



Sen. Steve Stadelman

Filed: 8/18/2015

09900HB1081sam001

LRB099 04927 RJF 37872 a

1 AMENDMENT TO HOUSE BILL 1081

2 AMENDMENT NO. _____. Amend House Bill 1081 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Purpose. The General Assembly recognizes the
5 desire of many commendable civic organizations and causes to be
6 acknowledged by a special license plate and further recognizes
7 that the issuance of special license plates may raise funds
8 that will benefit these organizations and causes. However, the
9 General Assembly also recognizes that the proliferation of
10 special license plates in Illinois creates a significant
11 challenge to law enforcement officials who are required to be
12 familiar with, recognize, read, and record information from
13 more than 100 types of special license plates now being issued
14 in Illinois. To address this situation, the purpose of this
15 amendatory Act of the 99th General Assembly is to authorize the
16 issuance of Universal special license plates.

1 Section 5. The Illinois Vehicle Code is amended by changing
2 Section 3-600 and by adding Section 3-699.14 as follows:

3 (625 ILCS 5/3-600) (from Ch. 95 1/2, par. 3-600)

4 Sec. 3-600. Requirements for issuance of special plates.

5 (a) The Secretary of State shall issue only special plates
6 that have been authorized by the General Assembly. Except as
7 provided in subsection (a-5), the ~~The~~ Secretary of State shall
8 not issue a series of special plates, or Universal special
9 plates associated with an organization authorized to issue
10 decals for Universal special plates, unless applications, as
11 prescribed by the Secretary, have been received for 2,000
12 ~~10,000~~ plates of that series; ~~except that the Secretary of~~
13 ~~State may prescribe some other required number of applications~~
14 ~~if that number is sufficient to pay for the total cost of~~
15 ~~designing, manufacturing and issuing the special license~~
16 ~~plate.~~ Where a special plate is authorized by law to raise
17 funds for a specific civic group, charitable entity, or other
18 identified organization, or when the civic group, charitable
19 entity, or organization is authorized to issue decals for
20 Universal special license plates, and where the Secretary of
21 State has not received the required number of applications to
22 issue that special plate within 2 years of the effective date
23 of the Public Act authorizing the special plate or decal, the
24 Secretary of State's authority to issue the special plate or a
25 Universal special plate associated with that decal is

1 nullified. All applications for special plates shall be on a
2 form designated by the Secretary and shall be accompanied by
3 any civic group's, charitable entity's, or other identified
4 fundraising organization's portion of the additional fee
5 associated with that plate or decal. All fees collected under
6 this Section are non-refundable and shall be deposited in the
7 special fund as designated in the enabling legislation,
8 regardless of whether the plate or decal is produced. Upon the
9 adoption of this amendatory Act of the 99th General Assembly,
10 no further special license plates shall be authorized by the
11 General Assembly unless that special license plate is
12 authorized under subsection (a-5) of this Section.

13 (a-5) If the General Assembly authorizes the issuance of a
14 special plate that recognizes the applicant's military service
15 or receipt of a military medal or award, the Secretary may
16 immediately begin issuing that special plate.

17 (b) The Secretary of State, upon issuing a new series of
18 special license plates, shall notify all law enforcement
19 officials of the design, color and other special features of
20 the special license plate series.

21 (c) This Section shall not apply to the Secretary of
22 State's discretion as established in Section 3-611.

23 (d) If a law authorizing a special license plate provides
24 that the sponsoring organization is to designate a charitable
25 entity as the recipient of the funds from the sale of that
26 license plate, the designated charitable entity must be in

1 compliance with the registration and reporting requirements of
2 the Charitable Trust Act and the Solicitation for Charity Act.
3 In addition, the charitable entity must annually provide the
4 Secretary of State's office a letter of compliance issued by
5 the Illinois Attorney General's office verifying the entity is
6 in compliance with the Acts.

7 In the case of a law in effect before the effective date of
8 this amendatory Act of the 97th General Assembly, the name of
9 the charitable entity which is to receive the funds shall be
10 provided to the Secretary of State within one year after the
11 effective date of this amendatory Act of the 97th General
12 Assembly. In the case of a law that takes effect on or after
13 the effective date of this amendatory Act of the 97th General
14 Assembly, the name of the charitable entity which is to receive
15 the funds shall be provided to the Secretary of State within
16 one year after the law takes effect. If the organization fails
17 to designate an appropriate charitable entity within the
18 one-year period, or if the designated charitable entity fails
19 to annually provide the Secretary of State a letter of
20 compliance issued by the Illinois Attorney General's office,
21 any funds collected from the sale of plates authorized for that
22 organization and not previously disbursed shall be transferred
23 to the General Revenue Fund, and the special plates shall be
24 discontinued.

25 (e) If fewer than 1,000 sets of any special license plate
26 authorized by law and issued by the Secretary of State are

1 actively registered for 2 consecutive calendar years, the
2 Secretary of State may discontinue the issuance of that special
3 license plate or require that special license plate to be
4 exchanged for Universal special plates with appropriate
5 decals.

6 (f) Where special license plates have been discontinued
7 pursuant to subsection (d) or (e) of this Section, or when the
8 special license plates are required to be exchanged for
9 Universal special plates under subsection (e) of this Section,
10 all previously issued plates of that type shall be recalled.
11 Owners of vehicles which were registered with recalled plates
12 shall not be charged a reclassification or registration sticker
13 replacement plate fee upon the issuance of new plates for those
14 vehicles.

15 (g) Any special plate that is authorized to be issued for
16 motorcycles may also be issued for autocycles.

17 (Source: P.A. 97-409, eff. 1-1-12; 98-777, eff. 1-1-15.)

18 (625 ILCS 5/3-699.14 new)

19 Sec. 3-699.14. Universal special license plates.

20 (a) In addition to any other special license plate, the
21 Secretary, upon receipt of all applicable fees and applications
22 made in the form prescribed by the Secretary, may issue
23 Universal special license plates to residents of Illinois on
24 behalf of organizations that have been authorized by the
25 General Assembly to issue decals for Universal special license

1 plates. Appropriate documentation, as determined by the
2 Secretary, shall accompany each application. Authorized
3 organizations shall be designated by amendment to this Section.
4 When applying for a Universal special license plate the
5 applicant shall inform the Secretary of the name of the
6 authorized organization from which the applicant will obtain a
7 decal to place on the plate. The Secretary shall make a record
8 of that organization and that organization shall remain
9 affiliated with that plate until the plate is surrendered,
10 revoked, or otherwise cancelled. The authorized organization
11 may charge a fee to offset the cost of producing and
12 distributing the decal, but that fee shall be retained by the
13 authorized organization and shall be separate and distinct from
14 any registration fees charged by the Secretary. No decal,
15 sticker, or other material may be affixed to a Universal
16 special license plate other than a decal authorized by the
17 General Assembly in this Section or a registration renewal
18 sticker. The special plates issued under this Section shall be
19 affixed only to passenger vehicles of the first division,
20 including motorcycles and autocycles, or motor vehicles of the
21 second division weighing not more than 8,000 pounds. Plates
22 issued under this Section shall expire according to the
23 multi-year procedure under Section 3-414.1 of this Code.

24 (b) The design, color, and format of the Universal special
25 license plate shall be wholly within the discretion of the
26 Secretary. Universal special license plates are not required to

1 designate "Land of Lincoln", as prescribed in subsection (b) of
2 Section 3-412 of this Code. The design shall allow for the
3 application of a decal to the plate. Organizations authorized
4 by the General Assembly to issue decals for Universal special
5 license plates shall comply with rules adopted by the Secretary
6 governing the requirements for and approval of Universal
7 special license plate decals. The Secretary may, in his or her
8 discretion, allow Universal special license plates to be issued
9 as vanity or personalized plates in accordance with Section
10 3-405.1 of this Code. The Secretary of State must make a
11 version of the special registration plates authorized under
12 this Section in a form appropriate for motorcycles and
13 autocycles.

14 (c) When authorizing a Universal special license plate, the
15 General Assembly shall set forth whether an additional fee is
16 to be charged for the plate and, if a fee is to be charged, the
17 amount of the fee and how the fee is to be distributed. When
18 necessary, the authorizing language shall create a special fund
19 in the State treasury into which fees may be deposited for an
20 authorized Universal special license plate. Additional fees
21 may only be charged if the fee is to be paid over to a State
22 agency or to a charitable entity that is in compliance with the
23 registration and reporting requirements of the Charitable
24 Trust Act and the Solicitation for Charity Act. Any charitable
25 entity receiving fees for the sale of Universal special license
26 plates shall annually provide the Secretary of State a letter

1 of compliance issued by the Attorney General verifying that the
2 entity is in compliance with the Charitable Trust Act and the
3 Solicitation for Charity Act.

4 (d) Upon original issuance and for each registration
5 renewal period, in addition to the appropriate registration
6 fee, if applicable, the Secretary shall collect any additional
7 fees, if required, for issuance of Universal special license
8 plates. The fees shall be collected on behalf of the
9 organization designated by the applicant when applying for the
10 plate. All fees collected shall be transferred to the State
11 agency on whose behalf the fees were collected, or paid into
12 the special fund designated in the law authorizing the
13 organization to issue decals for Universal special license
14 plates. All money in the designated fund shall be distributed
15 by the Secretary subject to appropriation by the General
16 Assembly.

17 (625 ILCS 5/3-633 rep.)

18 Section 10. The Illinois Vehicle Code is amended by
19 repealing Section 3-633.

20 Section 15. "An Act concerning transportation", approved
21 August 10, 2015, Public Act 99-333, is amended by adding
22 Section 99 as follows:

23 (P.A. 99-333, Sec. 99 new)

1 Sec. 99. Effective date. This Act takes effect December 30,
2 2015.

3 Section 20. If and only if Senate Bill 627 of the 99th
4 General Assembly becomes law as passed by both houses, then the
5 Illinois Vehicle Code is amended by changing Sections 6-205 and
6 6-206 as follows:

7 (625 ILCS 5/6-205)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 18. A second or subsequent conviction of illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

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

11 (b) The Secretary of State shall also immediately revoke
12 the license or permit of any driver in the following
13 situations:

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

19 2. Of any person when any other law of this State
20 requires either the revocation or suspension of a license
21 or permit;

22 3. Of any person adjudicated under the Juvenile Court
23 Act of 1987 based on an offense determined to have been
24 committed in furtherance of the criminal activities of an
25 organized gang as provided in Section 5-710 of that Act,
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation
2 shall remain in effect for the period determined by the
3 court. Upon the direction of the court, the Secretary shall
4 issue the person a judicial driving permit, also known as a
5 JDP. The JDP shall be subject to the same terms as a JDP
6 issued under Section 6-206.1, except that the court may
7 direct that a JDP issued under this subdivision (b) (3) be
8 effective immediately.

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

1 do not hold driving privileges and are living in the
2 petitioner's household to and from daycare; if the petitioner
3 is able to demonstrate that no alternative means of
4 transportation is reasonably available and that the petitioner
5 will not endanger the public safety or welfare; provided that
6 the Secretary's discretion shall be limited to cases where
7 undue hardship, as defined by the rules of the Secretary of
8 State, would result from a failure to issue the restricted
9 driving permit. Those multiple offenders identified in
10 subdivision (b)4 of Section 6-208 of this Code, however, shall
11 not be eligible for the issuance of a restricted driving
12 permit.

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

25 (3) If:

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

1 suspended 2 or more times due to any combination of:

2 (i) a single conviction of violating Section
3 11-501 of this Code or a similar provision of a
4 local ordinance or a similar out-of-state offense,
5 or 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
8 offense, or a similar out-of-state offense; or

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

11 (iii) a suspension pursuant to Section
12 6-203.1;

13 arising out of separate occurrences; or

14 (B) a person has been convicted of one violation of
15 subparagraph (C) or (F) of paragraph (1) of subsection
16 (d) of Section 11-501 of this Code, Section 9-3 of the
17 Criminal Code of 1961 or the Criminal Code of 2012,
18 relating to the offense of reckless homicide where the
19 use of alcohol or other drugs was recited as an element
20 of the offense, or a similar provision of a law of
21 another state;

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

25 (4) The person issued a permit conditioned on the use
26 of an ignition interlock device must pay to the Secretary

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

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

21 (6) In each case the Secretary of State may issue a
22 restricted driving permit for a period he deems
23 appropriate, except that the permit shall expire within one
24 year from the date of issuance. A restricted driving permit
25 issued under this Section shall be subject to cancellation,
26 revocation, and suspension by the Secretary of State in

1 like manner and for like cause as a driver's license issued
2 under this Code may be cancelled, revoked, or suspended;
3 except that a conviction upon one or more offenses against
4 laws or ordinances regulating the movement of traffic shall
5 be deemed sufficient cause for the revocation, suspension,
6 or cancellation of a restricted driving permit. The
7 Secretary of State may, as a condition to the issuance of a
8 restricted driving permit, require the petitioner to
9 participate in a designated driver remedial or
10 rehabilitative program. The Secretary of State is
11 authorized to cancel a restricted driving permit if the
12 permit holder does not successfully complete the program.
13 However, if an individual's driving privileges have been
14 revoked in accordance with paragraph 13 of subsection (a)
15 of this Section, no restricted driving permit shall be
16 issued until the individual has served 6 months of the
17 revocation period.

18 (c-5) (Blank).

19 (c-6) If a person is convicted of a second violation of
20 operating a motor vehicle while the person's driver's license,
21 permit or privilege was revoked, where the revocation was for a
22 violation of Section 9-3 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 relating to the offense of reckless
24 homicide or a similar out-of-state offense, the person's
25 driving privileges shall be revoked pursuant to subdivision
26 (a) (15) of this Section. The person may not make application

1 for a license or permit until the expiration of five years from
2 the effective date of the revocation or the expiration of five
3 years from the date of release from a term of imprisonment,
4 whichever is later.

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

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

1 privileges, or extend the restricted driving permit as many
2 times as the Secretary of State deems appropriate, by
3 additional periods of not more than 12 months each.

4 (2) If a person's license or permit is revoked or
5 suspended due to 2 or more convictions of violating Section
6 11-501 of this Code or a similar provision of a local
7 ordinance or a similar out-of-state offense, or Section 9-3
8 of the Criminal Code of 1961 or the Criminal Code of 2012,
9 where the use of alcohol or other drugs is recited as an
10 element of the offense, or a similar out-of-state offense,
11 or a combination of these offenses, arising out of separate
12 occurrences, that person, if issued a restricted driving
13 permit, may not operate a vehicle unless it has been
14 equipped with an ignition interlock device as defined in
15 Section 1-129.1.

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

18 (A) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a local
20 ordinance or a similar out-of-state offense, or
21 Section 9-3 of the Criminal Code of 1961 or the
22 Criminal Code of 2012, where the use of alcohol or
23 other drugs is recited as an element of the offense, or
24 a similar out-of-state offense; or

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

1 (C) a suspension pursuant to Section 6-203.1;
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 (3.5) If a person's license or permit is revoked or
7 suspended due to a conviction for a violation of
8 subparagraph (C) or (F) of paragraph (1) of subsection (d)
9 of Section 11-501 of this Code, or a similar provision of a
10 local ordinance or similar out-of-state offense, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section 1-129.1.

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

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

1 offense under Section 11-501 of this Code, or a similar
2 provision of a local ordinance or similar out-of-state
3 offense, this employment exemption does not apply until
4 either a one year period has elapsed during which that
5 person had his or her driving privileges revoked or a one
6 year period has elapsed during which that person had a
7 restricted driving permit which required the use of an
8 ignition interlock device on every motor vehicle owned or
9 operated by that person.

10 (6) A restricted driving permit issued under this
11 Section shall be subject to cancellation, revocation, and
12 suspension by the Secretary of State in like manner and for
13 like cause as a driver's license issued under this Code may
14 be 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, suspension, or
18 cancellation of a restricted driving permit.

19 (d-5) The revocation of the license, permit, or driving
20 privileges of a person convicted of a third or subsequent
21 violation of Section 6-303 of this Code committed while his or
22 her driver's license, permit, or privilege was revoked because
23 of a violation of Section 9-3 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, relating to the offense of reckless
25 homicide, or a similar provision of a law of another state, is
26 permanent. The Secretary may not, at any time, issue a license

1 or permit to that person.

2 (e) This Section is subject to the provisions of the Driver
3 License Compact.

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

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

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

22 (i) (Blank).

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

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

2 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
3 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
4 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
5 1-1-13; 97-1150, eff. 1-25-13; 09900SB0627enr.)

6 (625 ILCS 5/6-206)

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

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

13 1. Has committed an offense for which mandatory
14 revocation of a driver's license or permit is required upon
15 conviction;

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

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

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

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

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

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

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

26 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or
2 identification in any application for a license,
3 identification card, or permit;

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

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

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

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

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 relating
2 to criminal trespass to vehicles in which case, the
3 suspension shall be for one year;

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

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

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

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

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

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

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 or the Criminal Code of 2012
25 relating to unlawful use of weapons, in which case the
26 suspension shall be for one year;

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

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

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

15 26. Has altered or attempted to alter a license or has
16 possessed an altered license, identification card, or
17 permit;

18 27. Has violated Section 6-16 of the Liquor Control Act
19 of 1934;

20 28. Has been convicted for a first time of the illegal
21 possession, while operating or in actual physical control,
22 as a driver, of a motor vehicle, of any controlled
23 substance prohibited under the Illinois Controlled
24 Substances Act, any cannabis prohibited under the Cannabis
25 Control Act, or any methamphetamine prohibited under the
26 Methamphetamine Control and Community Protection Act, in

1 which case the person's driving privileges shall be
2 suspended for one year. Any defendant found guilty of this
3 offense while operating a motor vehicle, shall have an
4 entry made in the court record by the presiding judge that
5 this offense did occur while the defendant was operating a
6 motor vehicle and order the clerk of the court to report
7 the violation to the Secretary of State;

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

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

25 31. Has refused to submit to a test as required by
26 Section 11-501.6 of this Code or Section 5-16c of the Boat

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 for a period of 3 months;

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

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

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

17 47. Has committed a violation of Section 11-502.1 of
18 this Code.

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

26 (b) If any conviction forming the basis of a suspension or

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

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

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

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

15 The provisions of this subparagraph shall not apply to any
16 driver required to possess a CDL for the purpose of operating a
17 commercial motor vehicle.

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

22 3. At the conclusion of a hearing under Section 2-118 of
23 this Code, the Secretary of State shall either rescind or
24 continue an order of revocation or shall substitute an order of
25 suspension; or, good cause appearing therefor, rescind,
26 continue, change, or extend the order of suspension. If the

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

25 (A) If a person's license or permit is revoked or
26 suspended due to 2 or more convictions of violating Section

1 11-501 of this Code or a similar provision of a local
2 ordinance or a similar out-of-state offense, or Section 9-3
3 of the Criminal Code of 1961 or the Criminal Code of 2012,
4 where the use of alcohol or other drugs is recited as an
5 element of the offense, or a similar out-of-state offense,
6 or a combination of these offenses, arising out of separate
7 occurrences, that person, if issued a restricted driving
8 permit, may not operate a vehicle unless it has been
9 equipped with an ignition interlock device as defined in
10 Section 1-129.1.

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

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

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

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

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

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

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

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

1 revoked or a one year period has elapsed during which that
2 person had a restricted driving permit which required the
3 use of an ignition interlock device on every motor vehicle
4 owned or operated by that person.

5 (E) In each case the Secretary may issue a restricted
6 driving permit for a period deemed appropriate, except that
7 all permits shall expire within one year from the date of
8 issuance. A restricted driving permit issued under this
9 Section shall be subject to cancellation, revocation, and
10 suspension by the Secretary of State in like manner and for
11 like cause as a driver's license issued under this Code may
12 be cancelled, revoked, or suspended; except that a
13 conviction upon one or more offenses against laws or
14 ordinances regulating the movement of traffic shall be
15 deemed sufficient cause for the revocation, suspension, or
16 cancellation of a restricted driving permit. The Secretary
17 of State may, as a condition to the issuance of a
18 restricted driving permit, require the applicant to
19 participate in a designated driver remedial or
20 rehabilitative program. The Secretary of State is
21 authorized to cancel a restricted driving permit if the
22 permit holder does not successfully complete the program.

23 (c-3) In the case of a suspension under paragraph 43 of
24 subsection (a), reports received by the Secretary of State
25 under this Section shall, except during the actual time the
26 suspension is in effect, be privileged information and for use

1 only by the courts, police officers, prosecuting authorities,
2 the driver licensing administrator of any other state, the
3 Secretary of State, or the parent or legal guardian of a driver
4 under the age of 18. However, beginning January 1, 2008, if the
5 person is a CDL holder, the suspension shall also be made
6 available to the driver licensing administrator of any other
7 state, the U.S. Department of Transportation, and the affected
8 driver or motor carrier or prospective motor carrier upon
9 request.

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

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

22 (d) This Section is subject to the provisions of the
23 Drivers License Compact.

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

1 provisions of this Code.

2 (f) 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 a
5 CDL whose driving privileges have been suspended, revoked,
6 cancelled, or disqualified under any provisions of this Code.

7 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
8 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
9 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
10 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.
11 7-16-14; 09900SB0627enr.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law, except that Sections 1, 5, and 10 take effect on
14 July 1, 2016, and Section 20 takes effect January 1, 2016.".