



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5056

Introduced 2/7/2012, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205

625 ILCS 5/6-206

625 ILCS 5/11-1301.3

from Ch. 95 1/2, par. 11-1301.3

625 ILCS 5/11-1301.5

625 ILCS 5/11-1301.6

Amends the Illinois Vehicle Code. Provides that it is a Class A misdemeanor with a \$2,500 fine to use a disability license plate or parking decal or device to exercise privileges granted through the use of those items while the person to whom the disability license plate or parking decal or device was originally issued is deceased, and that a person who violates the new provisions or a similar local ordinance shall have his or her parking privileges revoked by the Secretary of State. Provides that a person who commits a first violation of provisions prohibiting the use of a disability license plate or parking decal or device by a person who is not the authorized holder or is not transporting the authorized holder to or from the parking location shall be fined \$500 and have his or her driving privileges suspended. Provides that a person who commits a second or subsequent violation is guilty of a Class A misdemeanor, shall be fined \$2,500, and shall have his or her driving privileges revoked. Provides that the Secretary of State shall suspend the driving privileges of a person who violates a similar provision of a local ordinance concerning fictitious or unlawfully altered disability license plates or parking decals or devices or concerning fraudulent disability license plates or parking decals or devices.

LRB097 19016 HEP 64255 b

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, 6-206, 11-1301.3, 11-1301.5, and 11-1301.6 as
6 follows:

7 (625 ILCS 5/6-205)

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

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

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

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

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

1 vehicle was used;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (c)(1) Whenever a person is convicted of any of the
23 offenses enumerated in this Section, the court may recommend
24 and the Secretary of State in his discretion, without regard to
25 whether the recommendation is made by the court may, upon
26 application, issue to the person a restricted driving permit

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

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

1 (B) a person has been convicted of one violation of
2 Section 6-303 of this Code committed while his or her
3 driver's license, permit, or privilege was revoked
4 because of a violation of Section 9-3 of the Criminal
5 Code of 1961, relating to the offense of reckless
6 homicide where the use of alcohol or other drugs was
7 recited as an element of the offense, or a similar
8 provision of a law of another state;

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

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

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

24 (6) In each case the Secretary of State may issue a
25 restricted driving permit for a period he deems
26 appropriate, except that the permit shall expire within one

1 year from the date of issuance. The Secretary may not,
2 however, issue a restricted driving permit to any person
3 whose current revocation is the result of a second or
4 subsequent conviction for a violation of Section 11-501 of
5 this Code or a similar provision of a local ordinance or
6 any similar out-of-state offense, or Section 9-3 of the
7 Criminal Code of 1961, where the use of alcohol or other
8 drugs is recited as an element of the offense, or any
9 similar out-of-state offense, or any combination of these
10 offenses, until the expiration of at least one year from
11 the date of the revocation. A restricted driving permit
12 issued under this Section shall be subject to cancellation,
13 revocation, and suspension by the Secretary of State in
14 like manner and for like cause as a driver's license issued
15 under this Code may be cancelled, revoked, or suspended;
16 except that a conviction upon one or more offenses against
17 laws or ordinances regulating the movement of traffic shall
18 be deemed sufficient cause for the revocation, suspension,
19 or cancellation of a restricted driving permit. The
20 Secretary of State may, as a condition to the issuance of a
21 restricted driving permit, require the petitioner to
22 participate in a designated driver remedial or
23 rehabilitative program. The Secretary of State is
24 authorized to cancel a restricted driving permit if the
25 permit holder does not successfully complete the program.
26 However, if an individual's driving privileges have been

1 revoked in accordance with paragraph 13 of subsection (a)
2 of this Section, no restricted driving permit shall be
3 issued until the individual has served 6 months of the
4 revocation period.

5 (c-5) (Blank).

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

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

24 (d) (1) Whenever a person under the age of 21 is convicted
25 under Section 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense, the

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

16 (2) If a person's license or permit is revoked or
17 suspended due to 2 or more convictions of violating Section
18 11-501 of this Code or a similar provision of a local
19 ordinance or a similar out-of-state offense, or Section 9-3
20 of the Criminal Code of 1961, where the use of alcohol or
21 other drugs is recited as an element of the offense, or a
22 similar out-of-state offense, or a combination of these
23 offenses, arising out of separate occurrences, 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 (3) If a person's license or permit is revoked or
2 suspended 2 or more times within a 10 year period due to
3 any combination of:

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

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

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

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

23 (5) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against driving
25 a 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.

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

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

21 (e) This Section is subject to the provisions of the Driver
22 License Compact.

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

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

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

15 (i) (Blank).

16 (j) 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 revoked, suspended,
20 cancelled, or disqualified under any provisions of this Code.

21 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
22 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
23 7-1-11; 97-333, eff. 8-12-11.)

24 (625 ILCS 5/6-206)

25 Sec. 6-206. Discretionary authority to suspend or revoke

1 license or permit; Right to a hearing.

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

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

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

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

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

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

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

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

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

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

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

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

25 11. Has operated a motor vehicle upon a highway of this
26 State when the person's driving privilege or privilege to

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

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

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

15 14. Has committed a violation of Section 6-301,
16 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
17 of the Illinois Identification Card Act;

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

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

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

1 11-501.1;

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

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

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

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

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

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

23 24. Has been convicted by a court-martial or punished
24 by non-judicial punishment by military authorities of the
25 United States at a military installation in Illinois of or
26 for a traffic related offense that is the same as or

1 similar to an offense specified under Section 6-205 or
2 6-206 of this Code;

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

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

10 27. Has violated Section 6-16 of the Liquor Control Act
11 of 1934;

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

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

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

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

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 or has submitted to a test resulting in an
2 alcohol concentration of 0.08 or more or any amount of a
3 drug, substance, or compound resulting from the unlawful
4 use or consumption of cannabis as listed in the Cannabis
5 Control Act, a controlled substance as listed in the
6 Illinois Controlled Substances Act, an intoxicating
7 compound as listed in the Use of Intoxicating Compounds
8 Act, or methamphetamine as listed in the Methamphetamine
9 Control and Community Protection Act, in which case the
10 penalty shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the
12 Criminal Code of 1961 relating to the aggravated discharge
13 of a firearm if the offender was located in a motor vehicle
14 at the time the firearm was discharged, in which case the
15 suspension shall be for 3 years;

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

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

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

24 36. Is under the age of 21 years at the time of arrest
25 and has been convicted of not less than 2 offenses against
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or
2 suspension shall be entered more than 6 months after the
3 date of last conviction;

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

7 38. Has been convicted of a violation of Section 6-20
8 of the Liquor Control Act of 1934 or a similar provision of
9 a local ordinance;

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

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

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

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

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

1 44. Is under the age of 21 years at the time of arrest
2 and has been convicted of an offense against traffic
3 regulations governing the movement of vehicles after
4 having previously had his or her driving privileges
5 suspended or revoked pursuant to subparagraph 36 of this
6 Section; or

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

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

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

1 appeal, the date of the conviction shall relate back to the
2 time the original judgment of conviction was entered and the 6
3 month limitation prescribed shall not apply.

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

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

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

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

14 Any person who falsely states any fact in the affidavit
15 required herein shall be guilty of perjury under Section
16 6-302 and upon conviction thereof shall have all driving
17 privileges revoked without further rights.

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

1 privilege of driving a motor vehicle between the
2 petitioner's residence and petitioner's place of
3 employment or within the scope of the petitioner's
4 employment related duties, or to allow the petitioner to
5 transport himself or herself, or a family member of the
6 petitioner's household to a medical facility, to receive
7 necessary medical care, to allow the petitioner to
8 transport himself or herself to and from alcohol or drug
9 remedial or rehabilitative activity recommended by a
10 licensed service provider, or to allow the petitioner to
11 transport himself or herself or a family member of the
12 petitioner's household to classes, as a student, at an
13 accredited educational institution, or to allow the
14 petitioner to transport children, elderly persons, or
15 disabled persons who do not hold driving privileges and are
16 living in the petitioner's household to and from daycare.
17 The petitioner must demonstrate that no alternative means
18 of transportation is reasonably available and that the
19 petitioner will not endanger the public safety or welfare.
20 Those multiple offenders identified in subdivision (b)4 of
21 Section 6-208 of this Code, however, shall not be eligible
22 for the issuance of a restricted driving permit.

23 (A) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating
25 Section 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense, or

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

9 (B) If 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 or
20 revocation under Section 11-501.1; or

21 (iii) a suspension under Section 6-203.1;
22 arising out of separate occurrences; that person, if
23 issued a restricted driving permit, may not operate a
24 vehicle unless it has been equipped with an ignition
25 interlock device as defined in Section 1-129.1.

26 (C) The person issued a permit conditioned upon the

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

6 (D) If the restricted driving permit is issued for
7 employment purposes, then the prohibition against
8 operating a motor vehicle that is not equipped with an
9 ignition interlock device does not apply to the
10 operation of an occupational vehicle owned or leased by
11 that person's employer when used solely for employment
12 purposes.

13 (E) In each case the Secretary may issue a
14 restricted driving permit for a period deemed
15 appropriate, except that all permits shall expire
16 within one year from the date of issuance. The
17 Secretary may not, however, issue a restricted driving
18 permit to any person whose current revocation is the
19 result of a second or subsequent conviction for a
20 violation of Section 11-501 of this Code or a similar
21 provision of a local ordinance or any similar
22 out-of-state offense, or Section 9-3 of the Criminal
23 Code of 1961, where the use of alcohol or other drugs
24 is recited as an element of the offense, or any similar
25 out-of-state offense, or any combination of those
26 offenses, until the expiration of at least one year

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

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 license
8 will be suspended one month after the date of the mailing of
9 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 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. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
3 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
4 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
5 eff. 8-12-11; revised 9-15-11.)

6 (625 ILCS 5/11-1301.3) (from Ch. 95 1/2, par. 11-1301.3)

7 Sec. 11-1301.3. Unauthorized use of parking places
8 reserved for persons with disabilities.

9 (a) It shall be prohibited to park any motor vehicle which
10 is not properly displaying registration plates or decals issued
11 to a person with disabilities, as defined by Section 1-159.1,
12 pursuant to Sections 3-616, 11-1301.1 or 11-1301.2, or to a
13 disabled veteran pursuant to Section 3-609 of this Act, as
14 evidence that the vehicle is operated by or for a person with
15 disabilities or disabled veteran, in any parking place,
16 including any private or public offstreet parking facility,
17 specifically reserved, by the posting of an official sign as
18 designated under Section 11-301, for motor vehicles displaying
19 such registration plates. It shall be prohibited to park any
20 motor vehicle in a designated access aisle adjacent to any
21 parking place specifically reserved for persons with
22 disabilities, by the posting of an official sign as designated
23 under Section 11-301, for motor vehicles displaying such
24 registration plates. When using the parking privileges for
25 persons with disabilities, the parking decal or device must be

1 displayed properly in the vehicle where it is clearly visible
2 to law enforcement personnel, either hanging from the rearview
3 mirror or placed on the dashboard of the vehicle in clear view.
4 Disability license plates and parking decals and devices are
5 not transferable from person to person. Proper usage of the
6 disability license plate or parking decal or device requires
7 the authorized holder to be present and enter or exit the
8 vehicle at the time the parking privileges are being used. It
9 is a violation of this Section to park in a space reserved for
10 a person with disabilities if the authorized holder of the
11 disability license plate or parking decal or device does not
12 enter or exit the vehicle at the time the parking privileges
13 are being used. Any motor vehicle properly displaying a
14 disability license plate or a parking decal or device
15 containing the International symbol of access issued to persons
16 with disabilities by any local authority, state, district,
17 territory or foreign country shall be recognized by State and
18 local authorities as a valid license plate or device and
19 receive the same parking privileges as residents of this State.

20 (a-1) An individual with a vehicle displaying disability
21 license plates or a parking decal or device issued to a
22 qualified person with a disability under Sections 3-616,
23 11-1301.1, or 11-1301.2 or to a disabled veteran under Section
24 3-609 is in violation of this Section if (i) the person using
25 the disability license plate or parking decal or device is not
26 the authorized holder of the disability license plate or

1 parking decal or device or is not transporting the authorized
2 holder of the disability license plate or parking decal or
3 device to or from the parking location and (ii) the person uses
4 the disability license plate or parking decal or device to
5 exercise any privileges granted through the disability license
6 plate or parking decals or devices under this Code.

7 (a-2) A driver of a vehicle displaying disability license
8 plates or a parking decal or device issued to a qualified
9 person with a disability under Sections 3-616, 11-1301.1, or
10 11-1301.2 or to a disabled veteran under Section 3-609 is in
11 violation of this Section if (i) the person to whom the
12 disability license plate or parking decal or device was issued
13 is deceased and (ii) the driver uses the disability license
14 plate or parking decal or device to exercise any privileges
15 granted through a disability license plate or parking decal or
16 device under this Code.

17 (b) Any person or local authority owning or operating any
18 public or private offstreet parking facility may, after
19 notifying the police or sheriff's department, remove or cause
20 to be removed to the nearest garage or other place of safety
21 any vehicle parked within a stall or space reserved for use by
22 a person with disabilities which does not display person with
23 disabilities registration plates or a special decal or device
24 as required under this Section.

25 (c) Any person found guilty of violating the provisions of
26 subsection (a) shall be fined \$250 in addition to any costs or

1 charges connected with the removal or storage of any motor
2 vehicle authorized under this Section; but municipalities by
3 ordinance may impose a fine up to \$350 and shall display signs
4 indicating the fine imposed. If the amount of the fine is
5 subsequently changed, the municipality shall change the sign to
6 indicate the current amount of the fine. It shall not be a
7 defense to a charge under this Section that either the sign
8 posted pursuant to this Section or the intended accessible
9 parking place does not comply with the technical requirements
10 of Section 11-301, Department regulations, or local ordinance
11 if a reasonable person would be made aware by the sign or
12 notice on or near the parking place that the place is reserved
13 for a person with disabilities.

14 (c-1) Any person found guilty of violating the provisions
15 of subsection (a-1) a first time shall be fined \$500. Any
16 person found guilty of violating subsection (a-1) a second or
17 subsequent time shall be fined \$1,000 ~~\$750~~. Any person who
18 violates found guilty of violating subsection (a-2) is guilty
19 of a Class A misdemeanor and (a-1) a third or subsequent time
20 shall be fined \$2,500 ~~\$1,000~~. The circuit clerk shall
21 distribute 50% of the fine imposed on any person who is found
22 guilty of or pleads guilty to violating this Section, including
23 any person placed on court supervision for violating this
24 Section, to the law enforcement agency that issued the citation
25 or made the arrest. If more than one law enforcement agency is
26 responsible for issuing the citation or making the arrest, the

1 50% of the fine imposed shall be shared equally. If an officer
2 of the Secretary of State Department of Police arrested a
3 person for a violation of this Section, 50% of the fine imposed
4 shall be deposited into the Secretary of State Police Services
5 Fund.

6 (d) Local authorities shall impose fines as established in
7 subsections (c) and (c-1) for violations of this Section.

8 (e) As used in this Section, "authorized holder" means an
9 individual issued a disability license plate under Section
10 3-616 of this Code, an individual issued a parking decal or
11 device under Section 11-1301.2 of this Code, or an individual
12 issued a disabled veteran's license plate under Section 3-609
13 of this Code.

14 (f) Any person who commits a violation of subsection (a-1)
15 or a similar provision of a local ordinance may have his or her
16 driving privileges suspended or revoked by the Secretary of
17 State for a period of time determined by the Secretary of
18 State. Any person who commits a violation of subsection (a-2)
19 or a similar provision of a local ordinance shall have his or
20 her driving privileges revoked by the Secretary of State. The
21 Secretary of State may also suspend or revoke the disability
22 license plates or parking decal or device for a period of time
23 determined by the Secretary of State.

24 (g) Any police officer may seize the parking decal or
25 device from any person who commits a violation of this Section.
26 Any police officer may seize the disability license plate upon

1 authorization from the Secretary of State. Any police officer
2 may request that the Secretary of State revoke the parking
3 decal or device or the disability license plate of any person
4 who commits a violation of this Section.

5 (Source: P.A. 95-167, eff. 1-1-08; 95-430, eff. 6-1-08; 95-876,
6 eff. 8-21-08; 96-72, eff. 1-1-10; 96-79, eff. 1-1-10; 96-962,
7 eff. 7-2-10; 96-1000, eff. 7-2-10.)

8 (625 ILCS 5/11-1301.5)

9 Sec. 11-1301.5. Fictitious or unlawfully altered
10 disability license plate or parking decal or device.

11 (a) As used in this Section:

12 "Fictitious disability license plate or parking decal or
13 device" means any issued disability license plate or parking
14 decal or device, or any license plate issued to a disabled
15 veteran under Section 3-609 of this Code, that has been issued
16 by the Secretary of State or an authorized unit of local
17 government that was issued based upon false information
18 contained on the required application.

19 "False information" means any incorrect or inaccurate
20 information concerning the name, date of birth, social security
21 number, driver's license number, physician certification, or
22 any other information required on the Persons with Disabilities
23 Certification for Plate or Parking Placard, on the Application
24 for Replacement Disability Parking Placard, or on the
25 application for license plates issued to disabled veterans

1 under Section 3-609 of this Code, that falsifies the content of
2 the application.

3 "Unlawfully altered disability license plate or parking
4 permit or device" means any disability license plate or parking
5 permit or device, or any license plate issued to a disabled
6 veteran under Section 3-609 of this Code, issued by the
7 Secretary of State or an authorized unit of local government
8 that has been physically altered or changed in such manner that
9 false information appears on the license plate or parking decal
10 or device.

11 "Authorized holder" means an individual issued a
12 disability license plate under Section 3-616 of this Code or an
13 individual issued a parking decal or device under Section
14 11-1301.2 of this Code, or an individual issued a disabled
15 veteran's license plate under Section 3-609 of this Code.

16 (b) It is a violation of this Section for any person:

17 (1) to knowingly possess any fictitious or unlawfully
18 altered disability license plate or parking decal or
19 device;

20 (2) to knowingly issue or assist in the issuance of, by
21 the Secretary of State or unit of local government, any
22 fictitious disability license plate or parking decal or
23 device;

24 (3) to knowingly alter any disability license plate or
25 parking decal or device;

26 (4) to knowingly manufacture, possess, transfer, or

1 provide any documentation used in the application process
2 whether real or fictitious, for the purpose of obtaining a
3 fictitious disability license plate or parking decal or
4 device;

5 (5) to knowingly provide any false information to the
6 Secretary of State or a unit of local government in order
7 to obtain a disability license plate or parking decal or
8 device; or

9 (6) to knowingly transfer a disability license plate or
10 parking decal or device for the purpose of exercising the
11 privileges granted to an authorized holder of a disability
12 license plate or parking decal or device under this Code in
13 the absence of the authorized holder.

14 (c) Sentence.

15 (1) Any person convicted of a violation of paragraph
16 (1), (2), (3), (4), or (5) of subsection (b) of this
17 Section shall be guilty of a Class A misdemeanor and fined
18 not less than \$500 for a first offense and shall be guilty
19 of a Class 4 felony and fined not less than \$1,000 for a
20 second or subsequent offense. Any person convicted of a
21 violation of subdivision (b)(6) of this Section is guilty
22 of a Class A misdemeanor and shall be fined not less than
23 \$500 for a first offense and not less than \$1,000 for a
24 second or subsequent offense. The circuit clerk shall
25 distribute one-half of any fine imposed on any person who
26 is found guilty of or pleads guilty to violating this

1 Section, including any person placed on court supervision
2 for violating this Section, to the law enforcement agency
3 that issued the citation or made the arrest. If more than
4 one law enforcement agency is responsible for issuing the
5 citation or making the arrest, one-half of the fine imposed
6 shall be shared equally.

7 (2) Any person who commits a violation of this Section
8 or a similar provision of a local ordinance may have his or
9 her driving privileges suspended or revoked by the
10 Secretary of State for a period of time determined by the
11 Secretary of State. The Secretary of State may suspend or
12 revoke the parking decal or device or the disability
13 license plate of any person who commits a violation of this
14 Section.

15 (3) Any police officer may seize the parking decal or
16 device from any person who commits a violation of this
17 Section. Any police officer may seize the disability
18 license plate upon authorization from the Secretary of
19 State. Any police officer may request that the Secretary of
20 State revoke the parking decal or device or the disability
21 license plate of any person who commits a violation of this
22 Section.

23 (Source: P.A. 95-167, eff. 1-1-08; 96-79, eff. 1-1-10.)

24 (625 ILCS 5/11-1301.6)

25 Sec. 11-1301.6. Fraudulent disability license plate or

1 parking decal or device.

2 (a) As used in this Section:

3 "Fraudulent disability license plate or parking decal or
4 device" means any disability license plate or parking decal or
5 device that purports to be an official disability license plate
6 or parking decal or device and that has not been issued by the
7 Secretary of State or an authorized unit of local government.

8 "Disability license plate or parking decal or
9 device-making implement" means any implement specially
10 designed or primarily used in the manufacture, assembly, or
11 authentication of a disability license plate or parking decal
12 or device, or a license plate issued to a disabled veteran
13 under Section 3-609 of this Code, issued by the Secretary of
14 State or a unit of local government.

15 (b) It is a violation of this Section for any person:

16 (1) to knowingly possess any fraudulent disability
17 license plate or parking decal;

18 (2) to knowingly possess without authority any
19 disability license plate or parking decal or device-making
20 implement;

21 (3) to knowingly duplicate, manufacture, sell, or
22 transfer any fraudulent or stolen disability license plate
23 or parking decal or device;

24 (4) to knowingly assist in the duplication,
25 manufacturing, selling, or transferring of any fraudulent,
26 stolen, or reported lost or damaged disability license

1 plate or parking decal or device; or

2 (5) to advertise or distribute a fraudulent disability
3 license plate or parking decal or device.

4 (c) Sentence.

5 (1) Any person convicted of a violation of this
6 Section shall be guilty of a Class A misdemeanor and fined
7 not less than \$1,000 for a first offense and shall be
8 guilty of a Class 4 felony and fined not less than \$2,000
9 for a second or subsequent offense. The circuit clerk shall
10 distribute half of any fine imposed on any person who is
11 found guilty of or pleads guilty to violating this Section,
12 including any person placed on court supervision for
13 violating this Section, to the law enforcement agency that
14 issued the citation or made the arrest. If more than one
15 law enforcement agency is responsible for issuing the
16 citation or making the arrest, one-half of the fine imposed
17 shall be shared equally.

18 (2) Any person who commits a violation of this Section
19 or a similar provision of a local ordinance may have his or
20 her driving privileges suspended or revoked by the
21 Secretary of State for a period of time determined by the
22 Secretary of State.

23 (3) Any police officer may seize the parking decal or
24 device from any person who commits a violation of this
25 Section. Any police officer may seize the disability
26 license plate upon authorization from the Secretary of

1 State. Any police officer may request that the Secretary of
2 State revoke the parking decal or device or the disability
3 license plate of any person who commits a violation of this
4 Section.

5 (Source: P.A. 95-167, eff. 1-1-08; 96-79, eff. 1-1-10.)