

1 AN ACT concerning transportation.

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

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

6 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

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

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

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

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

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

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

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

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

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

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

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

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

18           11. Violation of Section 11-204.1 of this Code relating  
19 to aggravated fleeing or attempting to elude a peace  
20 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 the Illinois  
13 Vehicle Code, or any local ordinance, regulating the  
14 movement of traffic, when that offense was the proximate  
15 cause of the death of any person. Any person whose driving  
16 privileges have been revoked pursuant to this paragraph may  
17 seek to have the revocation terminated or to have the  
18 length of revocation reduced, by requesting an  
19 administrative hearing with the Secretary of State prior to  
20 the projected driver's license application eligibility  
21 date.

22 (b) The Secretary of State shall also immediately revoke  
23 the license or permit of any driver in the following  
24 situations:

25 1. Of any minor upon receiving the notice provided for  
26 in Section 5-901 of the Juvenile Court Act of 1987 that the

1 minor has been adjudicated under that Act as having  
2 committed an offense relating to motor vehicles prescribed  
3 in Section 4-103 of this Code;

4 2. Of any person when any other law of this State  
5 requires either the revocation or suspension of a license  
6 or permit;

7 3. Of any person adjudicated under the Juvenile Court  
8 Act of 1987 based on an offense determined to have been  
9 committed in furtherance of the criminal activities of an  
10 organized gang as provided in Section 5-710 of that Act,  
11 and that involved the operation or use of a motor vehicle  
12 or the use of a driver's license or permit. The revocation  
13 shall remain in effect for the period determined by the  
14 court. Upon the direction of the court, the Secretary shall  
15 issue the person a judicial driving permit, also known as a  
16 JDP. The JDP shall be subject to the same terms as a JDP  
17 issued under Section 6-206.1, except that the court may  
18 direct that a JDP issued under this subdivision (b)(3) be  
19 effective immediately.

20 (c)(1) Except as provided in subsection (c-5), whenever a  
21 person is convicted of any of the offenses enumerated in this  
22 Section, the court may recommend and the Secretary of State in  
23 his discretion, without regard to whether the recommendation is  
24 made by the court may, upon application, issue to the person a  
25 restricted driving permit granting the privilege of driving a  
26 motor vehicle between the petitioner's residence and

1 petitioner's place of employment or within the scope of the  
2 petitioner's employment related duties, or to allow the  
3 petitioner to transport himself or herself or a family member  
4 of the petitioner's household to a medical facility for the  
5 receipt of necessary medical care or to allow the petitioner to  
6 transport himself or herself to and from alcohol or drug  
7 remedial or rehabilitative activity recommended by a licensed  
8 service provider, or to allow the petitioner to transport  
9 himself or herself or a family member of the petitioner's  
10 household to classes, as a student, at an accredited  
11 educational institution, or to allow the petitioner to  
12 transport children living in the petitioner's household to and  
13 from daycare; if the petitioner is able to demonstrate that no  
14 alternative means of transportation is reasonably available  
15 and that the petitioner will not endanger the public safety or  
16 welfare; provided that the Secretary's discretion shall be  
17 limited to cases where undue hardship, as defined by the rules  
18 of the Secretary of State, would result from a failure to issue  
19 the restricted driving permit. Those multiple offenders  
20 identified in subdivision (b)4 of Section 6-208 of this Code,  
21 however, shall not be eligible for the issuance of a restricted  
22 driving permit.

23 (2) If a person's license or permit is revoked or  
24 suspended due to 2 or more convictions 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 9-3

1 of the Criminal Code of 1961, where the use of alcohol or  
2 other drugs is recited as an element of the offense, or a  
3 similar out-of-state offense, or a combination of these  
4 offenses, arising out of separate occurrences, that  
5 person, if issued a restricted driving permit, may not  
6 operate a vehicle unless it has been equipped with an  
7 ignition interlock device as defined in Section 1-129.1.

8 (3) If:

9 (A) a person's license or permit is revoked or  
10 suspended 2 or more times within a 10 year period due  
11 to any combination of:

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

19 (ii) a statutory summary suspension under  
20 Section 11-501.1; or

21 (iii) a suspension pursuant to Section  
22 6-203.1;

23 arising out of separate occurrences; or

24 (B) a person has been convicted of one violation of  
25 Section 6-303 of this Code committed while his or her  
26 driver's license, permit, or privilege was revoked

1           because of a violation of Section 9-3 of the Criminal  
2           Code of 1961, relating to the offense of reckless  
3           homicide where the use of alcohol or other drugs was  
4           recited as an element of the offense, or a similar  
5           provision of a law of another state;

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

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

15          (5) If the restricted driving permit is issued for  
16          employment purposes, then the prohibition against  
17          operating a motor vehicle that is not equipped with an  
18          ignition interlock device does not apply to the operation  
19          of an occupational vehicle owned or leased by that person's  
20          employer when used solely for employment purposes.

21          (6) In each case the Secretary of State may issue a  
22          restricted driving permit for a period he deems  
23          appropriate, except that the permit shall expire within one  
24          year from the date of issuance. The Secretary may not,  
25          however, issue a restricted driving permit to any person  
26          whose current revocation is the result of a second or

1 subsequent conviction for a violation of Section 11-501 of  
2 this Code or a similar provision of a local ordinance or  
3 any similar out-of-state offense, or Section 9-3 of the  
4 Criminal Code of 1961, where the use of alcohol or other  
5 drugs is recited as an element of the offense, or any  
6 similar out-of-state offense, or any combination of these  
7 offenses, until the expiration of at least one year from  
8 the date of the revocation. A restricted driving permit  
9 issued under this Section shall be subject to cancellation,  
10 revocation, and suspension by the Secretary of State in  
11 like manner and for like cause as a driver's license issued  
12 under this Code may be cancelled, revoked, or suspended;  
13 except that a conviction upon one or more offenses against  
14 laws or ordinances regulating the movement of traffic shall  
15 be deemed sufficient cause for the revocation, suspension,  
16 or cancellation of a restricted driving permit. The  
17 Secretary of State may, as a condition to the issuance of a  
18 restricted driving permit, require the petitioner to  
19 participate in a designated driver remedial or  
20 rehabilitative program. The Secretary of State is  
21 authorized to cancel a restricted driving permit if the  
22 permit holder does not successfully complete the program.  
23 However, if an individual's driving privileges have been  
24 revoked in accordance with paragraph 13 of subsection (a)  
25 of this Section, no restricted driving permit shall be  
26 issued until the individual has served 6 months of the



1 revocation period.

2 (c-5) (Blank).

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

14 (c-7) If a person is convicted of a third or subsequent  
15 violation of operating a motor vehicle while the person's  
16 driver's license, permit or privilege was revoked, where the  
17 revocation was for a violation of Section 9-3 of the Criminal  
18 Code of 1961 relating to the offense of reckless homicide or a  
19 similar out-of-state offense, the person may never apply for a  
20 license or permit.

21 (d) (1) Whenever a person under the age of 21 is convicted  
22 under Section 11-501 of this Code or a similar provision of a  
23 local ordinance or a similar out-of-state offense, the  
24 Secretary of State shall revoke the driving privileges of that  
25 person. One year after the date of revocation, and upon  
26 application, the Secretary of State may, if satisfied that the

1 person applying will not endanger the public safety or welfare,  
2 issue a restricted driving permit granting the privilege of  
3 driving a motor vehicle only between the hours of 5 a.m. and 9  
4 p.m. or as otherwise provided by this Section for a period of  
5 one year. After this one year period, and upon reapplication  
6 for a license as provided in Section 6-106, upon payment of the  
7 appropriate reinstatement fee provided under paragraph (b) of  
8 Section 6-118, the Secretary of State, in his discretion, may  
9 reinstate the petitioner's driver's license and driving  
10 privileges, or extend the restricted driving permit as many  
11 times as the Secretary of State deems appropriate, by  
12 additional periods of not more than 12 months each.

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

24 (3) If a person's license or permit is revoked or  
25 suspended 2 or more times within a 10 year period due to  
26 any combination of:

1 (A) a single conviction of violating Section  
2 11-501 of this Code or a similar provision of a local  
3 ordinance or a similar out-of-state offense, or  
4 Section 9-3 of the Criminal Code of 1961, where the use  
5 of alcohol or other drugs is recited as an element of  
6 the offense, or a similar out-of-state offense; or

7 (B) a statutory summary suspension under Section  
8 11-501.1; or

9 (C) a suspension pursuant to Section 6-203.1;  
10 arising out of separate occurrences, that person, if issued  
11 a restricted driving permit, may not operate a vehicle  
12 unless it has been equipped with an ignition interlock  
13 device as defined in Section 1-129.1.

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

20 (5) If the restricted driving permit is issued for  
21 employment purposes, then the prohibition against driving  
22 a vehicle that is not equipped with an ignition interlock  
23 device does not apply to the operation of an occupational  
24 vehicle owned or leased by that person's employer when used  
25 solely for employment purposes.

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 for  
3 like cause as a driver's license issued under this Code may  
4 be cancelled, revoked, or suspended; except that a  
5 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,  
14 relating to the offense of reckless homicide, or a similar  
15 provision of a law of another state, is permanent. The  
16 Secretary may not, at any time, issue a license or permit to  
17 that person.

18 (e) This Section is subject to the provisions of the Driver  
19 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 on all vehicles owned by a person  
4 who has been convicted of a second or subsequent offense under  
5 Section 11-501 of this Code or a similar provision of a local  
6 ordinance. The person must pay to the Secretary of State DUI  
7 Administration Fund an amount not to exceed \$30 for each month  
8 that he or she uses the device. The Secretary shall establish  
9 by rule and regulation the procedures for certification and use  
10 of the interlock system, the amount of the fee, and the  
11 procedures, terms, and conditions relating to these fees.

12 (i) (Blank).

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

18 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,  
19 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,  
20 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;  
21 96-607, eff. 8-24-09.)

22 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

23 Sec. 6-206. Discretionary authority to suspend or revoke  
24 license or permit; Right to a hearing.

25 (a) The Secretary of State is authorized to suspend or

1 revoke the driving privileges of any person without preliminary  
2 hearing upon a showing of the person's records or other  
3 sufficient evidence that the person:

4 1. Has committed an offense for which mandatory  
5 revocation of a driver's license or permit is required upon  
6 conviction;

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

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

20 4. Has by the unlawful operation of a motor vehicle  
21 caused or contributed to an accident resulting in ~~death or~~  
22 injury requiring immediate professional treatment in a  
23 medical facility or doctor's office to any person, except  
24 that any suspension or revocation imposed by the Secretary  
25 of State under the provisions of this subsection shall  
26 start no later than 6 months after being convicted of

1           violating a law or ordinance regulating the movement of  
2           traffic, which violation is related to the accident, or  
3           shall start not more than one year after the date of the  
4           accident, whichever date occurs later;

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

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

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

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

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

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

23          11. Has operated a motor vehicle upon a highway of this  
24          State when the person's driving privilege or privilege to  
25          obtain a driver's license or permit was revoked or  
26          suspended unless the operation was authorized by a

1 monitoring device driving permit, judicial driving permit  
2 issued prior to January 1, 2009, probationary license to  
3 drive, or a restricted driving permit issued under this  
4 Code;

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

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

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

16 15. Has been convicted of violating Section 21-2 of the  
17 Criminal Code of 1961 relating to criminal trespass to  
18 vehicles in which case, the suspension shall be for one  
19 year;

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

22 17. Has refused to submit to a test, or tests, as  
23 required under Section 11-501.1 of this Code and the person  
24 has not sought a hearing as provided for in Section  
25 11-501.1;

26 18. Has, since issuance of a driver's license or



1 permit, been adjudged to be afflicted with or suffering  
2 from any mental disability or disease;

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

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

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

12 22. Has used a motor vehicle in violating paragraph  
13 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
14 the Criminal Code of 1961 relating to unlawful use of  
15 weapons, in which case the suspension shall be for one  
16 year;

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

21 24. Has been convicted by a court-martial or punished  
22 by non-judicial punishment by military authorities of the  
23 United States at a military installation in Illinois of or  
24 for a traffic related offense that is the same as or  
25 similar to an offense specified under Section 6-205 or  
26 6-206 of this Code;

1           25. Has permitted any form of identification to be used  
2           by another in the application process in order to obtain or  
3           attempt to obtain a license, identification card, or  
4           permit;

5           26. Has altered or attempted to alter a license or has  
6           possessed an altered license, identification card, or  
7           permit;

8           27. Has violated Section 6-16 of the Liquor Control Act  
9           of 1934;

10          28. Has been convicted of the illegal possession, while  
11          operating or in actual physical control, as a driver, of a  
12          motor vehicle, of any controlled substance prohibited  
13          under the Illinois Controlled Substances Act, any cannabis  
14          prohibited under the Cannabis Control Act, or any  
15          methamphetamine prohibited under the Methamphetamine  
16          Control and Community Protection Act, in which case the  
17          person's driving privileges shall be suspended for one  
18          year, and any driver who is convicted of a second or  
19          subsequent offense, within 5 years of a previous  
20          conviction, for the illegal possession, while operating or  
21          in actual physical control, as a driver, of a motor  
22          vehicle, of any controlled substance prohibited under the  
23          Illinois Controlled Substances Act, any cannabis  
24          prohibited under the Cannabis Control Act, or any  
25          methamphetamine prohibited under the Methamphetamine  
26          Control and Community Protection Act shall be suspended for

1           5 years. Any defendant found guilty of this offense while  
2           operating a motor vehicle, shall have an entry made in the  
3           court record by the presiding judge that this offense did  
4           occur while the defendant was operating a motor vehicle and  
5           order the clerk of the court to report the violation to the  
6           Secretary of State;

7           29. Has been convicted of the following offenses that  
8           were committed while the person was operating or in actual  
9           physical control, as a driver, of a motor vehicle: criminal  
10          sexual assault, predatory criminal sexual assault of a  
11          child, aggravated criminal sexual assault, criminal sexual  
12          abuse, aggravated criminal sexual abuse, juvenile pimping,  
13          soliciting for a juvenile prostitute and the manufacture,  
14          sale or delivery of controlled substances or instruments  
15          used for illegal drug use or abuse in which case the  
16          driver's driving privileges shall be suspended for one  
17          year;

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

22          31. Has refused to submit to a test as required by  
23          Section 11-501.6 or has submitted to a test resulting in an  
24          alcohol concentration of 0.08 or more or any amount of a  
25          drug, substance, or compound resulting from the unlawful  
26          use or consumption of cannabis as listed in the Cannabis

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

7 32. Has been convicted of Section 24-1.2 of the  
8 Criminal Code of 1961 relating to the aggravated discharge  
9 of a firearm if the offender was located in a motor vehicle  
10 at the time the firearm was discharged, in which case the  
11 suspension shall 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 Code  
15 or a similar provision of a local ordinance;

16 34. Has committed a violation of Section 11-1301.5 of  
17 this Code;

18 35. Has committed a violation of Section 11-1301.6 of  
19 this Code;

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 period. No revocation or  
24 suspension shall be entered more than 6 months after the  
25 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;

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

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

10 41. Has committed a second or subsequent violation of  
11 Section 11-605.1 of this Code within 2 years of the date of  
12 the previous violation, in which case the suspension shall  
13 be for 90 days;

14 42. Has committed a violation of subsection (a-1) of  
15 Section 11-1301.3 of this Code;

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

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

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

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

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

24           (c) 1. Upon suspending or revoking the driver's license or  
25 permit of any person as authorized in this Section, the  
26 Secretary of State shall immediately notify the person in

1 writing of the revocation or suspension. The notice to be  
2 deposited in the United States mail, postage prepaid, to the  
3 last known address of the person.

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

1 set forth in the notice that was mailed under this Section.  
2 If an affidavit is received subsequent to the effective  
3 date of this suspension, a permit may be issued for the  
4 remainder of the suspension period.

5 The provisions of this subparagraph shall not apply to  
6 any driver required to possess a CDL for the purpose of  
7 operating a commercial motor vehicle.

8 Any person who falsely states any fact in the affidavit  
9 required herein shall be guilty of perjury under Section  
10 6-302 and upon conviction thereof shall have all driving  
11 privileges revoked without further rights.

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



1 necessary medical care, to allow the petitioner to  
2 transport himself or herself to and from alcohol or drug  
3 remedial or rehabilitative activity recommended by a  
4 licensed service provider, or to allow the petitioner to  
5 transport himself or herself or a family member of the  
6 petitioner's household to classes, as a student, at an  
7 accredited educational institution, or to allow the  
8 petitioner to transport children living in the  
9 petitioner's household to and from daycare. The petitioner  
10 must demonstrate that no alternative means of  
11 transportation is reasonably available and that the  
12 petitioner will not endanger the public safety or welfare.  
13 Those multiple offenders identified in subdivision (b)4 of  
14 Section 6-208 of this Code, however, shall not be eligible  
15 for the issuance of a restricted driving permit.

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

1 defined in Section 1-129.1.

2 (B) If a person's license or permit is revoked or  
3 suspended 2 or more times within a 10 year period due  
4 to any combination of:

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

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

25 (D) If the restricted driving permit is issued for  
26 employment purposes, then the prohibition against

1 operating a motor vehicle that is not equipped with an  
2 ignition interlock device does not apply to the  
3 operation of an occupational vehicle owned or leased by  
4 that person's employer when used solely for employment  
5 purposes.

6 (E) In each case the Secretary may issue a  
7 restricted driving permit for a period deemed  
8 appropriate, except that all permits shall expire  
9 within one year from the date of issuance. The  
10 Secretary may not, however, issue a restricted driving  
11 permit to any person whose current revocation is the  
12 result of a second or subsequent conviction for a  
13 violation of Section 11-501 of this Code or a similar  
14 provision of a local ordinance or any similar  
15 out-of-state offense, or Section 9-3 of the Criminal  
16 Code of 1961, where the use of alcohol or other drugs  
17 is recited as an element of the offense, or any similar  
18 out-of-state offense, or any combination of those  
19 offenses, until the expiration of at least one year  
20 from the date of the revocation. A restricted driving  
21 permit issued under this Section shall be subject to  
22 cancellation, revocation, and suspension by the  
23 Secretary of State in like manner and for like cause as  
24 a driver's license issued under this Code may be  
25 cancelled, revoked, or suspended; except that a  
26 conviction upon one or more offenses against laws or

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

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 license

1 will be suspended one month after the date of the mailing of  
2 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 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. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,  
22 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,  
23 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,  
24 eff. 8-11-09; 96-607, eff. 8-24-09.)