



Rep. Kathleen Willis

Filed: 3/25/2014

09800HB5736ham002

LRB098 17762 RLC 57670 a

1 AMENDMENT TO HOUSE BILL 5736

2 AMENDMENT NO. _____. Amend House Bill 5736 by replacing
3 everything after the enacting clause with the following:

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

6 (625 ILCS 5/6-205)

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

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

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

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof;

5 3. Any felony under the laws of any State or the
6 federal government in the commission of which a motor
7 vehicle was used;

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

11 5. Perjury or the making of a false affidavit or
12 statement under oath to the Secretary of State under this
13 Code or under any other law relating to the ownership or
14 operation of motor vehicles;

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

18 7. Conviction of any offense defined in Section 4-102
19 of this Code;

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

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

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 or the Criminal Code of 2012 arising from the use of a
25 motor vehicle;

26 11. Violation of Section 11-204.1 of this Code relating

1 to aggravated fleeing or attempting to elude a peace
2 officer;

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

7 13. Violation of paragraph (a) of Section 11-502 of
8 this Code or a similar provision of a local ordinance if
9 the driver has been previously convicted of a violation of
10 that Section or a similar provision of a local ordinance
11 and the driver was less than 21 years of age at the time of
12 the offense;

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

16 15. A second or subsequent conviction of driving while
17 the person's driver's license, permit or privileges was
18 revoked for reckless homicide or a similar out-of-state
19 offense;

20 16. Any offense against any provision in this Code, or
21 any local ordinance, regulating the movement of traffic
22 when that offense was the proximate cause of the death of
23 any person. Any person whose driving privileges have been
24 revoked pursuant to this paragraph may seek to have the
25 revocation terminated or to have the length of revocation
26 reduced by requesting an administrative hearing with the

1 Secretary of State prior to the projected driver's license
2 application eligibility date;

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

5 18. A second or subsequent conviction of illegal
6 possession, while operating or in actual physical control,
7 as a driver, of a motor vehicle, of any controlled
8 substance prohibited under the Illinois Controlled
9 Substances Act, any cannabis prohibited under the Cannabis
10 Control Act, or any methamphetamine prohibited under the
11 Methamphetamine Control and Community Protection Act. A
12 defendant found guilty of this offense while operating a
13 motor vehicle shall have an entry made in the court record
14 by the presiding judge that this offense did occur while
15 the defendant was operating a motor vehicle and order the
16 clerk of the court to report the violation to the Secretary
17 of State.

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

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

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license
2 or permit;

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

16 (c) (1) Whenever a person is convicted of any of the
17 offenses enumerated in this Section, the court may recommend
18 and the Secretary of State in his discretion, without regard to
19 whether the recommendation is made by the court may, upon
20 application, issue to the person a restricted driving permit
21 granting the privilege of driving a motor vehicle between the
22 petitioner's residence and petitioner's place of employment or
23 within the scope of the petitioner's employment related duties,
24 or to allow the petitioner to transport himself or herself or a
25 family member of the petitioner's household to a medical
26 facility for the receipt of necessary medical care or to allow

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

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

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

6 (3) If:

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

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

17 (ii) a statutory summary suspension or
18 revocation under Section 11-501.1; or

19 (iii) a suspension pursuant to Section
20 6-203.1;

21 arising out of separate occurrences; or

22 (B) a person has been convicted of one violation of
23 Section 6-303 of this Code committed while his or her
24 driver's license, permit, or privilege was revoked
25 because of a violation of Section 9-3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, relating to

1 the offense of reckless homicide where the use of
2 alcohol or other drugs was recited as an element of the
3 offense, or a similar provision of a law of another
4 state;

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

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

14 (5) 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 operation
18 of an occupational vehicle owned or leased by that person's
19 employer when used solely for employment purposes.

20 (6) In each case the Secretary of State may issue a
21 restricted driving permit for a period he deems
22 appropriate, except that the permit shall expire within one
23 year from the date of issuance. The Secretary may not,
24 however, issue a restricted driving permit to any person
25 whose current revocation is the result of a second or
26 subsequent conviction for a violation of Section 11-501 of

1 this Code or a similar provision of a local ordinance or
2 any similar out-of-state offense, or Section 9-3 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, where
4 the use of alcohol or other drugs is recited as an element
5 of the offense, or any similar out-of-state offense, or any
6 combination of these offenses, until the expiration of at
7 least one year from the date of the revocation. A
8 restricted driving permit issued under this Section shall
9 be subject to cancellation, revocation, and suspension by
10 the Secretary of State in like manner and for like cause as
11 a driver's license issued under this Code may be cancelled,
12 revoked, or suspended; except that a conviction upon one or
13 more offenses against laws or ordinances regulating the
14 movement of traffic shall be deemed sufficient cause for
15 the revocation, suspension, or cancellation of a
16 restricted driving permit. The Secretary of State may, as a
17 condition to the issuance of a restricted driving permit,
18 require the petitioner to participate in a designated
19 driver remedial or rehabilitative program. The Secretary
20 of State is authorized to cancel a restricted driving
21 permit if the permit holder does not successfully complete
22 the program. However, if an individual's driving
23 privileges have been revoked in accordance with paragraph
24 13 of subsection (a) of this Section, no restricted driving
25 permit shall be issued until the individual has served 6
26 months of the revocation period.

1 (c-5) (Blank).

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

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

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

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

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

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

1 any combination of:

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

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

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

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

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

1 solely for employment purposes.

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

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

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

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

26 (g) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose
2 driving privileges have been revoked under any provisions of
3 this Code.

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

14 (i) (Blank).

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

20 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
21 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
22 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
23 1-1-13; 97-1150, eff. 1-25-13.)

24 (625 ILCS 5/6-206)

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

1 license or permit; Right to a hearing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 11-501.1;

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

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

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

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

14 22. Has used a motor vehicle in violating paragraph
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
16 the Criminal Code of 1961 or the Criminal Code of 2012
17 relating to unlawful use of weapons, in which case the
18 suspension shall be for one year;

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

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

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

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

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

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

12 28. Has been convicted for a first time of the illegal
13 possession, while operating or in actual physical control,
14 as a driver, of a motor vehicle, of any controlled
15 substance prohibited under the Illinois Controlled
16 Substances Act, any cannabis prohibited under the Cannabis
17 Control Act, or any methamphetamine prohibited under the
18 Methamphetamine Control and Community Protection Act, in
19 which case the person's driving privileges shall be
20 suspended for one year. Any defendant found guilty of this
21 offense while operating a motor vehicle, shall have an
22 entry made in the court record by the presiding judge that
23 this offense did occur while the defendant was operating a
24 motor vehicle and order the clerk of the court to report
25 the violation to the 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, promoting juvenile
7 prostitution as described in subdivision (a)(1), (a)(2),
8 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
9 or the Criminal Code of 2012, and the manufacture, sale or
10 delivery of controlled substances or instruments used for
11 illegal drug use or abuse in which case the driver's
12 driving privileges shall be suspended for one year;

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

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

1 Control and Community Protection Act, in which case the
2 penalty shall be as prescribed in Section 6-208.1;

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

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

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

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

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

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

26 38. Has been convicted of a violation of Section 6-20

1 of the Liquor Control Act of 1934 or a similar provision of
2 a local ordinance;

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

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

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

12 42. Has committed a violation of subsection (a-1) of
13 Section 11-1301.3 of this Code or a similar provision of a
14 local ordinance;

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

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

26 45. Has, in connection with or during the course of a

1 formal hearing conducted under Section 2-118 of this Code:

2 (i) committed perjury; (ii) submitted fraudulent or
3 falsified documents; (iii) submitted documents that have
4 been materially altered; or (iv) submitted, as his or her
5 own, documents that were in fact prepared or composed for
6 another person;

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

9 47. Has committed a violation of Section 11-502.1 of
10 this Code.

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

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

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

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

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

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

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

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

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

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

1 a similar out-of-state offense, or a combination of
2 these offenses, arising out of separate occurrences,
3 that person, if issued a restricted driving permit, may
4 not operate a vehicle unless it has been equipped with
5 an ignition interlock device as defined in Section
6 1-129.1.

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

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

17 (ii) a statutory summary suspension or
18 revocation under Section 11-501.1; or

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

24 (C) The person issued a permit conditioned upon the
25 use of an ignition interlock device must pay to the
26 Secretary of State DUI Administration Fund an amount

1 not to exceed \$30 per month. The Secretary shall
2 establish by rule the amount and the procedures, terms,
3 and conditions relating to these fees.

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

11 (E) In each case the Secretary may issue a
12 restricted driving permit for a period deemed
13 appropriate, except that all permits shall expire
14 within one year from the date of issuance. The
15 Secretary may not, however, issue a restricted driving
16 permit to any person whose current revocation is the
17 result of a second or subsequent conviction for a
18 violation of Section 11-501 of this Code or a similar
19 provision of a local ordinance or any similar
20 out-of-state offense, or Section 9-3 of the Criminal
21 Code of 1961 or the Criminal Code of 2012, where the
22 use of alcohol or other drugs is recited as an element
23 of the offense, or any similar out-of-state offense, or
24 any combination of those offenses, until the
25 expiration of at least one year from the date of the
26 revocation. A restricted driving permit issued under

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

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

1 driver or motor carrier or prospective motor carrier upon
2 request.

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

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

15 (d) This Section is subject to the provisions of the
16 Drivers License Compact.

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

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

26 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;

1 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
2 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
3 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)

4 Section 99. Effective date. This Act takes effect July 1,
5 2015.".