

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Identification Card Act is amended  
5 by changing Section 13 and by adding Section 12.5 as follows:

6 (15 ILCS 335/12.5 new)

7 Sec. 12.5. Errors; documents; issuance of new card;  
8 cancellation. The Secretary of State may, upon written notice  
9 of at least 5 days to the person, require the person to appear  
10 at a Driver Services facility if:

11 (i) the Secretary has issued an identification card in  
12 error;

13 (ii) the person has become ineligible to retain the  
14 identification card; or

15 (iii) the Secretary has good cause to believe that the  
16 identification card was issued based on invalid,  
17 fictitious, or fraudulent documents.

18 Upon the appearance of an identification card holder at a  
19 Driver Services facility, the Secretary shall, as applicable,  
20 correct the identification card error, issue a new  
21 identification card, or verify that the identification card  
22 holder possesses valid identification documents. Refusal or  
23 neglect of the identification card holder to appear shall

1 result in the cancellation of the identification card.

2 (15 ILCS 335/13) (from Ch. 124, par. 33)

3 Sec. 13. Rejection, denial or revocations.

4 (a) The Secretary of State may reject or deny any  
5 application if he:

6 1. is not satisfied with the genuineness, regularity or  
7 legality of any application; or

8 2. has not been supplied with the required information;  
9 or

10 3. is not satisfied with the truth of any information  
11 or documentation supplied by an applicant; or

12 4. determines that the applicant is not entitled to the  
13 card as applied for; or

14 5. determines that any fraud was committed by the  
15 applicant; or

16 6. determines that a signature is not valid or is a  
17 forgery; or

18 7. determines that the applicant has not paid the  
19 prescribed fee; or

20 8. determines that the applicant has falsely claimed to  
21 be a disabled person as defined in Section 4A of this Act;  
22 or

23 9. cannot verify the accuracy of any information or  
24 documentation submitted by the applicant.

25 (b) The Secretary of State may cancel or revoke any

1 identification card issued by him, upon determining that:

2 1. the holder is not legally entitled to the card; or

3 2. the applicant for the card made a false statement or  
4 knowingly concealed a material fact in any application  
5 filed by him under this Act; or

6 3. any person has displayed or represented as his own a  
7 card not issued to him; or

8 4. any holder has permitted the display or use of his  
9 card by any other person; or

10 5. that the signature of the applicant was forgery or  
11 that the signature on the card is a forgery; or

12 6. a card has been used for any unlawful or fraudulent  
13 purpose; or

14 7. a card has been altered or defaced; or

15 8. any card has been duplicated for any purpose; or

16 9. any card was utilized to counterfeit such cards; or

17 10. the holder of an Illinois Disabled Person  
18 Identification Card is not a disabled person as defined in  
19 Section 4A of this Act; or

20 11. the holder failed to appear at a Driver Services  
21 facility for the reissuance of a card or to present  
22 documentation for verification of identity.

23 (c) The Secretary of State is authorized to take possession  
24 of and shall make a demand for return of any card which has  
25 been cancelled or revoked, unlawfully or erroneously issued, or  
26 issued in violation of this Act, and every person to whom such

1 demand is addressed, shall promptly and without delay, return  
2 such card to the Secretary pursuant to his instructions, or, he  
3 shall surrender any such card to the Secretary or any agent of  
4 the Secretary upon demand.

5 (d) The Secretary of State is authorized to take possession  
6 of any Illinois Identification Card or Illinois Disabled Person  
7 Identification Card which has been cancelled or revoked, or  
8 which is blank, or which has been altered or defaced or  
9 duplicated or which is counterfeit or contains a forgery; or  
10 otherwise issued in violation of this Act and may confiscate  
11 any suspected fraudulent, fictitious, or altered documents  
12 submitted by an applicant in support of an application for an  
13 identification card.

14 (Source: P.A. 93-895, eff. 1-1-05.)

15 Section 10. The Illinois Vehicle Code is amended by  
16 changing Sections 2-123, 6-101, 6-106.1, 6-106.11, 6-107,  
17 6-113, 6-201, 6-206, 6-206.1, 6-207, 6-208.1, 6-401, 6-419,  
18 6-507, and 6-908 as follows:

19 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

20 Sec. 2-123. Sale and Distribution of Information.

21 (a) Except as otherwise provided in this Section, the  
22 Secretary may make the driver's license, vehicle and title  
23 registration lists, in part or in whole, and any statistical  
24 information derived from these lists available to local

1 governments, elected state officials, state educational  
2 institutions, and all other governmental units of the State and  
3 Federal Government requesting them for governmental purposes.  
4 The Secretary shall require any such applicant for services to  
5 pay for the costs of furnishing such services and the use of  
6 the equipment involved, and in addition is empowered to  
7 establish prices and charges for the services so furnished and  
8 for the use of the electronic equipment utilized.

9 (b) The Secretary is further empowered to and he may, in  
10 his discretion, furnish to any applicant, other than listed in  
11 subsection (a) of this Section, vehicle or driver data on a  
12 computer tape, disk, other electronic format or computer  
13 processable medium, or printout at a fixed fee of \$250 for  
14 orders received before October 1, 2003 and \$500 for orders  
15 received on or after October 1, 2003, in advance, and require  
16 in addition a further sufficient deposit based upon the  
17 Secretary of State's estimate of the total cost of the  
18 information requested and a charge of \$25 for orders received  
19 before October 1, 2003 and \$50 for orders received on or after  
20 October 1, 2003, per 1,000 units or part thereof identified or  
21 the actual cost, whichever is greater. The Secretary is  
22 authorized to refund any difference between the additional  
23 deposit and the actual cost of the request. This service shall  
24 not be in lieu of an abstract of a driver's record nor of a  
25 title or registration search. This service may be limited to  
26 entities purchasing a minimum number of records as required by

1 administrative rule. The information sold pursuant to this  
2 subsection shall be the entire vehicle or driver data list, or  
3 part thereof. The information sold pursuant to this subsection  
4 shall not contain personally identifying information unless  
5 the information is to be used for one of the purposes  
6 identified in subsection (f-5) of this Section. Commercial  
7 purchasers of driver and vehicle record databases shall enter  
8 into a written agreement with the Secretary of State that  
9 includes disclosure of the commercial use of the information to  
10 be purchased.

11 (b-1) The Secretary is further empowered to and may, in his  
12 or her discretion, furnish vehicle or driver data on a computer  
13 tape, disk, or other electronic format or computer processible  
14 medium, at no fee, to any State or local governmental agency  
15 that uses the information provided by the Secretary to transmit  
16 data back to the Secretary that enables the Secretary to  
17 maintain accurate driving records, including dispositions of  
18 traffic cases. This information may be provided without fee not  
19 more often than once every 6 months.

20 (c) Secretary of State may issue registration lists. The  
21 Secretary of State may compile a list of all registered  
22 vehicles. Each list of registered vehicles shall be arranged  
23 serially according to the registration numbers assigned to  
24 registered vehicles and may contain in addition the names and  
25 addresses of registered owners and a brief description of each  
26 vehicle including the serial or other identifying number

1       thereof. Such compilation may be in such form as in the  
2       discretion of the Secretary of State may seem best for the  
3       purposes intended.

4           (d) The Secretary of State shall furnish no more than 2  
5       current available lists of such registrations to the sheriffs  
6       of all counties and to the chiefs of police of all cities and  
7       villages and towns of 2,000 population and over in this State  
8       at no cost. Additional copies may be purchased by the sheriffs  
9       or chiefs of police at the fee of \$500 each or at the cost of  
10      producing the list as determined by the Secretary of State.  
11      Such lists are to be used for governmental purposes only.

12           (e) (Blank).

13           (e-1) (Blank).

14           (f) The Secretary of State shall make a title or  
15      registration search of the records of his office and a written  
16      report on the same for any person, upon written application of  
17      such person, accompanied by a fee of \$5 for each registration  
18      or title search. The written application shall set forth the  
19      intended use of the requested information. No fee shall be  
20      charged for a title or registration search, or for the  
21      certification thereof requested by a government agency. The  
22      report of the title or registration search shall not contain  
23      personally identifying information unless the request for a  
24      search was made for one of the purposes identified in  
25      subsection (f-5) of this Section. The report of the title or  
26      registration search shall not contain highly restricted

1 personal information unless specifically authorized by this  
2 Code.

3 The Secretary of State shall certify a title or  
4 registration record upon written request. The fee for  
5 certification shall be \$5 in addition to the fee required for a  
6 title or registration search. Certification shall be made under  
7 the signature of the Secretary of State and shall be  
8 authenticated by Seal of the Secretary of State.

9 The Secretary of State may notify the vehicle owner or  
10 registrant of the request for purchase of his title or  
11 registration information as the Secretary deems appropriate.

12 No information shall be released to the requestor until  
13 expiration of a 10 day period. This 10 day period shall not  
14 apply to requests for information made by law enforcement  
15 officials, government agencies, financial institutions,  
16 attorneys, insurers, employers, automobile associated  
17 businesses, persons licensed as a private detective or firms  
18 licensed as a private detective agency under the Private  
19 Detective, Private Alarm, Private Security, Fingerprint  
20 Vendor, and Locksmith Act of 2004, who are employed by or are  
21 acting on behalf of law enforcement officials, government  
22 agencies, financial institutions, attorneys, insurers,  
23 employers, automobile associated businesses, and other  
24 business entities for purposes consistent with the Illinois  
25 Vehicle Code, the vehicle owner or registrant or other entities  
26 as the Secretary may exempt by rule and regulation.



1 Any misrepresentation made by a requestor of title or  
2 vehicle information shall be punishable as a petty offense,  
3 except in the case of persons licensed as a private detective  
4 or firms licensed as a private detective agency which shall be  
5 subject to disciplinary sanctions under Section 40-10 of the  
6 Private Detective, Private Alarm, Private Security,  
7 Fingerprint Vendor, and Locksmith Act of 2004.

8 (f-5) The Secretary of State shall not disclose or  
9 otherwise make available to any person or entity any personally  
10 identifying information obtained by the Secretary of State in  
11 connection with a driver's license, vehicle, or title  
12 registration record unless the information is disclosed for one  
13 of the following purposes:

14 (1) For use by any government agency, including any  
15 court or law enforcement agency, in carrying out its  
16 functions, or any private person or entity acting on behalf  
17 of a federal, State, or local agency in carrying out its  
18 functions.

19 (2) For use in connection with matters of motor vehicle  
20 or driver safety and theft; motor vehicle emissions; motor  
21 vehicle product alterations, recalls, or advisories;  
22 performance monitoring of motor vehicles, motor vehicle  
23 parts, and dealers; and removal of non-owner records from  
24 the original owner records of motor vehicle manufacturers.

25 (3) For use in the normal course of business by a  
26 legitimate business or its agents, employees, or

1 contractors, but only:

2 (A) to verify the accuracy of personal information  
3 submitted by an individual to the business or its  
4 agents, employees, or contractors; and

5 (B) if such information as so submitted is not  
6 correct or is no longer correct, to obtain the correct  
7 information, but only for the purposes of preventing  
8 fraud by, pursuing legal remedies against, or  
9 recovering on a debt or security interest against, the  
10 individual.

11 (4) For use in research activities and for use in  
12 producing statistical reports, if the personally  
13 identifying information is not published, redisclosed, or  
14 used to contact individuals.

15 (5) For use in connection with any civil, criminal,  
16 administrative, or arbitral proceeding in any federal,  
17 State, or local court or agency or before any  
18 self-regulatory body, including the service of process,  
19 investigation in anticipation of litigation, and the  
20 execution or enforcement of judgments and orders, or  
21 pursuant to an order of a federal, State, or local court.

22 (6) For use by any insurer or insurance support  
23 organization or by a self-insured entity or its agents,  
24 employees, or contractors in connection with claims  
25 investigation activities, antifraud activities, rating, or  
26 underwriting.

1           (7) For use in providing notice to the owners of towed  
2 or impounded vehicles.

3           (8) For use by any person licensed as a private  
4 detective or firm licensed as a private detective agency  
5 under the Private Detective, Private Alarm, Private  
6 Security, Fingerprint Vendor, and Locksmith Act of 2004,  
7 private investigative agency or security service licensed  
8 in Illinois for any purpose permitted under this  
9 subsection.

10          (9) For use by an employer or its agent or insurer to  
11 obtain or verify information relating to a holder of a  
12 commercial driver's license that is required under chapter  
13 313 of title 49 of the United States Code.

14          (10) For use in connection with the operation of  
15 private toll transportation facilities.

16          (11) For use by any requester, if the requester  
17 demonstrates it has obtained the written consent of the  
18 individual to whom the information pertains.

19          (12) For use by members of the news media, as defined  
20 in Section 1-148.5, for the purpose of newsgathering when  
21 the request relates to the operation of a motor vehicle or  
22 public safety.

23          (13) For any other use specifically authorized by law,  
24 if that use is related to the operation of a motor vehicle  
25 or public safety.

26          (f-6) The Secretary of State shall not disclose or

1 otherwise make available to any person or entity any highly  
2 restricted personal information obtained by the Secretary of  
3 State in connection with a driver's license, vehicle, or title  
4 registration record unless specifically authorized by this  
5 Code.

6 (g) 1. The Secretary of State may, upon receipt of a  
7 written request and a fee of \$6 before October 1, 2003 and  
8 a fee of \$12 on and after October 1, 2003, furnish to the  
9 person or agency so requesting a driver's record. Such  
10 document may include a record of: current driver's license  
11 issuance information, except that the information on  
12 judicial driving permits shall be available only as  
13 otherwise provided by this Code; convictions; orders  
14 entered revoking, suspending or cancelling a driver's  
15 license or privilege; and notations of accident  
16 involvement. All other information, unless otherwise  
17 permitted by this Code, shall remain confidential.  
18 Information released pursuant to a request for a driver's  
19 record shall not contain personally identifying  
20 information, unless the request for the driver's record was  
21 made for one of the purposes set forth in subsection (f-5)  
22 of this Section. The Secretary of State may, without fee,  
23 allow a parent or guardian of a person under the age of 18  
24 years, who holds an instruction permit or graduated  
25 driver's license, to view that person's driving record  
26 online, through a computer connection. The parent or

1 guardian's online access to the driving record will  
2 terminate when the instruction permit or graduated  
3 driver's license holder reaches the age of 18.

4 2. The Secretary of State shall not disclose or  
5 otherwise make available to any person or entity any highly  
6 restricted personal information obtained by the Secretary  
7 of State in connection with a driver's license, vehicle, or  
8 title registration record unless specifically authorized  
9 by this Code. The Secretary of State may certify an  
10 abstract of a driver's record upon written request  
11 therefor. Such certification shall be made under the  
12 signature of the Secretary of State and shall be  
13 authenticated by the Seal of his office.

14 3. All requests for driving record information shall be  
15 made in a manner prescribed by the Secretary and shall set  
16 forth the intended use of the requested information.

17 The Secretary of State may notify the affected driver  
18 of the request for purchase of his driver's record as the  
19 Secretary deems appropriate.

20 No information shall be released to the requester until  
21 expiration of a 10 day period. This 10 day period shall not  
22 apply to requests for information made by law enforcement  
23 officials, government agencies, financial institutions,  
24 attorneys, insurers, employers, automobile associated  
25 businesses, persons licensed as a private detective or  
26 firms licensed as a private detective agency under the

1 Private Detective, Private Alarm, Private Security,  
2 Fingerprint Vendor, and Locksmith Act of 2004, who are  
3 employed by or are acting on behalf of law enforcement  
4 officials, government agencies, financial institutions,  
5 attorneys, insurers, employers, automobile associated  
6 businesses, and other business entities for purposes  
7 consistent with the Illinois Vehicle Code, the affected  
8 driver or other entities as the Secretary may exempt by  
9 rule and regulation.

10 Any misrepresentation made by a requestor of driver  
11 information shall be punishable as a petty offense, except  
12 in the case of persons licensed as a private detective or  
13 firms licensed as a private detective agency which shall be  
14 subject to disciplinary sanctions under Section 40-10 of  
15 the Private Detective, Private Alarm, Private Security,  
16 Fingerprint Vendor, and Locksmith Act of 2004.

17 4. The Secretary of State may furnish without fee, upon  
18 the written request of a law enforcement agency, any  
19 information from a driver's record on file with the  
20 Secretary of State when such information is required in the  
21 enforcement of this Code or any other law relating to the  
22 operation of motor vehicles, including records of  
23 dispositions; documented information involving the use of  
24 a motor vehicle; whether such individual has, or previously  
25 had, a driver's license; and the address and personal  
26 description as reflected on said driver's record.

1           5. Except as otherwise provided in this Section, the  
2 Secretary of State may furnish, without fee, information  
3 from an individual driver's record on file, if a written  
4 request therefor is submitted by any public transit system  
5 or authority, public defender, law enforcement agency, a  
6 state or federal agency, or an Illinois local  
7 intergovernmental association, if the request is for the  
8 purpose of a background check of applicants for employment  
9 with the requesting agency, or for the purpose of an  
10 official investigation conducted by the agency, or to  
11 determine a current address for the driver so public funds  
12 can be recovered or paid to the driver, or for any other  
13 purpose set forth in subsection (f-5) of this Section.

14           The Secretary may also furnish the courts a copy of an  
15 abstract of a driver's record, without fee, subsequent to  
16 an arrest for a violation of Section 11-501 or a similar  
17 provision of a local ordinance. Such abstract may include  
18 records of dispositions; documented information involving  
19 the use of a motor vehicle as contained in the current  
20 file; whether such individual has, or previously had, a  
21 driver's license; and the address and personal description  
22 as reflected on said driver's record.

23           6. Any certified abstract issued by the Secretary of  
24 State or transmitted electronically by the Secretary of  
25 State pursuant to this Section, to a court or on request of  
26 a law enforcement agency, for the record of a named person

1 as to the status of the person's driver's license shall be  
2 prima facie evidence of the facts therein stated and if the  
3 name appearing in such abstract is the same as that of a  
4 person named in an information or warrant, such abstract  
5 shall be prima facie evidence that the person named in such  
6 information or warrant is the same person as the person  
7 named in such abstract and shall be admissible for any  
8 prosecution under this Code and be admitted as proof of any  
9 prior conviction or proof of records, notices, or orders  
10 recorded on individual driving records maintained by the  
11 Secretary of State.

12 7. Subject to any restrictions contained in the  
13 Juvenile Court Act of 1987, and upon receipt of a proper  
14 request and a fee of \$6 before October 1, 2003 and a fee of  
15 \$12 on or after October 1, 2003, the Secretary of State  
16 shall provide a driver's record to the affected driver, or  
17 the affected driver's attorney, upon verification. Such  
18 record shall contain all the information referred to in  
19 paragraph 1 of this subsection (g) plus: any recorded  
20 accident involvement as a driver; information recorded  
21 pursuant to subsection (e) of Section 6-117 and paragraph  
22 (4) of subsection (a) of Section 6-204 of this Code. All  
23 other information, unless otherwise permitted by this  
24 Code, shall remain confidential.

25 (h) The Secretary shall not disclose social security  
26 numbers or any associated information obtained from the Social



1 Security Administration except pursuant to a written request  
2 by, or with the prior written consent of, the individual  
3 except: (1) to officers and employees of the Secretary who have  
4 a need to know the social security numbers in performance of  
5 their official duties, (2) to law enforcement officials for a  
6 lawful, civil or criminal law enforcement investigation, and if  
7 the head of the law enforcement agency has made a written  
8 request to the Secretary specifying the law enforcement  
9 investigation for which the social security numbers are being  
10 sought, (3) to the United States Department of Transportation,  
11 or any other State, pursuant to the administration and  
12 enforcement of the Commercial Motor Vehicle Safety Act of 1986,  
13 (4) pursuant to the order of a court of competent jurisdiction,  
14 (5) to the Department of Healthcare and Family Services  
15 (formerly Department of Public Aid) for utilization in the  
16 child support enforcement duties assigned to that Department  
17 under provisions of the Illinois Public Aid Code after the  
18 individual has received advanced meaningful notification of  
19 what redisclosure is sought by the Secretary in accordance with  
20 the federal Privacy Act, (5.5) to the Department of Healthcare  
21 and Family Services and the Department of Human Services solely  
22 for the purpose of verifying Illinois residency where such  
23 residency is an eligibility requirement for benefits under the  
24 Illinois Public Aid Code or any other health benefit program  
25 administered by the Department of Healthcare and Family  
26 Services or the Department of Human Services, or (6) to the

1 Illinois Department of Revenue solely for use by the Department  
2 in the collection of any tax or debt that the Department of  
3 Revenue is authorized or required by law to collect, provided  
4 that the Department shall not disclose the social security  
5 number to any person or entity outside of the Department.

6 (i) (Blank).

7 (j) Medical statements or medical reports received in the  
8 Secretary of State's Office shall be confidential. Except as  
9 provided in this Section, no ~~no~~ confidential information may be  
10 open to public inspection or the contents disclosed to anyone,  
11 except officers and employees of the Secretary who have a need  
12 to know the information contained in the medical reports and  
13 the Driver License Medical Advisory Board, unless so directed  
14 by an order of a court of competent jurisdiction. If the  
15 Secretary receives a medical report regarding a driver that  
16 does not address a medical condition contained in a previous  
17 medical report, the Secretary may disclose the unaddressed  
18 medical condition to the driver or his or her physician, or  
19 both, solely for the purpose of submission of a medical report  
20 that addresses the condition.

21 (k) All fees collected under this Section shall be paid  
22 into the Road Fund of the State Treasury, except that (i) for  
23 fees collected before October 1, 2003, \$3 of the \$6 fee for a  
24 driver's record shall be paid into the Secretary of State  
25 Special Services Fund, (ii) for fees collected on and after  
26 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall

1 be paid into the Secretary of State Special Services Fund and  
2 \$6 shall be paid into the General Revenue Fund, and (iii) for  
3 fees collected on and after October 1, 2003, 50% of the amounts  
4 collected pursuant to subsection (b) shall be paid into the  
5 General Revenue Fund.

6 (l) (Blank).

7 (m) Notations of accident involvement that may be disclosed  
8 under this Section shall not include notations relating to  
9 damage to a vehicle or other property being transported by a  
10 tow truck. This information shall remain confidential,  
11 provided that nothing in this subsection (m) shall limit  
12 disclosure of any notification of accident involvement to any  
13 law enforcement agency or official.

14 (n) Requests made by the news media for driver's license,  
15 vehicle, or title registration information may be furnished  
16 without charge or at a reduced charge, as determined by the  
17 Secretary, when the specific purpose for requesting the  
18 documents is deemed to be in the public interest. Waiver or  
19 reduction of the fee is in the public interest if the principal  
20 purpose of the request is to access and disseminate information  
21 regarding the health, safety, and welfare or the legal rights  
22 of the general public and is not for the principal purpose of  
23 gaining a personal or commercial benefit. The information  
24 provided pursuant to this subsection shall not contain  
25 personally identifying information unless the information is  
26 to be used for one of the purposes identified in subsection

1 (f-5) of this Section.

2 (o) The redisclosure of personally identifying information  
3 obtained pursuant to this Section is prohibited, except to the  
4 extent necessary to effectuate the purpose for which the  
5 original disclosure of the information was permitted.

6 (p) The Secretary of State is empowered to adopt rules to  
7 effectuate this Section.

8 (Source: P.A. 95-201, eff. 1-1-08; 95-287, eff. 1-1-08; 95-331,  
9 eff. 8-21-07; 95-613, eff. 9-11-07; 95-876, eff. 8-21-08;  
10 96-1383, eff. 1-1-11; 96-1501, eff. 1-25-11.)

11 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

12 Sec. 6-101. Drivers must have licenses or permits.

13 (a) No person, except those expressly exempted by Section  
14 6-102, shall drive any motor vehicle upon a highway in this  
15 State unless such person has a valid license or permit, or a  
16 restricted driving permit, issued under the provisions of this  
17 Act.

18 (b) No person shall drive a motor vehicle unless he holds a  
19 valid license or permit, or a restricted driving permit issued  
20 under the provisions of Section 6-205, 6-206, or 6-113 of this  
21 Act. Any person to whom a license is issued under the  
22 provisions of this Act must surrender to the Secretary of State  
23 all valid licenses or permits. No drivers license or  
24 instruction permit shall be issued to any person who holds a  
25 valid Foreign State license, identification card, or permit

1 unless such person first surrenders to the Secretary of State  
2 any such valid Foreign State license, identification card, or  
3 permit.

4 (b-5) Any person who commits a violation of subsection (a)  
5 or (b) of this Section is guilty of a Class A misdemeanor, if  
6 at the time of the violation the person's driver's license or  
7 permit was cancelled under clause (a)9 of Section 6-201 of this  
8 Code.

9 (c) Any person licensed as a driver hereunder shall not be  
10 required by any city, village, incorporated town or other  
11 municipal corporation to obtain any other license to exercise  
12 the privilege thereby granted.

13 (d) In addition to other penalties imposed under this  
14 Section, any person in violation of this Section who is also in  
15 violation of Section 7-601 of this Code relating to mandatory  
16 insurance requirements shall have his or her motor vehicle  
17 immediately impounded by the arresting law enforcement  
18 officer. The motor vehicle may be released to any licensed  
19 driver upon a showing of proof of insurance for the motor  
20 vehicle that was impounded and the notarized written consent  
21 for the release by the vehicle owner.

22 (e) In addition to other penalties imposed under this  
23 Section, the vehicle of any person in violation of this Section  
24 who is also in violation of Section 7-601 of this Code relating  
25 to mandatory insurance requirements and who, in violating this  
26 Section, has caused death or personal injury to another person

1 is subject to forfeiture under Sections 36-1 and 36-2 of the  
2 Criminal Code of 1961. For the purposes of this Section, a  
3 personal injury shall include any type A injury as indicated on  
4 the traffic accident report completed by a law enforcement  
5 officer that requires immediate professional attention in  
6 either a doctor's office or a medical facility. A type A injury  
7 shall include severely bleeding wounds, distorted extremities,  
8 and injuries that require the injured party to be carried from  
9 the scene.

10 (Source: P.A. 94-993, eff. 1-1-07; 95-578, eff. 6-1-08.)

11 (625 ILCS 5/6-106.1)

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

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

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

- 23 1. be 21 years of age or older;
- 24 2. possess a valid and properly classified driver's  
25 license issued by the Secretary of State;
- 26 3. possess a valid driver's license, which has not been

1        revoked, suspended, or canceled for 3 years immediately  
2        prior to the date of application, or have not had his or  
3        her commercial motor vehicle driving privileges  
4        disqualified within the 3 years immediately prior to the  
5        date of application;

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

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

15           6. demonstrate physical fitness to operate school  
16       buses by submitting the results of a medical examination,  
17       including tests for drug use for each applicant not subject  
18       to such testing pursuant to federal law, conducted by a  
19       licensed physician, an advanced practice nurse who has a  
20       written collaborative agreement with a collaborating  
21       physician which authorizes him or her to perform medical  
22       examinations, or a physician assistant who has been  
23       delegated the performance of medical examinations by his or  
24       her supervising physician within 90 days of the date of  
25       application according to standards promulgated by the  
26       Secretary of State;



1           7. affirm under penalties of perjury that he or she has  
2           not made a false statement or knowingly concealed a  
3           material fact in any application for permit;

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

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

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

24          11. not have been convicted of committing or attempting  
25          to commit any one or more of the following offenses: (i)  
26          those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,

1 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
2 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,  
3 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,  
4 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,  
5 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,  
6 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
7 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
8 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,  
9 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
10 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,  
11 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,  
12 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,  
13 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of  
14 Section 8-1, and in subsection (a) and subsection (b),  
15 clause (1), of Section 12-4, and in subsection (A), clauses  
16 (a) and (b), of Section 24-3, and those offenses contained  
17 in Article 29D of the Criminal Code of 1961; (ii) those  
18 offenses defined in the Cannabis Control Act except those  
19 offenses defined in subsections (a) and (b) of Section 4,  
20 and subsection (a) of Section 5 of the Cannabis Control  
21 Act; (iii) those offenses defined in the Illinois  
22 Controlled Substances Act; (iv) those offenses defined in  
23 the Methamphetamine Control and Community Protection Act;  
24 (v) any offense committed or attempted in any other state  
25 or against the laws of the United States, which if  
26 committed or attempted in this State would be punishable as

1 one or more of the foregoing offenses; (vi) the offenses  
2 defined in Section 4.1 and 5.1 of the Wrongs to Children  
3 Act; (vii) those offenses defined in Section 6-16 of the  
4 Liquor Control Act of 1934; and (viii) those offenses  
5 defined in the Methamphetamine Precursor Control Act; ~~and~~

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

14 13. not have, through the unlawful operation of a motor  
15 vehicle, caused an accident resulting in the death of any  
16 person; and

17 14. not have, within the last 5 years, been adjudged to  
18 be afflicted with or suffering from any mental disability  
19 or disease.

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

24 (c) A school bus driver permit shall contain the holder's  
25 driver's license number, legal name, residence address, zip  
26 code, ~~social security number~~ and date of birth, a brief

1 description of the holder and a space for signature. The  
2 Secretary of State may require a suitable photograph of the  
3 holder.

4 (d) The employer shall be responsible for conducting a  
5 pre-employment interview with prospective school bus driver  
6 candidates, distributing school bus driver applications and  
7 medical forms to be completed by the applicant, and submitting  
8 the applicant's fingerprint cards to the Department of State  
9 Police that are required for the criminal background  
10 investigations. The employer shall certify in writing to the  
11 Secretary of State that all pre-employment conditions have been  
12 successfully completed including the successful completion of  
13 an Illinois specific criminal background investigation through  
14 the Department of State Police and the submission of necessary  
15 fingerprints to the Federal Bureau of Investigation for  
16 criminal history information available through the Federal  
17 Bureau of Investigation system. The applicant shall present the  
18 certification to the Secretary of State at the time of  
19 submitting the school bus driver permit application.

20 (e) Permits shall initially be provisional upon receiving  
21 certification from the employer that all pre-employment  
22 conditions have been successfully completed, and upon  
23 successful completion of all training and examination  
24 requirements for the classification of the vehicle to be  
25 operated, the Secretary of State shall provisionally issue a  
26 School Bus Driver Permit. The permit shall remain in a

1 provisional status pending the completion of the Federal Bureau  
2 of Investigation's criminal background investigation based  
3 upon fingerprinting specimens submitted to the Federal Bureau  
4 of Investigation by the Department of State Police. The Federal  
5 Bureau of Investigation shall report the findings directly to  
6 the Secretary of State. The Secretary of State shall remove the  
7 bus driver permit from provisional status upon the applicant's  
8 successful completion of the Federal Bureau of Investigation's  
9 criminal background investigation.

10 (f) A school bus driver permit holder shall notify the  
11 employer and the Secretary of State if he or she is convicted  
12 in another state of an offense that would make him or her  
13 ineligible for a permit under subsection (a) of this Section.  
14 The written notification shall be made within 5 days of the  
15 entry of the conviction. Failure of the permit holder to  
16 provide the notification is punishable as a petty offense for a  
17 first violation and a Class B misdemeanor for a second or  
18 subsequent violation.

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

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

24 (2) The Secretary of State shall cancel a school bus  
25 driver permit when he or she receives notice that the  
26 permit holder fails to comply with any provision of this

1 Section or any rule promulgated for the administration of  
2 this Section.

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

7 (4) The Secretary of State may not issue a school bus  
8 driver permit for a period of 3 years to an applicant who  
9 fails to obtain a negative result on a drug test as  
10 required in item 6 of subsection (a) of this Section or  
11 under federal law.

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

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

22 The Secretary of State shall notify the State  
23 Superintendent of Education and the permit holder's  
24 prospective or current employer that the applicant has (1) has  
25 failed a criminal background investigation or (2) is no longer  
26 eligible for a school bus driver permit; and of the related

1 cancellation of the applicant's provisional school bus driver  
2 permit. The cancellation shall remain in effect pending the  
3 outcome of a hearing pursuant to Section 2-118 of this Code.  
4 The scope of the hearing shall be limited to the issuance  
5 criteria contained in subsection (a) of this Section. A  
6 petition requesting a hearing shall be submitted to the  
7 Secretary of State and shall contain the reason the individual  
8 feels he or she is entitled to a school bus driver permit. The  
9 permit holder's employer shall notify in writing to the  
10 Secretary of State that the employer has certified the removal  
11 of the offending school bus driver from service prior to the  
12 start of that school bus driver's next workshift. An employing  
13 school board that fails to remove the offending school bus  
14 driver from service is subject to the penalties defined in  
15 Section 3-14.23 of the School Code. A school bus contractor who  
16 violates a provision of this Section is subject to the  
17 penalties defined in Section 6-106.11.

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

21 (h) When a school bus driver permit holder who is a service  
22 member is called to active duty, the employer of the permit  
23 holder shall notify the Secretary of State, within 30 days of  
24 notification from the permit holder, that the permit holder has  
25 been called to active duty. Upon notification pursuant to this  
26 subsection, (i) the Secretary of State shall characterize the

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

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

11 (j) For purposes of subsections (h) and (i) of this  
12 Section:

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

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

19 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
20 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
21 7-22-10; revised 9-2-10.)

22 (625 ILCS 5/6-106.11) (from Ch. 95 1/2, par. 6-106.11)

23 Sec. 6-106.11. (a) Any individual, corporation,  
24 partnership or association, who through contractual  
25 arrangements with a school district transports students,



1 teachers or other personnel of that district for compensation,  
2 shall not permit any person to operate a school bus or any  
3 other motor vehicle requiring a school bus driver permit  
4 pursuant to that contract if the driver has not complied with  
5 the provisions of Sections 6-106.1 of this Code or such other  
6 rules or regulations that the Secretary of State may prescribe  
7 for the classification, restriction or licensing of the school  
8 bus driver permit holder ~~drivers~~.

9 (b) A violation of this Section is a business offense and  
10 shall subject the offender to a fine of no less than \$1,000 nor  
11 more than \$10,000 for a first offense, no less than \$1,500 nor  
12 more than \$15,000 for a second offense, and no less than \$2,000  
13 nor more than \$20,000 for a third or subsequent offense. In  
14 addition to any fines imposed under this subsection, any  
15 offender who has been convicted three times under the  
16 provisions of subsection (a) shall, upon a fourth or subsequent  
17 conviction be prohibited from transporting or contracting to  
18 transport students, teachers or other personnel of a school  
19 district for a period of five years beginning with the date of  
20 conviction of such fourth or subsequent conviction.

21 (Source: P.A. 83-1286.)

22 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

23 Sec. 6-107. Graduated license.

24 (a) The purpose of the Graduated Licensing Program is to  
25 develop safe and mature driving habits in young, inexperienced

1 drivers and reduce or prevent motor vehicle accidents,  
2 fatalities, and injuries by:

3 (1) providing for an increase in the time of practice  
4 period before granting permission to obtain a driver's  
5 license;

6 (2) strengthening driver licensing and testing  
7 standards for persons under the age of 21 years;

8 (3) sanctioning driving privileges of drivers under  
9 age 21 who have committed serious traffic violations or  
10 other specified offenses; and

11 (4) setting stricter standards to promote the public's  
12 health and safety.

13 (b) The application of any person under the age of 18  
14 years, and not legally emancipated by marriage, for a drivers  
15 license or permit to operate a motor vehicle issued under the  
16 laws of this State, shall be accompanied by the written consent  
17 of either parent of the applicant; otherwise by the guardian  
18 having custody of the applicant, or in the event there is no  
19 parent or guardian, then by another responsible adult. The  
20 written consent must accompany any application for a driver's  
21 license under this subsection (b), regardless of whether or not  
22 the required written consent also accompanied the person's  
23 previous application for an instruction permit.

24 No graduated driver's license shall be issued to any  
25 applicant under 18 years of age, unless the applicant is at  
26 least 16 years of age and has:

1           (1) Held a valid instruction permit for a minimum of 9  
2 months.

3           (2) Passed an approved driver education course and  
4 submits proof of having passed the course as may be  
5 required.

6           (3) Certification by the parent, legal guardian, or  
7 responsible adult that the applicant has had a minimum of  
8 50 hours of behind-the-wheel practice time, at least 10  
9 hours of which have been at night, and is sufficiently  
10 prepared and able to safely operate a motor vehicle.

11           (b-1) No graduated driver's license shall be issued to any  
12 applicant who is under 18 years of age and not legally  
13 emancipated by marriage, unless the applicant has graduated  
14 from a secondary school of this State or any other state, is  
15 enrolled in a course leading to a general educational  
16 development (GED) certificate, has obtained a GED certificate,  
17 is enrolled in an elementary or secondary school or college or  
18 university of this State or any other state and is not a  
19 chronic or habitual truant as provided in Section 26-2a of the  
20 School Code, or is receiving home instruction and submits proof  
21 of meeting any of those requirements at the time of  
22 application.

23           An applicant under 18 years of age who provides proof  
24 acceptable to the Secretary that the applicant has resumed  
25 regular school attendance or home instruction or that his or  
26 her application was denied in error shall be eligible to

1 receive a graduated license if other requirements are met. The  
2 Secretary shall adopt rules for implementing this subsection  
3 (b-1).

4 (c) No graduated driver's license or permit shall be issued  
5 to any applicant under 18 years of age who has committed the  
6 offense of operating a motor vehicle without a valid license or  
7 permit in violation of Section 6-101 of this Code or a similar  
8 out of state offense and no graduated driver's license or  
9 permit shall be issued to any applicant under 18 years of age  
10 who has committed an offense that would otherwise result in a  
11 mandatory revocation of a license or permit as provided in  
12 Section 6-205 of this Code or who has been either convicted of  
13 or adjudicated a delinquent based upon a violation of the  
14 Cannabis Control Act, the Illinois Controlled Substances Act,  
15 the Use of Intoxicating Compounds Act, or the Methamphetamine  
16 Control and Community Protection Act while that individual was  
17 in actual physical control of a motor vehicle. For purposes of  
18 this Section, any person placed on probation under Section 10  
19 of the Cannabis Control Act, Section 410 of the Illinois  
20 Controlled Substances Act, or Section 70 of the Methamphetamine  
21 Control and Community Protection Act shall not be considered  
22 convicted. Any person found guilty of this offense, while in  
23 actual physical control of a motor vehicle, shall have an entry  
24 made in the court record by the judge that this offense did  
25 occur while the person was in actual physical control of a  
26 motor vehicle and order the clerk of the court to report the

1 violation to the Secretary of State as such.

2 (d) No graduated driver's license shall be issued for 9  
3 months to any applicant under the age of 18 years who has  
4 committed and subsequently been convicted of an offense against  
5 traffic regulations governing the movement of vehicles, ~~or~~ any  
6 violation of this Section or Section 12-603.1 of this Code, or  
7 who has received a disposition of court supervision for a  
8 violation of Section 6-20 of the Illinois Liquor Control Act of  
9 1934 or a similar provision of a local ordinance.

10 (e) No graduated driver's license holder under the age of  
11 18 years shall operate any motor vehicle, except a motor driven  
12 cycle or motorcycle, with more than one passenger in the front  
13 seat of the motor vehicle and no more passengers in the back  
14 seats than the number of available seat safety belts as set  
15 forth in Section 12-603 of this Code. If a graduated driver's  
16 license holder over the age of 18 committed an offense against  
17 traffic regulations governing the movement of vehicles or any  
18 violation of this Section or Section 12-603.1 of this Code in  
19 the 6 months prior to the graduated driver's license holder's  
20 18th birthday, and was subsequently convicted of the violation,  
21 the provisions of this paragraph shall continue to apply until  
22 such time as a period of 6 consecutive months has elapsed  
23 without an additional violation and subsequent conviction of an  
24 offense against traffic regulations governing the movement of  
25 vehicles or any violation of this Section or Section 12-603.1  
26 of this Code.

1 (f) No graduated driver's license holder under the age of  
2 18 shall operate a motor vehicle unless each driver and  
3 passenger under the age of 19 is wearing a properly adjusted  
4 and fastened seat safety belt and each child under the age of 8  
5 is protected as required under the Child Passenger Protection  
6 Act. If a graduated driver's license holder over the age of 18  
7 committed an offense against traffic regulations governing the  
8 movement of vehicles or any violation of this Section or  
9 Section 12-603.1 of this Code in the 6 months prior to the  
10 graduated driver's license holder's 18th birthday, and was  
11 subsequently convicted of the violation, the provisions of this  
12 paragraph shall continue to apply until such time as a period  
13 of 6 consecutive months has elapsed without an additional  
14 violation and subsequent conviction of an offense against  
15 traffic regulations governing the movement of vehicles or any  
16 violation of this Section or Section 12-603.1 of this Code.

17 (g) If a graduated driver's license holder is under the age  
18 of 18 when he or she receives the license, for the first 12  
19 months he or she holds the license or until he or she reaches  
20 the age of 18, whichever occurs sooner, the graduated license  
21 holder may not operate a motor vehicle with more than one  
22 passenger in the vehicle who is under the age of 20, unless any  
23 additional passenger or passengers are siblings,  
24 step-siblings, children, or stepchildren of the driver. If a  
25 graduated driver's license holder committed an offense against  
26 traffic regulations governing the movement of vehicles or any

1 violation of this Section or Section 12-603.1 of this Code  
2 during the first 12 months the license is held and subsequently  
3 is convicted of the violation, the provisions of this paragraph  
4 shall remain in effect until such time as a period of 6  
5 consecutive months has elapsed without an additional violation  
6 and subsequent conviction of an offense against traffic  
7 regulations governing the movement of vehicles or any violation  
8 of this Section or Section 12-603.1 of this Code.

9 (h) It shall be an offense for a person that is age 15, but  
10 under age 20, to be a passenger in a vehicle operated by a  
11 driver holding a graduated driver's license during the first 12  
12 months the driver holds the license or until the driver reaches  
13 the age of 18, whichever occurs sooner, if another passenger  
14 under the age of 20 is present, excluding a sibling,  
15 step-sibling, child, or step-child of the driver.

16 (Source: P.A. 95-310, eff. 1-1-08; 95-331, eff. 8-21-07;  
17 96-607, eff. 8-24-09.)

18 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

19 Sec. 6-113. Restricted licenses and permits.

20 (a) The Secretary of State upon issuing a drivers license  
21 or permit shall have the authority whenever good cause appears  
22 to impose restrictions suitable to the licensee's driving  
23 ability with respect to the type of, or special mechanical  
24 control devices required on, a motor vehicle which the licensee  
25 may operate or such other restrictions applicable to the

1 licensee as the Secretary of State may determine to be  
2 appropriate to assure the safe operation of a motor vehicle by  
3 the licensee.

4 (b) The Secretary of State may either issue a special  
5 restricted license or permit or may set forth such restrictions  
6 upon the usual license or permit form.

7 (c) The Secretary of State may issue a probationary license  
8 to a person whose driving privileges have been suspended  
9 pursuant to subsection (d) of this Section or subsection  
10 ~~subsections~~ (a) (2) , ~~(a) (19) and (a) (20)~~ of Section 6-206 of  
11 this Code. This subsection (c) does not apply to any driver  
12 required to possess a CDL for the purpose of operating a  
13 commercial motor vehicle. The Secretary of State shall  
14 promulgate rules pursuant to the Illinois Administrative  
15 Procedure Act, setting forth the conditions and criteria for  
16 the issuance and cancellation of probationary licenses.

17 (d) The Secretary of State may upon receiving satisfactory  
18 evidence of any violation of the restrictions of such license  
19 or permit suspend, revoke or cancel the same without  
20 preliminary hearing, but the licensee or permittee shall be  
21 entitled to a hearing as in the case of a suspension or  
22 revocation.

23 (e) It is unlawful for any person to operate a motor  
24 vehicle in any manner in violation of the restrictions imposed  
25 on a restricted license or permit issued to him.

26 (f) Whenever the holder of a restricted driving permit is



1 issued a citation for any of the following offenses including  
2 similar local ordinances, the restricted driving permit is  
3 immediately invalidated:

4 1. Reckless homicide resulting from the operation of a  
5 motor vehicle;

6 2. Violation of Section 11-501 of this Act relating to  
7 the operation of a motor vehicle while under the influence  
8 of intoxicating liquor or narcotic drugs;

9 3. Violation of Section 11-401 of this Act relating to  
10 the offense of leaving the scene of a traffic accident  
11 involving death or injury;

12 4. Violation of Section 11-504 of this Act relating to  
13 the offense of drag racing; or

14 5. Violation of Section 11-506 of this Act relating to  
15 the offense of street racing.

16 The police officer issuing the citation shall confiscate  
17 the restricted driving permit and forward it, along with the  
18 citation, to the Clerk of the Circuit Court of the county in  
19 which the citation was issued.

20 (g) The Secretary of State may issue a special restricted  
21 license for a period of 12 months to individuals using vision  
22 aid arrangements other than standard eyeglasses or contact  
23 lenses, allowing the operation of a motor vehicle during  
24 nighttime hours. The Secretary of State shall adopt rules  
25 defining the terms and conditions by which the individual may  
26 obtain and renew this special restricted license. At a minimum,

1 all drivers must meet the following requirements:

2 1. Possess a valid driver's license and have operated a  
3 motor vehicle during daylight hours for a period of 12  
4 months using vision aid arrangements other than standard  
5 eyeglasses or contact lenses.

6 2. Have a driving record that does not include any  
7 traffic accidents that occurred during nighttime hours,  
8 for which the driver has been found to be at fault, during  
9 the 12 months before he or she applied for the special  
10 restricted license.

11 3. Successfully complete a road test administered  
12 during nighttime hours.

13 At a minimum, all drivers renewing this license must meet  
14 the following requirements:

15 1. Successfully complete a road test administered  
16 during nighttime hours.

17 2. Have a driving record that does not include any  
18 traffic accidents that occurred during nighttime hours,  
19 for which the driver has been found to be at fault, during  
20 the 12 months before he or she applied for the special  
21 restricted license.

22 (h) Any driver issued a special restricted license as  
23 defined in subsection (g) whose privilege to drive during  
24 nighttime hours has been suspended due to an accident occurring  
25 during nighttime hours may request a hearing as provided in  
26 Section 2-118 of this Code to contest that suspension. If it is

1 determined that the accident for which the driver was at fault  
2 was not influenced by the driver's use of vision aid  
3 arrangements other than standard eyeglasses or contact lenses,  
4 the Secretary may reinstate that driver's privilege to drive  
5 during nighttime hours.

6 (Source: P.A. 95-310, eff. 1-1-08; 95-382, eff. 8-23-07;  
7 95-876, eff. 8-21-08.)

8 (625 ILCS 5/6-201)

9 Sec. 6-201. Authority to cancel licenses and permits.

10 (a) The Secretary of State is authorized to cancel any  
11 license or permit upon determining that the holder thereof:

12 1. was not entitled to the issuance thereof hereunder;

13 or

14 2. failed to give the required or correct information  
15 in his application; or

16 3. failed to pay any fees, civil penalties owed to the  
17 Illinois Commerce Commission, or taxes due under this Act  
18 and upon reasonable notice and demand; or

19 4. committed any fraud in the making of such  
20 application; or

21 5. is ineligible therefor under the provisions of  
22 Section 6-103 of this Act, as amended; or

23 6. has refused or neglected to submit an alcohol, drug,  
24 and intoxicating compound evaluation or to submit to  
25 examination or re-examination as required under this Act;

1 or

2 7. has been convicted of violating the Cannabis Control  
3 Act, the Illinois Controlled Substances Act, the  
4 Methamphetamine Control and Community Protection Act, or  
5 the Use of Intoxicating Compounds Act while that individual  
6 was in actual physical control of a motor vehicle. For  
7 purposes of this Section, any person placed on probation  
8 under Section 10 of the Cannabis Control Act, Section 410  
9 of the Illinois Controlled Substances Act, or Section 70 of  
10 the Methamphetamine Control and Community Protection Act  
11 shall not be considered convicted. Any person found guilty  
12 of this offense, while in actual physical control of a  
13 motor vehicle, shall have an entry made in the court record  
14 by the judge that this offense did occur while the person  
15 was in actual physical control of a motor vehicle and order  
16 the clerk of the court to report the violation to the  
17 Secretary of State as such. After the cancellation, the  
18 Secretary of State shall not issue a new license or permit  
19 for a period of one year after the date of cancellation.  
20 However, upon application, the Secretary of State may, if  
21 satisfied that the person applying will not endanger the  
22 public safety, or welfare, issue a restricted driving  
23 permit granting the privilege of driving a motor vehicle  
24 between the petitioner's residence and petitioner's place  
25 of employment or within the scope of the petitioner's  
26 employment related duties, or to allow transportation for

1 the petitioner or a household member of the petitioner's  
2 family for the receipt of necessary medical care, or  
3 provide transportation for the petitioner to and from  
4 alcohol or drug remedial or rehabilitative activity  
5 recommended by a licensed service provider, or for the  
6 petitioner to attend classes, as a student, in an  
7 accredited educational institution. The petitioner must  
8 demonstrate that no alternative means of transportation is  
9 reasonably available; provided that the Secretary's  
10 discretion shall be limited to cases where undue hardship,  
11 as defined by the rules of the Secretary of State, would  
12 result from a failure to issue such restricted driving  
13 permit. In each case the Secretary of State may issue such  
14 restricted driving permit for such period as he deems  
15 appropriate, except that such permit shall expire within  
16 one year from the date of issuance. A restricted driving  
17 permit issued hereunder shall be subject to cancellation,  
18 revocation and suspension by the Secretary of State in like  
19 manner and for like cause as a driver's license issued  
20 hereunder may be cancelled, revoked or suspended; except  
21 that a conviction upon one or more offenses against laws or  
22 ordinances regulating the movement of traffic shall be  
23 deemed sufficient cause for the revocation, suspension or  
24 cancellation of a restricted driving permit. The Secretary  
25 of State may, as a condition to the issuance of a  
26 restricted driving permit, require the applicant to

1 participate in a driver remedial or rehabilitative  
2 program. In accordance with 49 C.F.R. 384, the Secretary of  
3 State may not issue a restricted driving permit for the  
4 operation of a commercial motor vehicle to a person holding  
5 a CDL whose driving privileges have been revoked,  
6 suspended, cancelled, or disqualified under this Code; or

7 8. failed to submit a report as required by Section  
8 6-116.5 of this Code; or

9 9. has been convicted of a sex offense as defined in  
10 the Sex Offender Registration Act. The driver's license  
11 shall remain cancelled until the driver registers as a sex  
12 offender as required by the Sex Offender Registration Act,  
13 proof of the registration is furnished to the Secretary of  
14 State and the sex offender provides proof of current  
15 address to the Secretary; or

16 10. is ineligible for a license or permit under Section  
17 6-107, 6-107.1, or 6-108 of this Code; or

18 11. refused or neglected to appear at a Driver Services  
19 facility to have the license or permit corrected and a new  
20 license or permit issued or to present documentation for  
21 verification of identity.

22 (b) Upon such cancellation the licensee or permittee must  
23 surrender the license or permit so cancelled to the Secretary  
24 of State.

25 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
26 Secretary of State shall have exclusive authority to grant,

1 issue, deny, cancel, suspend and revoke driving privileges,  
2 drivers' licenses and restricted driving permits.

3 (d) The Secretary of State may adopt rules to implement  
4 this Section.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;  
6 94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.  
7 8-23-07; 95-627, eff. 6-1-08; 95-876, eff. 8-21-08.)

8 (625 ILCS 5/6-206)

9 (Text of Section before amendment by P.A. 96-1344)

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

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

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

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

24 3. Has been repeatedly involved as a driver in motor  
25 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the  
2 movement of traffic, to a degree that indicates lack of  
3 ability to exercise ordinary and reasonable care in the  
4 safe operation of a motor vehicle or disrespect for the  
5 traffic laws and the safety of other persons upon the  
6 highway;

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

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

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

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



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

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

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

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

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

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

26           14. Has committed a violation of Section 6-301,

1           6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
2 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

25           22. Has used a motor vehicle in violating paragraph  
26 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of

1 the Criminal Code of 1961 relating to unlawful use of  
2 weapons, in which case the suspension shall be for one  
3 year;

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

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

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

18 26. Has altered or attempted to alter a license or has  
19 possessed an altered license, identification card, or  
20 permit;

21 27. Has violated Section 6-16 of the Liquor Control Act  
22 of 1934;

23 28. Has been convicted of the illegal possession, while  
24 operating or in actual physical control, as a driver, of a  
25 motor vehicle, of any controlled substance prohibited  
26 under the Illinois Controlled Substances Act, any cannabis

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

20 29. Has been convicted of the following offenses that  
21 were committed while the person was operating or in actual  
22 physical control, as a driver, of a motor vehicle: criminal  
23 sexual assault, predatory criminal sexual assault of a  
24 child, aggravated criminal sexual assault, criminal sexual  
25 abuse, aggravated criminal sexual abuse, juvenile pimping,  
26 soliciting for a juvenile prostitute and the manufacture,

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

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

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

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

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

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

3 34. Has committed a violation of Section 11-1301.5 of  
4 this Code;

5 35. Has committed a violation of Section 11-1301.6 of  
6 this Code;

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

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

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

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

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

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

1           which case the suspension shall be for 90 days;

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

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

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

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

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

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

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

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

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



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

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

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

26 3. At the conclusion of a hearing under Section 2-118

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

1 petitioner will not endanger the public safety or welfare.  
2 Those multiple offenders identified in subdivision (b)4 of  
3 Section 6-208 of this Code, however, shall not be eligible  
4 for the issuance of a restricted driving permit.

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

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

20 (i) a single conviction of violating Section  
21 11-501 of this Code or a similar provision of a  
22 local ordinance or a similar out-of-state offense  
23 or Section 9-3 of the Criminal Code of 1961, where  
24 the use of alcohol or other drugs is recited as an  
25 element of the offense, or a similar out-of-state  
26 offense; or

1                   (ii) a statutory summary suspension under  
2                   Section 11-501.1; or

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

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

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

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

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

26 (c-3) In the case of a suspension under paragraph 43 of

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

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

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

25 (d) This Section is subject to the provisions of the  
26 Drivers License Compact.

1           (e) 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 suspended or revoked under any  
4 provisions of this Code.

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

10          (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,  
11 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,  
12 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,  
13 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;  
14 96-1305, eff. 1-1-11; revised 9-2-10.)

15          (Text of Section after amendment by P.A. 96-1344)

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

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

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

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

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

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

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

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

26          6. Has been lawfully convicted of an offense or



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1           27. Has violated Section 6-16 of the Liquor Control Act  
2 of 1934;

3           28. Has been convicted of the illegal possession, while  
4 operating or in actual physical control, as a driver, of a  
5 motor vehicle, of any controlled substance prohibited  
6 under the Illinois Controlled Substances Act, any cannabis  
7 prohibited under the Cannabis Control Act, or any  
8 methamphetamine prohibited under the Methamphetamine  
9 Control and Community Protection Act, in which case the  
10 person's driving privileges shall be suspended for one  
11 year, and any driver who is convicted of a second or  
12 subsequent offense, within 5 years of a previous  
13 conviction, for the illegal possession, while operating or  
14 in actual physical control, as a driver, of a motor  
15 vehicle, of any controlled substance prohibited under the  
16 Illinois Controlled Substances Act, any cannabis  
17 prohibited under the Cannabis Control Act, or any  
18 methamphetamine prohibited under the Methamphetamine  
19 Control and Community Protection Act shall be suspended for  
20 5 years. Any defendant found guilty of this offense while  
21 operating a motor vehicle, shall have an entry made in the  
22 court record by the presiding judge that this offense did  
23 occur while the defendant was operating a motor vehicle and  
24 order the clerk of the court to report the violation to the  
25 Secretary of State;

26           29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual  
2 physical control, as a driver, of a motor vehicle: criminal  
3 sexual assault, predatory criminal sexual assault of a  
4 child, aggravated criminal sexual assault, criminal sexual  
5 abuse, aggravated criminal sexual abuse, juvenile pimping,  
6 soliciting for a juvenile prostitute and the manufacture,  
7 sale or delivery of controlled substances or instruments  
8 used for illegal drug use or abuse in which case the  
9 driver's driving privileges shall be suspended for one  
10 year;

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

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

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 relating to the aggravated discharge  
2 of a firearm if the offender was located in a motor vehicle  
3 at the time the firearm was discharged, in which case the  
4 suspension shall be for 3 years;

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

9 34. Has committed a violation of Section 11-1301.5 of  
10 this Code;

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

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

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

22 38. Has been convicted of a violation of Section 6-20  
23 of the Liquor Control Act of 1934 or a similar provision of  
24 a local ordinance;

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

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

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

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

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

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

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

1 another person.

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

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

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

24 2. If the Secretary of State suspends the driver's  
25 license of a person under subsection 2 of paragraph (a) of  
26 this Section, a person's privilege to operate a vehicle as



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

25 The provisions of this subparagraph shall not apply to  
26 any driver required to possess a CDL for the purpose of

1 operating a commercial motor vehicle.

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

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

1 accredited educational institution, or to allow the  
2 petitioner to transport children, elderly persons, or  
3 disabled persons who do not hold driving privileges and are  
4 living in the petitioner's household to and from daycare.  
5 The petitioner must demonstrate that no alternative means  
6 of transportation is reasonably available and that the  
7 petitioner will not endanger the public safety or welfare.  
8 Those multiple offenders identified in subdivision (b)4 of  
9 Section 6-208 of this Code, however, shall not be eligible  
10 for the issuance of a restricted driving permit.

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

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

26 (i) a single conviction of violating Section

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

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

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

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

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

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

1           the applicant to participate in a designated driver  
2           remedial or rehabilitative program. The Secretary of  
3           State is authorized to cancel a restricted driving  
4           permit if the permit holder does not successfully  
5           complete the program.

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

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

24          (c-5) The Secretary of State may, as a condition of the  
25          reissuance of a driver's license or permit to an applicant  
26          whose driver's license or permit has been suspended before he

1 or she reached the age of 21 years pursuant to any of the  
2 provisions of this Section, require the applicant to  
3 participate in a driver remedial education course and be  
4 retested under Section 6-109 of this Code.

5 (d) This Section is subject to the provisions of the  
6 Drivers License Compact.

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

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

16 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,  
17 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,  
18 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,  
19 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;  
20 96-1305, eff. 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

21 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

22 Sec. 6-206.1. Monitoring Device Driving Permit.  
23 Declaration of Policy. It is hereby declared a policy of the  
24 State of Illinois that the driver who is impaired by alcohol,  
25 other drug or drugs, or intoxicating compound or compounds is a

1 threat to the public safety and welfare. Therefore, to provide  
2 a deterrent to such practice, a statutory summary driver's  
3 license suspension is appropriate. It is also recognized that  
4 driving is a privilege and therefore, that the granting of  
5 driving privileges, in a manner consistent with public safety,  
6 is warranted during the period of suspension in the form of a  
7 monitoring device driving permit. A person who drives and fails  
8 to comply with the requirements of the monitoring device  
9 driving permit commits a violation of Section 6-303 of this  
10 Code.

11 The following procedures shall apply whenever a first  
12 offender is arrested for any offense as defined in Section  
13 11-501 or a similar provision of a local ordinance:

14 (a) Subsequent to a notification of a statutory summary  
15 suspension of driving privileges as provided in Section  
16 11-501.1, the court, after informing the first offender, as  
17 defined in Section 11-500, of his or her right to a monitoring  
18 device driving permit, hereinafter referred to as a MDDP, and  
19 of the obligations of the MDDP, shall enter an order directing  
20 the Secretary of State (hereinafter referred to as the  
21 Secretary) to issue a MDDP to the offender, unless the offender  
22 has opted, in writing, not to have a MDDP issued. After opting  
23 out of having a MDDP issued, at any time during the summary  
24 suspension, the offender may petition the court for an order  
25 directing the Secretary to issue a MDDP. However, the court  
26 shall not enter the order directing the Secretary to issue the



1 MDDP, in any instance, if the court finds:

2 (1) The offender's driver's license is otherwise  
3 invalid;

4 (2) Death or great bodily harm resulted from the arrest  
5 for Section 11-501;

6 (3) That the offender has been previously convicted of  
7 reckless homicide or aggravated driving under the  
8 influence involving death; or

9 (4) That the offender is less than 18 years of age.

10 Any court order for a MDDP shall order the person to pay  
11 the Secretary a MDDP Administration Fee in an amount not to  
12 exceed \$30 per month, to be deposited into the Monitoring  
13 Device Driving Permit Administration Fee Fund. The Secretary  
14 shall establish by rule the amount and the procedures, terms,  
15 and conditions relating to these fees. The order shall further  
16 specify that the offender must have an ignition interlock  
17 device installed within 14 days of the date the Secretary  
18 issues the MDDP. The ignition interlock device provider must  
19 notify the Secretary, in a manner and form prescribed by the  
20 Secretary, of the installation. If the Secretary does not  
21 receive notice of installation, the Secretary shall cancel the  
22 MDDP.

23 A MDDP shall not become effective prior to the 31st day of  
24 the original statutory summary suspension.

25 (a-1) A person issued a MDDP may drive for any purpose and  
26 at any time, subject to the rules adopted by the Secretary

1 under subsection (g). The person must, at his or her own  
2 expense, drive only vehicles equipped with an ignition  
3 interlock device as defined in Section 1-129.1, but in no event  
4 shall such person drive a commercial motor vehicle.

5 (a-2) Persons who are issued a MDDP and must drive  
6 employer-owned vehicles in the course of their employment  
7 duties may seek permission to drive an employer-owned vehicle  
8 that does not have an ignition interlock device. The employer  
9 shall provide to the Secretary a form, as prescribed by the  
10 Secretary, completed by the employer verifying that the  
11 employee must drive an employer-owned vehicle in the course of  
12 employment. If approved by the Secretary, the form must be in  
13 the driver's possession while operating an employer-owner  
14 vehicle not equipped with an ignition interlock device. No  
15 person may use this exemption to drive a school bus, school  
16 vehicle, or a vehicle designed to transport more than 15  
17 passengers. No person may use this exemption to drive an  
18 employer-owned motor vehicle that is owned by an entity that is  
19 wholly or partially owned by the person holding the MDDP, or by  
20 a family member of the person holding the MDDP. No person may  
21 use this exemption to drive an employer-owned vehicle that is  
22 made available to the employee for personal use. No person may  
23 drive the exempted vehicle more than 12 hours per day, 6 days  
24 per week.

25 (b) (Blank).

26 (c) (Blank).

1 (c-1) If the holder of the MDDP is convicted of or receives  
2 court supervision for a violation of Section 6-206.2, 6-303,  
3 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
4 provision of a local ordinance or a similar out-of-state  
5 offense or is convicted of or receives court supervision for  
6 any offense for which alcohol or drugs is an element of the  
7 offense and in which a motor vehicle was involved (for an  
8 arrest other than the one for which the MDDP is issued), or  
9 de-installs the BAIID without prior authorization from the  
10 Secretary, the MDDP shall be cancelled.

11 (c-5) If the court determines that the person seeking the  
12 MDDP is indigent, the court shall provide the person with a  
13 written document, in a form prescribed by the Secretary, as  
14 evidence of that determination, and the person shall provide  
15 that written document to an ignition interlock device provider.  
16 The provider shall install an ignition interlock device on that  
17 person's vehicle without charge to the person, and seek  
18 reimbursement from the Indigent BAIID Fund. If the court has  
19 deemed an offender indigent, the BAIID provider shall also  
20 provide the normal monthly monitoring services and the  
21 de-installation without charge to the offender and seek  
22 reimbursement from the Indigent BAIID Fund. Any other monetary  
23 charges, such as a lockout fee or reset fee, shall be the  
24 responsibility of the MDDP holder. A BAIID provider may not  
25 seek a security deposit from the Indigent BAIID Fund. The court  
26 shall also forward a copy of the indigent determination to the

1 Secretary, in a manner and form as prescribed by the Secretary.

2 (d) The Secretary shall, upon receiving a court order,  
3 issue a MDDP to a person who applies for a MDDP under this  
4 Section. Such court order shall contain the name, driver's  
5 license number, and legal address of the applicant. This  
6 information shall be available only to the courts, police  
7 officers, and the Secretary, except during the actual period  
8 the MDDP is valid, during which time it shall be a public  
9 record. The Secretary shall design and furnish to the courts an  
10 official court order form to be used by the courts when  
11 directing the Secretary to issue a MDDP.

12 Any submitted court order that contains insufficient data  
13 or fails to comply with this Code shall not be utilized for  
14 MDDP issuance or entered to the driver record but shall be  
15 returned to the issuing court indicating why the MDDP cannot be  
16 so entered. A notice of this action shall also be sent to the  
17 MDDP applicant by the Secretary.

18 (e) (Blank).

19 (f) (Blank).

20 (g) The Secretary shall adopt rules for implementing this  
21 Section. The rules adopted shall address issues including, but  
22 not limited to: compliance with the requirements of the MDDP;  
23 methods for determining compliance with those requirements;  
24 the consequences of noncompliance with those requirements;  
25 what constitutes a violation of the MDDP; and the duties of a  
26 person or entity that supplies the ignition interlock device.

1 (h) The rules adopted under subsection (g) shall provide,  
2 at a minimum, that the person is not in compliance with the  
3 requirements of the MDDP if he or she:

4 (1) tampers or attempts to tamper with or circumvent  
5 the proper operation of the ignition interlock device;

6 (2) provides valid breath samples that register blood  
7 alcohol levels in excess of the number of times allowed  
8 under the rules;

9 (3) fails to provide evidence sufficient to satisfy the  
10 Secretary that the ignition interlock device has been  
11 installed in the designated vehicle or vehicles; or

12 (4) fails to follow any other applicable rules adopted  
13 by the Secretary.

14 (i) Any person or entity that supplies an ignition  
15 interlock device as provided under this Section shall, in  
16 addition to supplying only those devices which fully comply  
17 with all the rules adopted under subsection (g), provide the  
18 Secretary, within 7 days of inspection, all monitoring reports  
19 of each person who has had an ignition interlock device  
20 installed. These reports shall be furnished in a manner or form  
21 as prescribed by the Secretary.

22 (j) Upon making a determination that a violation of the  
23 requirements of the MDDP has occurred, the Secretary shall  
24 extend the summary suspension period for an additional 3 months  
25 beyond the originally imposed summary suspension period,  
26 during which time the person shall only be allowed to drive

1 vehicles equipped with an ignition interlock device; provided  
2 further there are no limitations on the total number of times  
3 the summary suspension may be extended. The Secretary may,  
4 however, limit the number of extensions imposed for violations  
5 occurring during any one monitoring period, as set forth by  
6 rule. Any person whose summary suspension is extended pursuant  
7 to this Section shall have the right to contest the extension  
8 through a hearing with the Secretary, pursuant to Section 2-118  
9 of this Code. If the summary suspension has already terminated  
10 prior to the Secretary receiving the monitoring report that  
11 shows a violation, the Secretary shall be authorized to suspend  
12 the person's driving privileges for 3 months, provided that the  
13 Secretary may, by rule, limit the number of suspensions to be  
14 entered pursuant to this paragraph for violations occurring  
15 during any one monitoring period. Any person whose license is  
16 suspended pursuant to this paragraph, after the summary  
17 suspension had already terminated, shall have the right to  
18 contest the suspension through a hearing with the Secretary,  
19 pursuant to Section 2-118 of this Code. The only permit the  
20 person shall be eligible for during this new suspension period  
21 is a MDDP.

22 (k) A person who has had his or her summary suspension  
23 extended for the third time, or has any combination of 3  
24 extensions and new suspensions, entered as a result of a  
25 violation that occurred while holding the MDDP, so long as the  
26 extensions and new suspensions relate to the same summary

1 suspension, shall have his or her vehicle impounded for a  
2 period of 30 days, at the person's own expense. A person who  
3 has his or her summary suspension extended for the fourth time,  
4 or has any combination of 4 extensions and new suspensions,  
5 entered as a result of a violation that occurred while holding  
6 the MDDP, so long as the extensions and new suspensions relate  
7 to the same summary suspension, shall have his or her vehicle  
8 subject to seizure and forfeiture. The Secretary shall notify  
9 the prosecuting authority of any third or fourth extensions or  
10 new suspension entered as a result of a violation that occurred  
11 while the person held a MDDP. Upon receipt of the notification,  
12 the prosecuting authority shall impound or forfeit the vehicle.  
13 The impoundment or forfeiture of a vehicle shall be conducted  
14 pursuant to the procedure specified in Article 36 of the  
15 Criminal Code of 1961.

16 (1) A person whose driving privileges have been suspended  
17 under Section 11-501.1 of this Code and who had a MDDP that was  
18 cancelled, or would have been cancelled had notification of a  
19 violation been received prior to expiration of the MDDP,  
20 pursuant to subsection (c-1) of this Section, shall not be  
21 eligible for reinstatement when the summary suspension is  
22 scheduled to terminate. Instead, the person's driving  
23 privileges shall be suspended for a period of not less than  
24 twice the original summary suspension period, or for the length  
25 of any extensions entered under subsection (j), whichever is  
26 longer. During the period of suspension, the person shall be

1 eligible only to apply for a restricted driving permit. If a  
2 restricted driving permit is granted, the offender may only  
3 operate vehicles equipped with a BAIID in accordance with this  
4 Section.

5 (m) Any person or entity that supplies an ignition  
6 interlock device under this Section shall, for each ignition  
7 interlock device installed, pay 5% of the total gross revenue  
8 received for the device, including monthly monitoring fees,  
9 into the Indigent BAIID Fund. This 5% shall be clearly  
10 indicated as a separate surcharge on each invoice that is  
11 issued. The Secretary shall conduct an annual review of the  
12 fund to determine whether the surcharge is sufficient to  
13 provide for indigent users. The Secretary may increase or  
14 decrease this surcharge requirement as needed.

15 (n) Any person or entity that supplies an ignition  
16 interlock device under this Section that is requested to  
17 provide an ignition interlock device to a person who presents  
18 written documentation of indigency from the court, as provided  
19 in subsection (c-5) of this Section, shall install the device  
20 on the person's vehicle without charge to the person and shall  
21 seek reimbursement from the Indigent BAIID Fund.

22 (o) The Indigent BAIID Fund is created as a special fund in  
23 the State treasury. The Secretary shall, subject to  
24 appropriation by the General Assembly, use all money in the  
25 Indigent BAIID Fund to reimburse ignition interlock device  
26 providers who have installed devices in vehicles of indigent



1 persons pursuant to court orders issued under this Section. The  
2 Secretary shall make payments to such providers every 3 months.  
3 If the amount of money in the fund at the time payments are  
4 made is not sufficient to pay all requests for reimbursement  
5 submitted during that 3 month period, the Secretary shall make  
6 payments on a pro-rata basis, and those payments shall be  
7 considered payment in full for the requests submitted.

8 (p) The Monitoring Device Driving Permit Administration  
9 Fee Fund is created as a special fund in the State treasury.  
10 The Secretary shall, subject to appropriation by the General  
11 Assembly, use the money paid into this fund to offset its  
12 administrative costs for administering MDDPs.

13 (Source: P.A. 95-400, eff. 1-1-09; 95-578, eff. 1-1-09; 95-855,  
14 eff. 1-1-09; 95-876, eff. 8-21-08; 96-184, eff. 8-10-09.)

15 (625 ILCS 5/6-207) (from Ch. 95 1/2, par. 6-207)

16 Sec. 6-207. Secretary of State may require reexamination or  
17 reissuance of a license.

18 (a) The Secretary of State, having good cause to believe  
19 that a licensed driver or person holding a permit or applying  
20 for a license or license renewal is incompetent or otherwise  
21 not qualified to hold a license or permit, may upon written  
22 notice of at least 5 days to the person require the person to  
23 submit to an examination as prescribed by the Secretary.

24 Refusal or neglect of the person to submit an alcohol,  
25 drug, or intoxicating compound evaluation or submit to or

1 failure to successfully complete the examination is grounds for  
2 suspension of the person's license or permit under Section  
3 6-206 of this Act or cancellation of his license or permit  
4 under Section 6-201 of this Act.

5 (b) The Secretary of State, having issued a driver's  
6 license or permit in error, may upon written notice of at least  
7 5 days to the person, require the person to appear at a Driver  
8 Services facility to have the license or permit error corrected  
9 and a new license or permit issued.

10 Refusal or neglect of the person to appear is grounds for  
11 cancellation of the person's license or permit under Section  
12 6-201 of this Act.

13 (c) The Secretary of State, having issued a driver's  
14 license or permit to a person who subsequently becomes  
15 ineligible to retain that license or permit as currently  
16 issued, may, upon written notice of at least 5 days to the  
17 person, require the person to appear at a Driver Services  
18 facility to have the license or permit corrected and a new  
19 license or permit issued.

20 (d) The Secretary of State, having good cause to believe  
21 that a driver's license or permit was issued based on invalid,  
22 fictitious, or fraudulent documents, may upon written notice of  
23 at least 5 days require the person to appear at a Driver  
24 Services facility to present valid documents for verification  
25 of identity. Refusal or neglect of the person to appear shall  
26 result in cancellation of the person's license or permit.

1 (Source: P.A. 95-382, eff. 8-23-07.)

2 (625 ILCS 5/6-208.1) (from Ch. 95 1/2, par. 6-208.1)

3 (Text of Section before amendment by P.A. 96-1344)

4 Sec. 6-208.1. Period of statutory summary alcohol, other  
5 drug, or intoxicating compound related suspension.

6 (a) Unless the statutory summary suspension has been  
7 rescinded, any person whose privilege to drive a motor vehicle  
8 on the public highways has been summarily suspended, pursuant  
9 to Section 11-501.1, shall not be eligible for restoration of  
10 the privilege until the expiration of:

11 1. Twelve months from the effective date of the  
12 statutory summary suspension for a refusal or failure to  
13 complete a test or tests to determine the alcohol, drug, or  
14 intoxicating compound concentration, pursuant to Section  
15 11-501.1; or

16 2. Six months from the effective date of the statutory  
17 summary suspension imposed following the person's  
18 submission to a chemical test which disclosed an alcohol  
19 concentration of 0.08 or more, or any amount of a drug,  
20 substance, or intoxicating compound in such person's  
21 breath, blood, or urine resulting from the unlawful use or  
22 consumption of cannabis listed in the Cannabis Control Act,  
23 a controlled substance listed in the Illinois Controlled  
24 Substances Act, an intoxicating compound listed in the Use  
25 of Intoxicating Compounds Act, or methamphetamine as

1 listed in the Methamphetamine Control and Community  
2 Protection Act, pursuant to Section 11-501.1; or

3 3. Three years from the effective date of the statutory  
4 summary suspension for any person other than a first  
5 offender who refuses or fails to complete a test or tests  
6 to determine the alcohol, drug, or intoxicating compound  
7 concentration pursuant to Section 11-501.1; or

8 4. One year from the effective date of the summary  
9 suspension imposed for any person other than a first  
10 offender following submission to a chemical test which  
11 disclosed an alcohol concentration of 0.08 or more pursuant  
12 to Section 11-501.1 or any amount of a drug, substance or  
13 compound in such person's blood or urine resulting from the  
14 unlawful use or consumption of cannabis listed in the  
15 Cannabis Control Act, a controlled substance listed in the  
16 Illinois Controlled Substances Act, an intoxicating  
17 compound listed in the Use of Intoxicating Compounds Act,  
18 or methamphetamine as listed in the Methamphetamine  
19 Control and Community Protection Act.

20 (b) Following a statutory summary suspension of the  
21 privilege to drive a motor vehicle under Section 11-501.1,  
22 driving privileges shall be restored unless the person is  
23 otherwise suspended, revoked, or cancelled by this Code. If the  
24 court has reason to believe that the person's driving privilege  
25 should not be restored, the court shall notify the Secretary of  
26 State prior to the expiration of the statutory summary

1 suspension so appropriate action may be taken pursuant to this  
2 Code.

3 (c) Driving privileges may not be restored until all  
4 applicable reinstatement fees, as provided by this Code, have  
5 been paid to the Secretary of State and the appropriate entry  
6 made to the driver's record.

7 (d) Where a driving privilege has been summarily suspended  
8 under Section 11-501.1 and the person is subsequently convicted  
9 of violating Section 11-501, or a similar provision of a local  
10 ordinance, for the same incident, any period served on  
11 statutory summary suspension shall be credited toward the  
12 minimum period of revocation of driving privileges imposed  
13 pursuant to Section 6-205.

14 (e) Following a statutory summary suspension of driving  
15 privileges pursuant to Section 11-501.1, for a first offender,  
16 the circuit court shall, unless the offender has opted in  
17 writing not to have a monitoring device driving permit issued,  
18 order the Secretary of State to issue a monitoring device  
19 driving permit as provided in Section 6-206.1. A monitoring  
20 device driving permit shall not be effective prior to the 31st  
21 day of the statutory summary suspension.

22 (f) (Blank).

23 (g) Following a statutory summary suspension of driving  
24 privileges pursuant to Section 11-501.1 where the person was  
25 not a first offender, as defined in Section 11-500, the  
26 Secretary of State may not issue a restricted driving permit.

1 (h) (Blank).

2 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,  
3 eff. 8-21-08.)

4 (Text of Section after amendment by P.A. 96-1344)

5 Sec. 6-208.1. Period of statutory summary alcohol, other  
6 drug, or intoxicating compound related suspension or  
7 revocation.

8 (a) Unless the statutory summary suspension has been  
9 rescinded, any person whose privilege to drive a motor vehicle  
10 on the public highways has been summarily suspended, pursuant  
11 to Section 11-501.1, shall not be eligible for restoration of  
12 the privilege until the expiration of:

13 1. Twelve months from the effective date of the  
14 statutory summary suspension for a refusal or failure to  
15 complete a test or tests to determine the alcohol, drug, or  
16 intoxicating compound concentration, pursuant to Section  
17 11-501.1, if the person was not involved in a motor vehicle  
18 crash that caused personal injury or death to another; or

19 2. Six months from the effective date of the statutory  
20 summary suspension imposed following the person's  
21 submission to a chemical test which disclosed an alcohol  
22 concentration of 0.08 or more, or any amount of a drug,  
23 substance, or intoxicating compound in such person's  
24 breath, blood, or urine resulting from the unlawful use or  
25 consumption of cannabis listed in the Cannabis Control Act,

1 a controlled substance listed in the Illinois Controlled  
2 Substances Act, an intoxicating compound listed in the Use  
3 of Intoxicating Compounds Act, or methamphetamine as  
4 listed in the Methamphetamine Control and Community  
5 Protection Act, pursuant to Section 11-501.1; or

6 3. Three years from the effective date of the statutory  
7 summary suspension for any person other than a first  
8 offender who refuses or fails to complete a test or tests  
9 to determine the alcohol, drug, or intoxicating compound  
10 concentration pursuant to Section 11-501.1; or

11 4. One year from the effective date of the summary  
12 suspension imposed for any person other than a first  
13 offender following submission to a chemical test which  
14 disclosed an alcohol concentration of 0.08 or more pursuant  
15 to Section 11-501.1 or any amount of a drug, substance or  
16 compound in such person's blood or urine resulting from the  
17 unlawful use or consumption of cannabis listed in the  
18 Cannabis Control Act, a controlled substance listed in the  
19 Illinois Controlled Substances Act, an intoxicating  
20 compound listed in the Use of Intoxicating Compounds Act,  
21 or methamphetamine as listed in the Methamphetamine  
22 Control and Community Protection Act.

23 (a-1) Unless the statutory summary revocation has been  
24 rescinded, any person whose privilege to drive has been  
25 summarily revoked pursuant to Section 11-501.1 may not make  
26 application for a license or permit until the expiration of one

1 year from the effective date of the summary revocation.

2 (b) Following a statutory summary suspension of the  
3 privilege to drive a motor vehicle under Section 11-501.1,  
4 driving privileges shall be restored unless the person is  
5 otherwise suspended, revoked, or cancelled by this Code. If the  
6 court has reason to believe that the person's driving privilege  
7 should not be restored, the court shall notify the Secretary of  
8 State prior to the expiration of the statutory summary  
9 suspension so appropriate action may be taken pursuant to this  
10 Code.

11 (c) Driving privileges may not be restored until all  
12 applicable reinstatement fees, as provided by this Code, have  
13 been paid to the Secretary of State and the appropriate entry  
14 made to the driver's record.

15 (d) Where a driving privilege has been summarily suspended  
16 or revoked under Section 11-501.1 and the person is  
17 subsequently convicted of violating Section 11-501, or a  
18 similar provision of a local ordinance, for the same incident,  
19 any period served on statutory summary suspension or revocation  
20 shall be credited toward the minimum period of revocation of  
21 driving privileges imposed pursuant to Section 6-205.

22 (e) Following a statutory summary suspension of driving  
23 privileges pursuant to Section 11-501.1, for a first offender,  
24 the circuit court shall, unless the offender has opted in  
25 writing not to have a monitoring device driving permit issued,  
26 order the Secretary of State to issue a monitoring device



1 driving permit as provided in Section 6-206.1. A monitoring  
2 device driving permit shall not be effective prior to the 31st  
3 day of the statutory summary suspension. A first offender who  
4 refused chemical testing and whose driving privileges were  
5 summarily revoked pursuant to Section 11-501.1 shall not be  
6 eligible for a monitoring device driving permit, but may make  
7 application for reinstatement or for a restricted driving  
8 permit after a period of one year has elapsed from the  
9 effective date of the revocation ~~any type of driving permit or~~  
10 ~~privilege during the summary revocation.~~

11 (f) (Blank).

12 (g) Following a statutory summary suspension of driving  
13 privileges pursuant to Section 11-501.1 where the person was  
14 not a first offender, as defined in Section 11-500, the  
15 Secretary of State may not issue a restricted driving permit.

16 (h) (Blank).

17 (Source: P.A. 95-355, eff. 1-1-08; 95-400, eff. 1-1-09; 95-876,  
18 eff. 8-21-08; 96-1344, eff. 7-1-11.)

19 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

20 Sec. 6-401. Driver training schools-license required. No  
21 person, firm, association, partnership or corporation shall  
22 operate a driver training school or engage in the business of  
23 giving instruction for hire or for a fee in (1) the driving of  
24 motor vehicles; or (2) ~~for~~ the preparation of an applicant for  
25 examination given by the Secretary of State for a drivers

1 license or permit, unless a license therefor has been issued by  
2 the Secretary. No public schools or educational institutions  
3 shall contract with entities engaged in the business of giving  
4 instruction for hire or for a fee in the driving of motor  
5 vehicles for the preparation of an applicant for examination  
6 given by the Secretary of State for a driver's license or  
7 permit, unless a license therefor has been issued by the  
8 Secretary.

9 This Section shall not apply to (i) public schools or to  
10 educational institutions in which driving instruction is part  
11 of the curriculum, (ii) employers giving instruction to their  
12 employees, or (iii) schools that teach enhanced driving skills  
13 to licensed drivers as set forth in Article X of Chapter 6 of  
14 this Code.

15 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10.)

16 (625 ILCS 5/6-419) (from Ch. 95 1/2, par. 6-419)

17 Sec. 6-419. Rules and Regulations. The Secretary is  
18 authorized to prescribe by rule standards for the eligibility,  
19 conduct and operation of driver training schools, and  
20 instructors and to adopt other reasonable rules and regulations  
21 necessary to carry out the provisions of this Act. The  
22 Secretary may adopt rules exempting particular types of driver  
23 training schools from specific statutory provisions in  
24 Sections 6-401 through 6-424, where application of those  
25 provisions would be inconsistent with the manner of instruction

1 offered by those schools.

2 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10.)

3 (625 ILCS 5/6-507) (from Ch. 95 1/2, par. 6-507)

4 Sec. 6-507. Commercial Driver's License (CDL) Required.

5 (a) Except as expressly permitted by this UCCLA, or when  
6 driving pursuant to the issuance of a commercial driver  
7 instruction permit and accompanied by the holder of a CDL valid  
8 for the vehicle being driven; no person shall drive a  
9 commercial motor vehicle on the highways without:

10 (1) a CDL in the driver's possession;

11 (2) having obtained a CDL; or

12 (3) the proper class of CDL or endorsements or both for  
13 the specific vehicle group being operated or for the  
14 passengers or type of cargo being transported.

15 (b) Except as otherwise provided by this Code, no person  
16 may drive a commercial motor vehicle on the highways while such  
17 person's driving privilege, license, or permit is:

18 (1) Suspended, revoked, cancelled, or subject to  
19 disqualification. Any person convicted of violating this  
20 provision or a similar provision of this or any other state  
21 shall have their driving privileges revoked under  
22 paragraph 12 of subsection (a) of Section 6-205 of this  
23 Code.

24 (2) Subject to or in violation of an "out-of-service"  
25 order. Any person who has been issued a CDL and is

1 convicted of violating this provision or a similar  
2 provision of any other state shall be disqualified from  
3 operating a commercial motor vehicle under subsection (i)  
4 of Section 6-514 of this Code.

5 (3) Subject to or in violation of a driver or vehicle  
6 "out of service" order while operating a vehicle designed  
7 to transport 16 or more passengers, including the driver,  
8 or transporting hazardous materials required to be  
9 placarded. Any person who has been issued a CDL and is  
10 convicted of violating this provision or a similar  
11 provision of this or any other state shall be disqualified  
12 from operating a commercial motor vehicle under subsection  
13 (i) of Section 6-514 of this Code.

14 (b-3) Except as otherwise provided by this Code, no person  
15 may drive a commercial motor vehicle on the highways during a  
16 period which the commercial motor vehicle or the motor carrier  
17 operation is subject to an "out-of-service" order. Any person  
18 who is convicted of violating this provision or a similar  
19 provision of any other state shall be disqualified from  
20 operating a commercial motor vehicle under subsection (i) of  
21 Section 6-514 of this Code.

22 (b-5) Except as otherwise provided by this Code, no person  
23 may operate a vehicle designed to transport 16 or more  
24 passengers including the driver or hazardous materials of a  
25 type or quantity that requires the vehicle to be placarded  
26 during a period in which the commercial motor vehicle or the

1 motor carrier operation is subject to an "out-of-service"  
2 order. Any person who is convicted of violating this provision  
3 or a similar provision of any other state shall be disqualified  
4 from operating a commercial motor vehicle under subsection (i)  
5 of Section 6-514 of this Code.

6 (c) Pursuant to the options provided to the States by FHWA  
7 Docket No. MC-88-8, the driver of any motor vehicle controlled  
8 or operated by or for a farmer is waived from the requirements  
9 of this Section, when such motor vehicle is being used to  
10 transport: agricultural products; implements of husbandry; or  
11 farm supplies; to and from a farm, as long as such movement is  
12 not over 150 air miles from the originating farm. This waiver  
13 does not apply to the driver of any motor vehicle being used in  
14 a common or contract carrier type operation. However, for those  
15 drivers of any truck-tractor semitrailer combination or  
16 combinations registered under subsection (c) of Section 3-815  
17 of this Code, this waiver shall apply only when the driver is a  
18 farmer or a member of the farmer's family and the driver is 21  
19 years of age or more and has successfully completed any tests  
20 the Secretary of State deems necessary.

21 In addition, the farmer or a member of the farmer's family  
22 who operates a truck-tractor semitrailer combination or  
23 combinations pursuant to this waiver shall be granted all of  
24 the rights and shall be subject to all of the duties and  
25 restrictions with respect to Sections 6-514 and 6-515 of this  
26 Code applicable to the driver who possesses a commercial

1 driver's license issued under this Code, except that the driver  
2 shall not be subject to any additional duties or restrictions  
3 contained in Part 382 of the Federal Motor Carrier Safety  
4 Regulations that are not otherwise imposed under Section 6-514  
5 or 6-515 of this Code.

6 For purposes of this subsection (c), a member of the  
7 farmer's family is a natural or in-law spouse, child, parent,  
8 or sibling.

9 (c-5) An employee of a township or road district with a  
10 population of less than 3,000 operating a vehicle within the  
11 boundaries of the township or road district for the purpose of  
12 removing snow or ice from a roadway by plowing, sanding, or  
13 salting is waived from the requirements of this Section when  
14 the employee is needed to operate the vehicle because the  
15 employee of the township or road district who ordinarily  
16 operates the vehicle and who has a commercial driver's license  
17 is unable to operate the vehicle or is in need of additional  
18 assistance due to a snow emergency.

19 (c-10) A driver of a commercial motor vehicle used  
20 primarily in the transportation of propane winter heating fuel  
21 or a driver of a motor vehicle used to respond to a pipeline  
22 emergency is waived from the requirements of this Section if  
23 such requirements would prevent the driver from responding to  
24 an emergency condition requiring immediate response as defined  
25 in 49 C.F.R. Part 390.5.

26 (d) Any person convicted of violating this Section, shall

1 be guilty of a Class A misdemeanor.

2 (e) Any person convicted of violating paragraph (1) of  
3 subsection (b) of this Section, shall have all driving  
4 privileges revoked by the Secretary of State.

5 (f) This Section shall not apply to:

6 (1) A person who currently holds a valid Illinois  
7 driver's license, for the type of vehicle being operated,  
8 until the expiration of such license or April 1, 1992,  
9 whichever is earlier; or

10 (2) A non-Illinois domiciliary who is properly  
11 licensed in another State, until April 1, 1992. A  
12 non-Illinois domiciliary, if such domiciliary is properly  
13 licensed in another State or foreign jurisdiction, until  
14 April 1, 1992.

15 (Source: P.A. 95-382, eff. 8-23-07; 96-544, eff. 1-1-10.)

16 (625 ILCS 5/6-908) (from Ch. 95 1/2, par. 6-908)

17 Sec. 6-908. Confidential information. As provided in  
18 subsection (j) of Section 2-123 of this Code, all information  
19 furnished to the Secretary or Board, the results of all  
20 examinations made at their direction, and all medical findings  
21 of the Board shall be confidential and for the sole use of the  
22 Board and the Secretary which may have access to the same for  
23 the purposes as set forth in this Act. Except as provided in  
24 this Section, no ~~No~~ confidential information may be open to  
25 public inspection or the contents disclosed to anyone, except

1 the person under review and then only to the extent necessary  
2 to comply with a request for discovery during the hearing  
3 process, unless so directed by a court of competent  
4 jurisdiction. If the Secretary receives a medical report  
5 regarding a driver that does not address a medical condition  
6 contained in a previous medical report, the Secretary may  
7 disclose the unaddressed medical condition to the driver or his  
8 or her physician, or both, solely for the purpose of submission  
9 of a medical report that addresses the condition.

10 (Source: P.A. 87-1249.)

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

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