretary of State may issue a  
13 restricted driving permit for a period he deems appropriate,  
14 except that the permit shall expire no later than 2 years from  
15 the date of issuance. A restricted driving permit issued under  
16 this Section shall be subject to cancellation, revocation, and  
17 suspension by the Secretary of State in like manner and for  
18 like cause as a driver's license issued under this Code may be  
19 cancelled, revoked, or suspended; except that a conviction  
20 upon one or more offenses against laws or ordinances  
21 regulating the movement of traffic shall be deemed sufficient  
22 cause for the revocation, suspension, or cancellation of a  
23 restricted driving permit. The Secretary of State may, as a  
24 condition to the issuance of a restricted driving permit,  
25 require the petitioner to participate in a designated driver  
26 remedial or rehabilitative program. The Secretary of State is

1 authorized to cancel a restricted driving permit if the permit  
2 holder does not successfully complete the program. However, if  
3 an individual's driving privileges have been revoked in  
4 accordance with paragraph 13 of subsection (a) of this  
5 Section, no restricted driving permit shall be issued until  
6 the individual has served 6 months of the revocation period.

7 (c-5) (Blank).

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

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

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

20           (2) If a person's license or permit is revoked or  
21 suspended due to 2 or more convictions of violating  
22 Section 11-501 of this Code or a similar provision of a  
23 local ordinance or a similar out-of-state offense, or  
24 Section 9-3 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, where the use of alcohol or other drugs is  
26 recited as an element of the offense, or a similar

1 out-of-state offense, or a combination of these offenses,  
2 arising out of separate occurrences, that person, if  
3 issued a restricted driving permit, may not operate a  
4 vehicle unless it has been equipped with an ignition  
5 interlock device as defined in Section 1-129.1.

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

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

15 (B) a statutory summary suspension or revocation  
16 under Section 11-501.1; or

17 (C) a suspension pursuant to Section 6-203.1;

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

22 (3.5) If a person's license or permit is revoked or  
23 suspended due to a conviction for a violation of  
24 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
25 of Section 11-501 of this Code, or a similar provision of a  
26 local ordinance or similar out-of-state offense, that

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

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

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

26 (6) A restricted driving permit issued under this

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

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

18 (e) This Section is subject to the provisions of the  
19 Driver License Compact.

20 (f) Any revocation imposed upon any person under  
21 subsections 2 and 3 of paragraph (b) that is in effect on  
22 December 31, 1988 shall be converted to a suspension for a like  
23 period of time.

24 (g) The Secretary of State shall not issue a restricted  
25 driving permit to a person under the age of 16 years whose  
26 driving privileges have been revoked under any provisions of

1 this Code.

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

22 (i) (Blank).

23 (j) In accordance with 49 C.F.R. 384, the Secretary of  
24 State may not issue a restricted driving permit for the  
25 operation of a commercial motor vehicle to a person holding a  
26 CDL whose driving privileges have been revoked, suspended,

1 cancelled, or disqualified under any provisions of this Code.

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

7 (Source: P.A. 100-223, eff. 8-18-17; 100-803, eff. 1-1-19;  
8 101-623, eff. 7-1-20.)

9 (625 ILCS 5/6-206)

10 (Text of Section before amendment by P.A. 101-90, 101-470,  
11 and 101-623)

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

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

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

21 2. Has been convicted of not less than 3 offenses  
22 against traffic regulations governing the movement of  
23 vehicles committed within any 12-month ~~12-month~~ period. No  
24 revocation or suspension shall be entered more than 6  
25 months after the date of last conviction;



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

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

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

22           6. Has been lawfully convicted of an offense or  
23 offenses in another state, including the authorization  
24 contained in Section 6-203.1, which if committed within  
25 this State would be grounds for suspension or revocation;

26           7. Has refused or failed to submit to an examination

1 provided for by Section 6-207 or has failed to pass the  
2 examination;

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

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

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

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

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

25 13. Has operated a motor vehicle upon a highway of  
26 this State when the person's driver's license or permit

1 was invalid under the provisions of Sections 6-107.1 and  
2 6-110;

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

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

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

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

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

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

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

24 21. Has been convicted of violating Section 11-402 of  
25 this Code relating to leaving the scene of an accident  
26 resulting in damage to a vehicle in excess of \$1,000, in

1 which case the suspension shall be for one year;

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

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

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

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

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

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

26 28. Has been convicted for a first time of the illegal

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

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

1 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  
11 from the unlawful use or consumption of cannabis as listed  
12 in the Cannabis Control Act, a controlled substance as  
13 listed in the Illinois Controlled Substances Act, an  
14 intoxicating compound as listed in the Use of Intoxicating  
15 Compounds Act, or methamphetamine as listed in the  
16 Methamphetamine Control and Community Protection Act, in  
17 which case the penalty shall be as prescribed in Section  
18 6-208.1;

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

25 33. Has as a driver, who was less than 21 years of age  
26 on the date of the offense, been convicted a first time of

1 a violation of paragraph (a) of Section 11-502 of this  
2 Code or a similar provision of a local ordinance;

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

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

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

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

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

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

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

23 41. Has committed a second or subsequent violation of  
24 Section 11-605.1 of this Code, a similar provision of a  
25 local ordinance, or a similar violation in any other state  
26 within 2 years of the date of the previous violation, in

1           which case the suspension shall be for 90 days;

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

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

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

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

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

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



1           48. Has submitted a falsified or altered medical  
2           examiner's certificate to the Secretary of State or  
3           provided false information to obtain a medical examiner's  
4           certificate.

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

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

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

1 last known address of the person.

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

1 suspension period.

2 The provisions of this subparagraph shall not apply to any  
3 driver required to possess a CDL for the purpose of operating a  
4 commercial motor vehicle.

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

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

1 himself or herself or a family member of the petitioner's  
2 household to classes, as a student, at an accredited  
3 educational institution, or to allow the petitioner to  
4 transport children, elderly persons, or persons with  
5 disabilities who do not hold driving privileges and are living  
6 in the petitioner's household to and from daycare. The  
7 petitioner must demonstrate that no alternative means of  
8 transportation is reasonably available and that the petitioner  
9 will not endanger the public safety or welfare.

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

22 (B) If 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 local  
26 ordinance or a similar out-of-state offense or Section

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

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

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

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

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

26 (D) If the restricted driving permit is issued for

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

17 (E) In each case the Secretary may issue a restricted  
18 driving permit for a period deemed appropriate, except  
19 that all permits shall expire no later than 2 years from  
20 the date of issuance. A restricted driving permit issued  
21 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  
24 issued under this Code may be cancelled, revoked, or  
25 suspended; except that a conviction upon one or more  
26 offenses against laws or ordinances regulating the

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

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

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

1 Community Protection Act; and

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

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

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



1           this subparagraph (F) if the holder operates a vehicle  
2           that is not equipped with an ignition interlock device, or  
3           for any other reason authorized under this Code.

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

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

24          (c-4) In the case of a suspension under paragraph 43 of  
25          subsection (a), the Secretary of State shall notify the person  
26          by mail that his or her driving privileges and driver's

1 license will be suspended one month after the date of the  
2 mailing of the notice.

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

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

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

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

21 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;  
22 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff.  
23 7-22-16; 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

24 (Text of Section after amendment by P.A. 101-90, 101-470,  
25 and 101-623)

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

3           (a) The Secretary of State is authorized to suspend or  
4 revoke the driving privileges of any person without  
5 preliminary hearing upon a showing of the person's records or  
6 other sufficient evidence that the person:

7           1. Has committed an offense for which mandatory  
8 revocation of a driver's license or permit is required  
9 upon conviction;

10           2. Has been convicted of not less than 3 offenses  
11 against traffic regulations governing the movement of  
12 vehicles committed within any 12-month ~~12-month~~ period. No  
13 revocation or suspension shall be entered more than 6  
14 months after the date of last conviction;

15           3. Has been repeatedly involved as a driver in motor  
16 vehicle collisions or has been repeatedly convicted of  
17 offenses against laws and ordinances regulating the  
18 movement of traffic, to a degree that indicates lack of  
19 ability to exercise ordinary and reasonable care in the  
20 safe operation of a motor vehicle or disrespect for the  
21 traffic laws and the safety of other persons upon the  
22 highway;

23           4. Has by the unlawful operation of a motor vehicle  
24 caused or contributed to an accident resulting in injury  
25 requiring immediate professional treatment in a medical  
26 facility or doctor's office to any person, except that any

1 suspension or revocation imposed by the Secretary of State  
2 under the provisions of this subsection shall start no  
3 later than 6 months after being convicted of violating a  
4 law or ordinance regulating the movement of traffic, which  
5 violation is related to the accident, or shall start not  
6 more than one year after the date of the accident,  
7 whichever date occurs later;

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

10 6. Has been lawfully convicted of an offense or  
11 offenses in another state, including the authorization  
12 contained in Section 6-203.1, which if committed within  
13 this State would be grounds for suspension or revocation;

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

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

19 9. Has made a false statement or knowingly concealed a  
20 material fact or has used false information or  
21 identification in any application for a license,  
22 identification card, or permit;

23 10. Has possessed, displayed, or attempted to  
24 fraudulently use any license, identification card, or  
25 permit not issued to the person;

26 11. Has operated a motor vehicle upon a highway of

1           this State when the person's driving privilege or  
2           privilege to obtain a driver's license or permit was  
3           revoked or suspended unless the operation was authorized  
4           by a monitoring device driving permit, judicial driving  
5           permit issued prior to January 1, 2009, probationary  
6           license to drive, or ~~a~~ restricted driving permit issued  
7           under this Code;

8           12. Has submitted to any portion of the application  
9           process for another person or has obtained the services of  
10          another person to submit to any portion of the application  
11          process for the purpose of obtaining a license,  
12          identification card, or permit for some other person;

13          13. Has operated a motor vehicle upon a highway of  
14          this State when the person's driver's license or permit  
15          was invalid under the provisions of Sections 6-107.1 and  
16          6-110;

17          14. Has committed a violation of Section 6-301,  
18          6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
19          14B of the Illinois Identification Card Act;

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

26          16. Has been convicted of violating Section 11-204 of

1 this Code relating to fleeing from a peace officer;

2 17. Has refused to submit to a test, or tests, as  
3 required under Section 11-501.1 of this Code and the  
4 person has not sought a hearing as provided for in Section  
5 11-501.1;

6 18. (Blank);

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

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

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

16 22. Has used a motor vehicle in violating paragraph  
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
18 the Criminal Code of 1961 or the Criminal Code of 2012  
19 relating to unlawful use of weapons, in which case the  
20 suspension shall be for one year;

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

25 24. Has been convicted by a court-martial or punished  
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois or in  
2 another state of or for a traffic-related ~~traffie-related~~  
3 offense that is the same as or similar to an offense  
4 specified under Section 6-205 or 6-206 of this Code;

5 25. Has permitted any form of identification to be  
6 used by another in the application process in order to  
7 obtain or attempt to obtain a license, identification  
8 card, or permit;

9 26. Has altered or attempted to alter a license or has  
10 possessed an altered license, identification card, or  
11 permit;

12 27. (Blank);

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

1           29. Has been convicted of the following offenses that  
2 were committed while the person was operating or in actual  
3 physical control, as a driver, of a motor vehicle:  
4 criminal sexual assault, predatory criminal sexual assault  
5 of a child, aggravated criminal sexual assault, criminal  
6 sexual abuse, aggravated criminal sexual abuse, juvenile  
7 pimping, soliciting for a juvenile prostitute, promoting  
8 juvenile prostitution as described in subdivision (a)(1),  
9 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code  
10 of 1961 or the Criminal Code of 2012, and the manufacture,  
11 sale or delivery of controlled substances or instruments  
12 used for illegal drug use or abuse in which case the  
13 driver's driving privileges shall be suspended for one  
14 year;

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

19           31. Has refused to submit to a test as required by  
20 Section 11-501.6 of this Code or Section 5-16c of the Boat  
21 Registration and Safety Act or has submitted to a test  
22 resulting in an alcohol concentration of 0.08 or more or  
23 any amount of a drug, substance, or compound resulting  
24 from the unlawful use or consumption of cannabis as listed  
25 in the Cannabis Control Act, a controlled substance as  
26 listed in the Illinois Controlled Substances Act, an



1 intoxicating compound as listed in the Use of Intoxicating  
2 Compounds Act, or methamphetamine as listed in the  
3 Methamphetamine Control and Community Protection Act, in  
4 which case the penalty shall be as prescribed in Section  
5 6-208.1;

6 32. Has been convicted of Section 24-1.2 of the  
7 Criminal Code of 1961 or the Criminal Code of 2012  
8 relating to the aggravated discharge of a firearm if the  
9 offender was located in a motor vehicle at the time the  
10 firearm was discharged, in which case the suspension shall  
11 be for 3 years;

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

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

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

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

26 37. Has committed a violation of subsection (c) of

1 Section 11-907 of this Code that resulted in damage to the  
2 property of another or the death or injury of another;

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

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

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

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

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

19 43. Has received a disposition of court supervision  
20 for a violation of subsection (a), (d), or (e) of Section  
21 6-20 of the Liquor Control Act of 1934 or a similar  
22 provision of a local ordinance and the person was an  
23 occupant of a motor vehicle at the time of the violation,  
24 in which case the suspension shall be for a period of 3  
25 months;

26 44. Is under the age of 21 years at the time of arrest

1 and has been convicted of an offense against traffic  
2 regulations governing the movement of vehicles after  
3 having previously had his or her driving privileges  
4 suspended or revoked pursuant to subparagraph 36 of this  
5 Section;

6 45. Has, in connection with or during the course of a  
7 formal hearing conducted under Section 2-118 of this Code:  
8 (i) committed perjury; (ii) submitted fraudulent or  
9 falsified documents; (iii) submitted documents that have  
10 been materially altered; or (iv) submitted, as his or her  
11 own, documents that were in fact prepared or composed for  
12 another person;

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

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

17 48. Has submitted a falsified or altered medical  
18 examiner's certificate to the Secretary of State or  
19 provided false information to obtain a medical examiner's  
20 certificate; ~~or~~

21 49. Has been convicted of a violation of Section  
22 11-1002 or 11-1002.5 that resulted in a Type A injury to  
23 another, in which case the driving privileges of the  
24 person shall be suspended for 12 months; or

25 50. Has committed a violation of subsection (b-5) of  
26 Section 12-610.2 that resulted in great bodily harm,

1 permanent disability, or disfigurement, in which case the  
2 driving privileges of the person shall be suspended for 12  
3 months.

4 ~~49. Has committed a violation of subsection (b-5) of~~  
5 ~~Section 12-610.2 that resulted in great bodily harm,~~  
6 ~~permanent disability, or disfigurement, in which case the~~  
7 ~~driving privileges shall be suspended for 12 months.~~

8 ~~49. Has been convicted of a violation of Section~~  
9 ~~11-1002 or 11-1002.5 that resulted in a Type A injury to~~  
10 ~~another, in which case the person's driving privileges~~  
11 ~~shall be suspended for 12 months.~~

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

19 (b) If any conviction forming the basis of a suspension or  
20 revocation authorized under this Section is appealed, the  
21 Secretary of State may rescind or withhold the entry of the  
22 order of suspension or revocation, as the case may be,  
23 provided that a certified copy of a stay order of a court is  
24 filed with the Secretary of State. If the conviction is  
25 affirmed on appeal, the date of the conviction shall relate  
26 back to the time the original judgment of conviction was

1 entered and the 6-month ~~6-month~~ limitation prescribed shall  
2 not apply.

3 (c) 1. Upon suspending or revoking the driver's license or  
4 permit of any person as authorized in this Section, the  
5 Secretary of State shall immediately notify the person in  
6 writing of the revocation or suspension. The notice to be  
7 deposited in the United States mail, postage prepaid, to the  
8 last known address of the person.

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

1 permit to operate a vehicle in connection with the driver's  
2 regular occupation only. Unless the permit is issued by the  
3 Secretary of State prior to the date of suspension, the  
4 privilege to drive any motor vehicle shall be suspended as set  
5 forth in the notice that was mailed under this Section. If an  
6 affidavit is received subsequent to the effective date of this  
7 suspension, a permit may be issued for the remainder of the  
8 suspension period.

9 The provisions of this subparagraph shall not apply to any  
10 driver required to possess a CDL for the purpose of operating a  
11 commercial motor vehicle.

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

16 3. At the conclusion of a hearing under Section 2-118 of  
17 this Code, the Secretary of State shall either rescind or  
18 continue an order of revocation or shall substitute an order  
19 of suspension; or, good cause appearing therefor, rescind,  
20 continue, change, or extend the order of suspension. If the  
21 Secretary of State does not rescind the order, the Secretary  
22 may upon application, to relieve undue hardship (as defined by  
23 the rules of the Secretary of State), issue a restricted  
24 driving permit granting the privilege of driving a motor  
25 vehicle between the petitioner's residence and petitioner's  
26 place of employment or within the scope of the petitioner's

1 employment-related ~~employment-related~~ duties, or to allow the  
2 petitioner to transport himself or herself, or a family member  
3 of the petitioner's household to a medical facility, to  
4 receive necessary medical care, to allow the petitioner to  
5 transport himself or herself to and from alcohol or drug  
6 remedial or rehabilitative activity recommended by a licensed  
7 service provider, or to allow the petitioner to transport  
8 himself or herself or a family member of the petitioner's  
9 household to classes, as a student, at an accredited  
10 educational institution, or to allow the petitioner to  
11 transport children, elderly persons, or persons with  
12 disabilities who do not hold driving privileges and are living  
13 in the petitioner's household to and from daycare. The  
14 petitioner must demonstrate that no alternative means of  
15 transportation is reasonably available and that the petitioner  
16 will not endanger the public safety or welfare.

17 (A) If a person's license or permit is revoked or  
18 suspended due to 2 or more convictions of violating  
19 Section 11-501 of this Code or a similar provision of a  
20 local ordinance or a similar out-of-state offense, or  
21 Section 9-3 of the Criminal Code of 1961 or the Criminal  
22 Code of 2012, where the use of alcohol or other drugs is  
23 recited as an element of the offense, or a similar  
24 out-of-state offense, or a combination of these offenses,  
25 arising out of separate occurrences, that person, if  
26 issued a restricted driving permit, may not operate a

1 vehicle unless it has been equipped with an ignition  
2 interlock device as defined in Section 1-129.1.

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

5 (i) a single conviction of violating Section  
6 11-501 of this Code or a similar provision of a local  
7 ordinance or a similar out-of-state offense or Section  
8 9-3 of the Criminal Code of 1961 or the Criminal Code  
9 of 2012, where the use of alcohol or other drugs is  
10 recited as an element of the offense, or a similar  
11 out-of-state offense; or

12 (ii) a statutory summary suspension or revocation  
13 under Section 11-501.1; or

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

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

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



1           (C) The person issued a permit conditioned upon the  
2 use of an ignition interlock device must pay to the  
3 Secretary of State DUI Administration Fund an amount not  
4 to exceed \$30 per month. The Secretary shall establish by  
5 rule the amount and the procedures, terms, and conditions  
6 relating to these fees.

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

24           (E) In each case the Secretary may issue a restricted  
25 driving permit for a period deemed appropriate, except  
26 that all permits shall expire no later than 2 years from

1 the date of issuance. A restricted driving permit issued  
2 under this Section shall be subject to cancellation,  
3 revocation, and suspension by the Secretary of State in  
4 like manner and for like cause as a driver's license  
5 issued under this Code may be cancelled, revoked, or  
6 suspended; except that a conviction upon one or more  
7 offenses against laws or ordinances regulating the  
8 movement of traffic shall be deemed sufficient cause for  
9 the revocation, suspension, or cancellation of a  
10 restricted driving permit. The Secretary of State may, as  
11 a condition to the issuance of a restricted driving  
12 permit, require the applicant to participate in a  
13 designated driver remedial or rehabilitative program. The  
14 Secretary of State is authorized to cancel a restricted  
15 driving permit if the permit holder does not successfully  
16 complete the program.

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

1           (i) a minimum of 3 years of uninterrupted  
2           abstinence from alcohol and the unlawful use or  
3           consumption of cannabis under the Cannabis Control  
4           Act, a controlled substance under the Illinois  
5           Controlled Substances Act, an intoxicating compound  
6           under the Use of Intoxicating Compounds Act, or  
7           methamphetamine under the Methamphetamine Control and  
8           Community Protection Act; and

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

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

26          A restricted driving permit issued under this

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

11          A restricted driving permit issued under this  
12          subparagraph (F) shall be revoked, and the holder barred  
13          from applying for or being issued a restricted driving  
14          permit in the future, if the holder is convicted of a  
15          violation of Section 11-501 of this Code, a similar  
16          provision of a local ordinance, or a similar offense in  
17          another state.

18          (c-3) In the case of a suspension under paragraph 43 of  
19          subsection (a), reports received by the Secretary of State  
20          under this Section shall, except during the actual time the  
21          suspension is in effect, be privileged information and for use  
22          only by the courts, police officers, prosecuting authorities,  
23          the driver licensing administrator of any other state, the  
24          Secretary of State, or the parent or legal guardian of a driver  
25          under the age of 18. However, beginning January 1, 2008, if the  
26          person is a CDL holder, the suspension shall also be made

1 available to the driver licensing administrator of any other  
2 state, the U.S. Department of Transportation, and the affected  
3 driver or motor carrier or prospective motor carrier upon  
4 request.

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

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

17 (d) This Section is subject to the provisions of the  
18 Driver Drivers License Compact.

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

23 (f) In accordance with 49 C.F.R. 384, the Secretary of  
24 State may not issue a restricted driving permit for the  
25 operation of a commercial motor vehicle to a person holding a  
26 CDL whose driving privileges have been suspended, revoked,

1 cancelled, or disqualified under any provisions of this Code.  
2 (Source: P.A. 100-803, eff. 1-1-19; 101-90, eff. 7-1-20;  
3 101-470, eff. 7-1-20; 101-623, eff. 7-1-20; revised 1-21-20.)

4 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)  
5 Sec. 6-508. Commercial Driver's License (CDL) -  
6 qualification standards.

7 (a) Testing.

8 (1) General. No person shall be issued an original or  
9 renewal CDL unless that person is domiciled in this State  
10 or is applying for a non-domiciled CDL under Sections  
11 6-509 and 6-510 of this Code. The Secretary shall cause to  
12 be administered such tests as the Secretary deems  
13 necessary to meet the requirements of 49 C.F.R. Part 383,  
14 subparts F, G, H, and J.

15 (1.5) Effective July 1, 2014, no person shall be  
16 issued an original CDL or an upgraded CDL that requires a  
17 skills test unless that person has held a CLP, for a  
18 minimum of 14 calendar days, for the classification of  
19 vehicle and endorsement, if any, for which the person is  
20 seeking a CDL.

21 (2) Third party testing. The Secretary of State may  
22 authorize a "third party tester", pursuant to 49 C.F.R.  
23 383.75 and 49 C.F.R. 384.228 and 384.229, to administer  
24 the skills test or tests specified by the Federal Motor  
25 Carrier Safety Administration pursuant to the Commercial

1 Motor Vehicle Safety Act of 1986 and any appropriate  
2 federal rule.

3 (3) (i) Effective February 7, 2020, unless the person  
4 is exempted by 49 CFR 380.603, no person shall be issued an  
5 original (first time issuance) CDL, an upgraded CDL or a  
6 school bus (S), passenger (P), or hazardous Materials (H)  
7 endorsement unless the person has successfully completed  
8 entry-level driver training (ELDT) taught by a training  
9 provider listed on the federal Training Provider Registry.

10 (ii) Persons who obtain a CLP before February 7, 2020  
11 are not required to complete ELDT if the person obtains a  
12 CDL before the CLP or renewed CLP expires.

13 (iii) Except for persons seeking the H endorsement,  
14 persons must complete the theory and behind-the-wheel  
15 (range and public road) portions of ELDT within one year  
16 of completing the first portion.

17 (iv) The Secretary shall adopt rules to implement this  
18 subsection.

19 (b) Waiver of Skills Test. The Secretary of State may  
20 waive the skills test specified in this Section for a driver  
21 applicant for a commercial driver license who meets the  
22 requirements of 49 C.F.R. 383.77. The Secretary of State shall  
23 waive the skills tests specified in this Section for a driver  
24 applicant who has military commercial motor vehicle  
25 experience, subject to the requirements of 49 C.F.R. 383.77.

26 (b-1) No person shall be issued a CDL unless the person

1 certifies to the Secretary one of the following types of  
2 driving operations in which he or she will be engaged:

- 3 (1) non-excepted interstate;
- 4 (2) non-excepted intrastate;
- 5 (3) excepted interstate; or
- 6 (4) excepted intrastate.

7 (b-2) (Blank).

8 (c) Limitations on issuance of a CDL. A CDL shall not be  
9 issued to a person while the person is subject to a  
10 disqualification from driving a commercial motor vehicle, or  
11 unless otherwise permitted by this Code, while the person's  
12 driver's license is suspended, revoked or cancelled in any  
13 state, or any territory or province of Canada; nor may a CLP or  
14 CDL be issued to a person who has a CLP or CDL issued by any  
15 other state, or foreign jurisdiction, nor may a CDL be issued  
16 to a person who has an Illinois CLP unless the person first  
17 surrenders all of these licenses or permits. However, a person  
18 may hold an Illinois CLP and an Illinois CDL providing the CLP  
19 is necessary to train or practice for an endorsement or  
20 vehicle classification not present on the current CDL. No CDL  
21 shall be issued to or renewed for a person who does not meet  
22 the requirement of 49 CFR 391.41(b)(11). The requirement may  
23 be met with the aid of a hearing aid.

24 (c-1) The Secretary may issue a CDL with a school bus  
25 driver endorsement to allow a person to drive the type of bus  
26 described in subsection (d-5) of Section 6-104 of this Code.



1 The CDL with a school bus driver endorsement may be issued only  
2 to a person meeting the following requirements:

3 (1) the person has submitted his or her fingerprints  
4 to the Department of State Police in the form and manner  
5 prescribed by the Department of State Police. These  
6 fingerprints shall be checked against the fingerprint  
7 records now and hereafter filed in the Department of State  
8 Police and Federal Bureau of Investigation criminal  
9 history records databases;

10 (2) the person has passed a written test, administered  
11 by the Secretary of State, on charter bus operation,  
12 charter bus safety, and certain special traffic laws  
13 relating to school buses determined by the Secretary of  
14 State to be relevant to charter buses, and submitted to a  
15 review of the driver applicant's driving habits by the  
16 Secretary of State at the time the written test is given;

17 (3) the person has demonstrated physical fitness to  
18 operate school buses by submitting the results of a  
19 medical examination, including tests for drug use; and

20 (4) the person has not been convicted of committing or  
21 attempting to commit any one or more of the following  
22 offenses: (i) those offenses defined in Sections 8-1.2,  
23 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
24 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
25 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
26 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,

1 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
2 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
3 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
4 11-26, 11-30, 12-2.6, 12-3.1, 12-3.3, 12-4, 12-4.1,  
5 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7,  
6 12-4.9, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,  
7 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
8 12-16.2, 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20,  
9 12C-30, 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,  
10 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,  
11 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,  
12 24-3.5, 24-3.8, 24-3.9, 31A-1, 31A-1.1, 33A-2, and 33D-1,  
13 and in subsection (b) of Section 8-1, and in subdivisions  
14 (a) (1), (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4),  
15 and (f) (1) of Section 12-3.05, and in subsection (a) and  
16 subsection (b), clause (1), of Section 12-4, and in  
17 subsection (A), clauses (a) and (b), of Section 24-3, and  
18 those offenses contained in Article 29D of the Criminal  
19 Code of 1961 or the Criminal Code of 2012; (ii) those  
20 offenses defined in the Cannabis Control Act except those  
21 offenses defined in subsections (a) and (b) of Section 4,  
22 and subsection (a) of Section 5 of the Cannabis Control  
23 Act; (iii) those offenses defined in the Illinois  
24 Controlled Substances Act; (iv) those offenses defined in  
25 the Methamphetamine Control and Community Protection Act;  
26 (v) any offense committed or attempted in any other state

1 or against the laws of the United States, which if  
2 committed or attempted in this State would be punishable  
3 as one or more of the foregoing offenses; (vi) the  
4 offenses defined in Sections 4.1 and 5.1 of the Wrongs to  
5 Children Act or Section 11-9.1A of the Criminal Code of  
6 1961 or the Criminal Code of 2012; (vii) those offenses  
7 defined in Section 6-16 of the Liquor Control Act of 1934  
8 within the last 20 years before the date of the  
9 application; and (viii) those offenses defined in the  
10 Methamphetamine Precursor Control Act.

11 The Department of State Police shall charge a fee for  
12 conducting the criminal history records check, which shall be  
13 deposited into the State Police Services Fund and may not  
14 exceed the actual cost of the records check.

15 (c-2) The Secretary shall issue a CDL with a school bus  
16 endorsement to allow a person to drive a school bus as defined  
17 in this Section. The CDL shall be issued according to the  
18 requirements outlined in 49 C.F.R. 383. A person may not  
19 operate a school bus as defined in this Section without a  
20 school bus endorsement. The Secretary of State may adopt rules  
21 consistent with Federal guidelines to implement this  
22 subsection (c-2).

23 (d) (Blank).

24 (Source: P.A. 101-185, eff. 1-1-20.)

25 Section 15. The Unified Code of Corrections is amended by

1 changing Section 5-6-3.1 as follows:

2 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

3 Sec. 5-6-3.1. Incidents and conditions of supervision.

4 (a) When a defendant is placed on supervision, the court  
5 shall enter an order for supervision specifying the period of  
6 such supervision, and shall defer further proceedings in the  
7 case until the conclusion of the period.

8 (b) The period of supervision shall be reasonable under  
9 all of the circumstances of the case, but may not be longer  
10 than 2 years, unless the defendant has failed to pay the  
11 assessment required by Section 10.3 of the Cannabis Control  
12 Act, Section 411.2 of the Illinois Controlled Substances Act,  
13 or Section 80 of the Methamphetamine Control and Community  
14 Protection Act, in which case the court may extend supervision  
15 beyond 2 years. Additionally, the court shall order the  
16 defendant to perform no less than 30 hours of community  
17 service and not more than 120 hours of community service, if  
18 community service is available in the jurisdiction and is  
19 funded and approved by the county board where the offense was  
20 committed, when the offense (1) was related to or in  
21 furtherance of the criminal activities of an organized gang or  
22 was motivated by the defendant's membership in or allegiance  
23 to an organized gang; or (2) is a violation of any Section of  
24 Article 24 of the Criminal Code of 1961 or the Criminal Code of  
25 2012 where a disposition of supervision is not prohibited by

1 Section 5-6-1 of this Code. The community service shall  
2 include, but not be limited to, the cleanup and repair of any  
3 damage caused by violation of Section 21-1.3 of the Criminal  
4 Code of 1961 or the Criminal Code of 2012 and similar damages  
5 to property located within the municipality or county in which  
6 the violation occurred. Where possible and reasonable, the  
7 community service should be performed in the offender's  
8 neighborhood.

9 For the purposes of this Section, "organized gang" has the  
10 meaning ascribed to it in Section 10 of the Illinois  
11 Streetgang Terrorism Omnibus Prevention Act.

12 (c) The court may in addition to other reasonable  
13 conditions relating to the nature of the offense or the  
14 rehabilitation of the defendant as determined for each  
15 defendant in the proper discretion of the court require that  
16 the person:

17 (1) make a report to and appear in person before or  
18 participate with the court or such courts, person, or  
19 social service agency as directed by the court in the  
20 order of supervision;

21 (2) pay a fine and costs;

22 (3) work or pursue a course of study or vocational  
23 training;

24 (4) undergo medical, psychological or psychiatric  
25 treatment; or treatment for drug addiction or alcoholism;

26 (5) attend or reside in a facility established for the

- 1 instruction or residence of defendants on probation;
- 2 (6) support his dependents;
- 3 (7) refrain from possessing a firearm or other  
4 dangerous weapon;
- 5 (8) and in addition, if a minor:
- 6 (i) reside with his parents or in a foster home;
- 7 (ii) attend school;
- 8 (iii) attend a non-residential program for youth;
- 9 (iv) contribute to his own support at home or in a  
10 foster home; or
- 11 (v) with the consent of the superintendent of the  
12 facility, attend an educational program at a facility  
13 other than the school in which the offense was  
14 committed if he or she is placed on supervision for a  
15 crime of violence as defined in Section 2 of the Crime  
16 Victims Compensation Act committed in a school, on the  
17 real property comprising a school, or within 1,000  
18 feet of the real property comprising a school;
- 19 (9) make restitution or reparation in an amount not to  
20 exceed actual loss or damage to property and pecuniary  
21 loss or make restitution under Section 5-5-6 to a domestic  
22 violence shelter. The court shall determine the amount and  
23 conditions of payment;
- 24 (10) perform some reasonable public or community  
25 service;
- 26 (11) comply with the terms and conditions of an order

1 of protection issued by the court pursuant to the Illinois  
2 Domestic Violence Act of 1986 or an order of protection  
3 issued by the court of another state, tribe, or United  
4 States territory. If the court has ordered the defendant  
5 to make a report and appear in person under paragraph (1)  
6 of this subsection, a copy of the order of protection  
7 shall be transmitted to the person or agency so designated  
8 by the court;

9 (12) reimburse any "local anti-crime program" as  
10 defined in Section 7 of the Anti-Crime Advisory Council  
11 Act for any reasonable expenses incurred by the program on  
12 the offender's case, not to exceed the maximum amount of  
13 the fine authorized for the offense for which the  
14 defendant was sentenced;

15 (13) contribute a reasonable sum of money, not to  
16 exceed the maximum amount of the fine authorized for the  
17 offense for which the defendant was sentenced, (i) to a  
18 "local anti-crime program", as defined in Section 7 of the  
19 Anti-Crime Advisory Council Act, or (ii) for offenses  
20 under the jurisdiction of the Department of Natural  
21 Resources, to the fund established by the Department of  
22 Natural Resources for the purchase of evidence for  
23 investigation purposes and to conduct investigations as  
24 outlined in Section 805-105 of the Department of Natural  
25 Resources (Conservation) Law;

26 (14) refrain from entering into a designated

1 geographic area except upon such terms as the court finds  
2 appropriate. Such terms may include consideration of the  
3 purpose of the entry, the time of day, other persons  
4 accompanying the defendant, and advance approval by a  
5 probation officer;

6 (15) refrain from having any contact, directly or  
7 indirectly, with certain specified persons or particular  
8 types of person, including but not limited to members of  
9 street gangs and drug users or dealers;

10 (16) refrain from having in his or her body the  
11 presence of any illicit drug prohibited by the Cannabis  
12 Control Act, the Illinois Controlled Substances Act, or  
13 the Methamphetamine Control and Community Protection Act,  
14 unless prescribed by a physician, and submit samples of  
15 his or her blood or urine or both for tests to determine  
16 the presence of any illicit drug;

17 (17) refrain from operating any motor vehicle not  
18 equipped with an ignition interlock device as defined in  
19 Section 1-129.1 of the Illinois Vehicle Code; under this  
20 condition the court may allow a defendant who is not  
21 self-employed to operate a vehicle owned by the  
22 defendant's employer that is not equipped with an ignition  
23 interlock device in the course and scope of the  
24 defendant's employment; and

25 (18) if placed on supervision for a sex offense as  
26 defined in subsection (a-5) of Section 3-1-2 of this Code,



1 unless the offender is a parent or guardian of the person  
2 under 18 years of age present in the home and no  
3 non-familial minors are present, not participate in a  
4 holiday event involving children under 18 years of age,  
5 such as distributing candy or other items to children on  
6 Halloween, wearing a Santa Claus costume on or preceding  
7 Christmas, being employed as a department store Santa  
8 Claus, or wearing an Easter Bunny costume on or preceding  
9 Easter.

10 (c-5) If payment of restitution as ordered has not been  
11 made, the victim shall file a petition notifying the  
12 sentencing court, any other person to whom restitution is  
13 owed, and the State's Attorney of the status of the ordered  
14 restitution payments unpaid at least 90 days before the  
15 supervision expiration date. If payment as ordered has not  
16 been made, the court shall hold a review hearing prior to the  
17 expiration date, unless the hearing is voluntarily waived by  
18 the defendant with the knowledge that waiver may result in an  
19 extension of the supervision period or in a revocation of  
20 supervision. If the court does not extend supervision, it  
21 shall issue a judgment for the unpaid restitution and direct  
22 the clerk of the circuit court to file and enter the judgment  
23 in the judgment and lien docket, without fee, unless it finds  
24 that the victim has recovered a judgment against the defendant  
25 for the amount covered by the restitution order. If the court  
26 issues a judgment for the unpaid restitution, the court shall

1 send to the defendant at his or her last known address written  
2 notification that a civil judgment has been issued for the  
3 unpaid restitution.

4 (d) The court shall defer entering any judgment on the  
5 charges until the conclusion of the supervision.

6 (e) At the conclusion of the period of supervision, if the  
7 court determines that the defendant has successfully complied  
8 with all of the conditions of supervision, the court shall  
9 discharge the defendant and enter a judgment dismissing the  
10 charges.

11 (f) Discharge and dismissal upon a successful conclusion  
12 of a disposition of supervision shall be deemed without  
13 adjudication of guilt and shall not be termed a conviction for  
14 purposes of disqualification or disabilities imposed by law  
15 upon conviction of a crime. Two years after the discharge and  
16 dismissal under this Section, unless the disposition of  
17 supervision was for a violation of Sections 3-707, 3-708,  
18 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
19 similar provision of a local ordinance, or for a violation of  
20 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961  
21 or the Criminal Code of 2012, in which case it shall be 5 years  
22 after discharge and dismissal, a person may have his record of  
23 arrest sealed or expunged as may be provided by law. However,  
24 any defendant placed on supervision before January 1, 1980,  
25 may move for sealing or expungement of his arrest record, as  
26 provided by law, at any time after discharge and dismissal

1 under this Section. A person placed on supervision for a  
2 sexual offense committed against a minor as defined in clause  
3 (a)(1)(L) of Section 5.2 of the Criminal Identification Act or  
4 for a violation of Section 11-501 of the Illinois Vehicle Code  
5 or a similar provision of a local ordinance shall not have his  
6 or her record of arrest sealed or expunged.

7 (g) A defendant placed on supervision and who during the  
8 period of supervision undergoes mandatory drug or alcohol  
9 testing, or both, or is assigned to be placed on an approved  
10 electronic monitoring device, shall be ordered to pay the  
11 costs incidental to such mandatory drug or alcohol testing, or  
12 both, and costs incidental to such approved electronic  
13 monitoring in accordance with the defendant's ability to pay  
14 those costs. The county board with the concurrence of the  
15 Chief Judge of the judicial circuit in which the county is  
16 located shall establish reasonable fees for the cost of  
17 maintenance, testing, and incidental expenses related to the  
18 mandatory drug or alcohol testing, or both, and all costs  
19 incidental to approved electronic monitoring, of all  
20 defendants placed on supervision. The concurrence of the Chief  
21 Judge shall be in the form of an administrative order. The fees  
22 shall be collected by the clerk of the circuit court, except as  
23 provided in an administrative order of the Chief Judge of the  
24 circuit court. The clerk of the circuit court shall pay all  
25 moneys collected from these fees to the county treasurer who  
26 shall use the moneys collected to defray the costs of drug

1 testing, alcohol testing, and electronic monitoring. The  
2 county treasurer shall deposit the fees collected in the  
3 county working cash fund under Section 6-27001 or Section  
4 6-29002 of the Counties Code, as the case may be.

5 The Chief Judge of the circuit court of the county may by  
6 administrative order establish a program for electronic  
7 monitoring of offenders, in which a vendor supplies and  
8 monitors the operation of the electronic monitoring device,  
9 and collects the fees on behalf of the county. The program  
10 shall include provisions for indigent offenders and the  
11 collection of unpaid fees. The program shall not unduly burden  
12 the offender and shall be subject to review by the Chief Judge.

13 The Chief Judge of the circuit court may suspend any  
14 additional charges or fees for late payment, interest, or  
15 damage to any device.

16 (h) A disposition of supervision is a final order for the  
17 purposes of appeal.

18 (i) The court shall impose upon a defendant placed on  
19 supervision after January 1, 1992 or to community service  
20 under the supervision of a probation or court services  
21 department after January 1, 2004, as a condition of  
22 supervision or supervised community service, a fee of \$50 for  
23 each month of supervision or supervised community service  
24 ordered by the court, unless after determining the inability  
25 of the person placed on supervision or supervised community  
26 service to pay the fee, the court assesses a lesser fee. The

1 court may not impose the fee on a minor who is placed in the  
2 guardianship or custody of the Department of Children and  
3 Family Services under the Juvenile Court Act of 1987 while the  
4 minor is in placement. The fee shall be imposed only upon a  
5 defendant who is actively supervised by the probation and  
6 court services department. The fee shall be collected by the  
7 clerk of the circuit court. The clerk of the circuit court  
8 shall pay all monies collected from this fee to the county  
9 treasurer for deposit in the probation and court services fund  
10 pursuant to Section 15.1 of the Probation and Probation  
11 Officers Act.

12 A circuit court may not impose a probation fee in excess of  
13 \$25 per month unless the circuit court has adopted, by  
14 administrative order issued by the chief judge, a standard  
15 probation fee guide determining an offender's ability to pay.  
16 Of the amount collected as a probation fee, not to exceed \$5 of  
17 that fee collected per month may be used to provide services to  
18 crime victims and their families.

19 The Court may only waive probation fees based on an  
20 offender's ability to pay. The probation department may  
21 re-evaluate an offender's ability to pay every 6 months, and,  
22 with the approval of the Director of Court Services or the  
23 Chief Probation Officer, adjust the monthly fee amount. An  
24 offender may elect to pay probation fees due in a lump sum. Any  
25 offender that has been assigned to the supervision of a  
26 probation department, or has been transferred either under

1 subsection (h) of this Section or under any interstate  
2 compact, shall be required to pay probation fees to the  
3 department supervising the offender, based on the offender's  
4 ability to pay.

5 (j) All fines and costs imposed under this Section for any  
6 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
7 Code, or a similar provision of a local ordinance, and any  
8 violation of the Child Passenger Protection Act, or a similar  
9 provision of a local ordinance, shall be collected and  
10 disbursed by the circuit clerk as provided under the Criminal  
11 and Traffic Assessment Act.

12 (k) A defendant at least 17 years of age who is placed on  
13 supervision for a misdemeanor in a county of 3,000,000 or more  
14 inhabitants and who has not been previously convicted of a  
15 misdemeanor or felony may as a condition of his or her  
16 supervision be required by the court to attend educational  
17 courses designed to prepare the defendant for a high school  
18 diploma and to work toward a high school diploma or to work  
19 toward passing high school equivalency testing or to work  
20 toward completing a vocational training program approved by  
21 the court. The defendant placed on supervision must attend a  
22 public institution of education to obtain the educational or  
23 vocational training required by this subsection (k). The  
24 defendant placed on supervision shall be required to pay for  
25 the cost of the educational courses or high school equivalency  
26 testing if a fee is charged for those courses or testing. The

1 court shall revoke the supervision of a person who wilfully  
2 fails to comply with this subsection (k). The court shall  
3 resentence the defendant upon revocation of supervision as  
4 provided in Section 5-6-4. This subsection (k) does not apply  
5 to a defendant who has a high school diploma or has  
6 successfully passed high school equivalency testing. This  
7 subsection (k) does not apply to a defendant who is determined  
8 by the court to be a person with a developmental disability or  
9 otherwise mentally incapable of completing the educational or  
10 vocational program.

11 (l) The court shall require a defendant placed on  
12 supervision for possession of a substance prohibited by the  
13 Cannabis Control Act, the Illinois Controlled Substances Act,  
14 or the Methamphetamine Control and Community Protection Act  
15 after a previous conviction or disposition of supervision for  
16 possession of a substance prohibited by the Cannabis Control  
17 Act, the Illinois Controlled Substances Act, or the  
18 Methamphetamine Control and Community Protection Act or a  
19 sentence of probation under Section 10 of the Cannabis Control  
20 Act or Section 410 of the Illinois Controlled Substances Act  
21 and after a finding by the court that the person is addicted,  
22 to undergo treatment at a substance abuse program approved by  
23 the court.

24 (m) The Secretary of State shall require anyone placed on  
25 court supervision for a violation of Section 3-707 of the  
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance to give proof of his or her financial responsibility  
2 as defined in Section 7-315 of the Illinois Vehicle Code. The  
3 proof shall be maintained by the individual in a manner  
4 satisfactory to the Secretary of State for a minimum period of  
5 3 years after the date the proof is first filed. The proof  
6 shall be limited to a single action per arrest and may not be  
7 affected by any post-sentence disposition. The Secretary of  
8 State shall suspend the driver's license of any person  
9 determined by the Secretary to be in violation of this  
10 subsection. This subsection does not apply to a person who, at  
11 the time of the offense, was operating a motor vehicle  
12 registered in a state other than Illinois.

13 (n) Any offender placed on supervision for any offense  
14 that the court or probation department has determined to be  
15 sexually motivated as defined in the Sex Offender Management  
16 Board Act shall be required to refrain from any contact,  
17 directly or indirectly, with any persons specified by the  
18 court and shall be available for all evaluations and treatment  
19 programs required by the court or the probation department.

20 (o) An offender placed on supervision for a sex offense as  
21 defined in the Sex Offender Management Board Act shall refrain  
22 from residing at the same address or in the same condominium  
23 unit or apartment unit or in the same condominium complex or  
24 apartment complex with another person he or she knows or  
25 reasonably should know is a convicted sex offender or has been  
26 placed on supervision for a sex offense. The provisions of



1 this subsection (o) do not apply to a person convicted of a sex  
2 offense who is placed in a Department of Corrections licensed  
3 transitional housing facility for sex offenders.

4 (p) An offender placed on supervision for an offense  
5 committed on or after June 1, 2008 (the effective date of  
6 Public Act 95-464) that would qualify the accused as a child  
7 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 shall  
9 refrain from communicating with or contacting, by means of the  
10 Internet, a person who is not related to the accused and whom  
11 the accused reasonably believes to be under 18 years of age.  
12 For purposes of this subsection (p), "Internet" has the  
13 meaning ascribed to it in Section 16-0.1 of the Criminal Code  
14 of 2012; and a person is not related to the accused if the  
15 person is not: (i) the spouse, brother, or sister of the  
16 accused; (ii) a descendant of the accused; (iii) a first or  
17 second cousin of the accused; or (iv) a step-child or adopted  
18 child of the accused.

19 (q) An offender placed on supervision for an offense  
20 committed on or after June 1, 2008 (the effective date of  
21 Public Act 95-464) that would qualify the accused as a child  
22 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
23 Criminal Code of 1961 or the Criminal Code of 2012 shall, if so  
24 ordered by the court, refrain from communicating with or  
25 contacting, by means of the Internet, a person who is related  
26 to the accused and whom the accused reasonably believes to be

1 under 18 years of age. For purposes of this subsection (q),  
2 "Internet" has the meaning ascribed to it in Section 16-0.1 of  
3 the Criminal Code of 2012; and a person is related to the  
4 accused if the person is: (i) the spouse, brother, or sister of  
5 the accused; (ii) a descendant of the accused; (iii) a first or  
6 second cousin of the accused; or (iv) a step-child or adopted  
7 child of the accused.

8 (r) An offender placed on supervision for an offense under  
9 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
10 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
11 11-21 of the Criminal Code of 1961 or the Criminal Code of  
12 2012, or any attempt to commit any of these offenses,  
13 committed on or after June 1, 2009 (the effective date of  
14 Public Act 95-983) shall:

15 (i) not access or use a computer or any other device  
16 with Internet capability without the prior written  
17 approval of the court, except in connection with the  
18 offender's employment or search for employment with the  
19 prior approval of the court;

20 (ii) submit to periodic unannounced examinations of  
21 the offender's computer or any other device with Internet  
22 capability by the offender's probation officer, a law  
23 enforcement officer, or assigned computer or information  
24 technology specialist, including the retrieval and copying  
25 of all data from the computer or device and any internal or  
26 external peripherals and removal of such information,

1 equipment, or device to conduct a more thorough  
2 inspection;

3 (iii) submit to the installation on the offender's  
4 computer or device with Internet capability, at the  
5 offender's expense, of one or more hardware or software  
6 systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions  
8 concerning the offender's use of or access to a computer  
9 or any other device with Internet capability imposed by  
10 the court.

11 (s) An offender placed on supervision for an offense that  
12 is a sex offense as defined in Section 2 of the Sex Offender  
13 Registration Act that is committed on or after January 1, 2010  
14 (the effective date of Public Act 96-362) that requires the  
15 person to register as a sex offender under that Act, may not  
16 knowingly use any computer scrub software on any computer that  
17 the sex offender uses.

18 (t) An offender placed on supervision for a sex offense as  
19 defined in the Sex Offender Registration Act committed on or  
20 after January 1, 2010 (the effective date of Public Act  
21 96-262) shall refrain from accessing or using a social  
22 networking website as defined in Section 17-0.5 of the  
23 Criminal Code of 2012.

24 (u) Jurisdiction over an offender may be transferred from  
25 the sentencing court to the court of another circuit with the  
26 concurrence of both courts. Further transfers or retransfers

1 of jurisdiction are also authorized in the same manner. The  
2 court to which jurisdiction has been transferred shall have  
3 the same powers as the sentencing court. The probation  
4 department within the circuit to which jurisdiction has been  
5 transferred may impose probation fees upon receiving the  
6 transferred offender, as provided in subsection (i). The  
7 probation department from the original sentencing court shall  
8 retain all probation fees collected prior to the transfer.

9 (Source: P.A. 99-78, eff. 7-20-15; 99-143, eff. 7-27-15;  
10 99-642, eff. 7-28-16; 99-797, eff. 8-12-16; 100-159, eff.  
11 8-18-17; 100-201, eff. 8-18-17; 100-987, eff. 7-1-19.)

12 Section 95. No acceleration or delay. Where this Act makes  
13 changes in a statute that is represented in this Act by text  
14 that is not yet or no longer in effect (for example, a Section  
15 represented by multiple versions), the use of that text does  
16 not accelerate or delay the taking effect of (i) the changes  
17 made by this Act or (ii) provisions derived from any other  
18 Public Act.

19 Section 999. Effective date. This Act takes effect upon  
20 becoming law.