

1 AN ACT regarding vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-206.1 as follows:

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

7 Sec. 6-206.1. Judicial Driving Permit. Declaration of
8 Policy. It is hereby declared a policy of the State of
9 Illinois that the driver who is impaired by alcohol, other
10 drug or drugs, or intoxicating compound or compounds is a
11 threat to the public safety and welfare. Therefore, to
12 provide a deterrent to such practice and to remove problem
13 drivers from the highway, a statutory summary driver's
14 license suspension is appropriate. It is also recognized that
15 driving is a privilege and therefore, that in some cases the
16 granting of limited driving privileges, where consistent with
17 public safety, is warranted during the period of suspension
18 in the form of a judicial driving permit to drive for the
19 purpose of employment, receiving drug treatment or medical
20 care, and educational pursuits, where no alternative means of
21 transportation is available.

22 The following procedures shall apply whenever a first
23 offender is arrested for any offense as defined in Section
24 11-501 or a similar provision of a local ordinance:

25 (a) Subsequent to a notification of a statutory summary
26 suspension of driving privileges as provided in Section
27 11-501.1, the first offender as defined in Section 11-500 may
28 petition the circuit court of venue for a Judicial Driving
29 Permit, hereinafter referred as a JDP, to relieve undue
30 hardship. The court may issue a court order, pursuant to
31 the criteria contained in this Section, directing the

1 Secretary of State to issue such a JDP to the petitioner. A
2 JDP shall not become effective prior to the 31st day of the
3 original statutory summary suspension and shall always be
4 subject to the following criteria:

5 1. If ordered for the purposes of employment, the
6 JDP shall be only for the purpose of providing the
7 petitioner the privilege of driving a motor vehicle
8 between the petitioner's residence and the petitioner's
9 place of employment and return; or within the scope of
10 the petitioner's employment related duties, shall be
11 effective only during and limited to those specific times
12 and routes actually required to commute or perform the
13 petitioner's employment related duties.

14 2. The court, by a court order, may also direct the
15 Secretary of State to issue a JDP to allow transportation
16 for the petitioner, or a household member of the
17 petitioner's family, to receive alcohol, drug, or
18 intoxicating compound treatment or medical care, if the
19 petitioner is able to demonstrate that no alternative
20 means of transportation is reasonably available. Such JDP
21 shall be effective only during the specific times
22 actually required to commute.

23 3. The court, by a court order, may also direct the
24 Secretary of State to issue a JDP to allow transportation
25 by the petitioner for educational purposes upon
26 demonstrating that there are no alternative means of
27 transportation reasonably available to accomplish those
28 educational purposes. Such JDP shall be only for the
29 purpose of providing transportation to and from the
30 petitioner's residence and the petitioner's place of
31 educational activity, and only during the specific times
32 and routes actually required to commute or perform the
33 petitioner's educational requirement.

34 4. The Court shall not issue an order granting a

1 JDP to:

2 (i) Any person unless and until the court,
3 after considering the results of a current
4 professional evaluation of the person's alcohol or
5 other drug use by an agency pursuant to Section
6 15-10 of the Alcoholism and Other Drug Abuse and
7 Dependency Act and other appropriate investigation
8 of the person, is satisfied that granting the
9 privilege of driving a motor vehicle on the highways
10 will not endanger the public safety or welfare.

11 (ii) Any person who has been convicted of
12 reckless homicide within the previous 5 years.

13 (iii) Any person whose privilege to operate a
14 motor vehicle was invalid at the time of arrest for
15 the current violation of Section 11-501, or a
16 similar provision of a local ordinance, except in
17 cases where the cause for a driver's license
18 suspension has been removed at the time a JDP is
19 effective. In any case, should the Secretary of
20 State enter a suspension or revocation of driving
21 privileges pursuant to the provisions of this Code
22 while the JDP is in effect or pending, the Secretary
23 shall take the prescribed action and provide a
24 notice to the person and the court ordering the
25 issuance of the JDP that all driving privileges,
26 including those provided by the issuance of the JDP,
27 have been withdrawn.

28 (iv) Any person under the age of 18 years.

29 (b) Prior to ordering the issuance of a JDP the Court
30 should consider at least, but not be limited to, the
31 following issues:

32 1. Whether the person is employed and no other
33 means of commuting to the place of employment is
34 available or that the person must drive as a condition of

1 employment. The employer shall certify the hours of
2 employment and the need and parameters necessary for
3 driving as a condition to employment.

4 2. Whether the person must drive to secure alcohol
5 or other medical treatment for himself or a family
6 member.

7 3. Whether the person must drive for educational
8 purposes. The educational institution shall certify the
9 person's enrollment in and academic schedule at the
10 institution.

11 4. Whether the person has been repeatedly convicted
12 of traffic violations or involved in motor vehicle
13 accidents to a degree which indicates disrespect for
14 public safety.

15 5. Whether the person has been convicted of a
16 traffic violation in connection with a traffic accident
17 resulting in the death of any person within the last 5
18 years.

19 6. Whether the person is likely to obey the limited
20 provisions of the JDP.

21 7. Whether the person has any additional traffic
22 violations pending in any court.

23 For purposes of this Section, programs conducting
24 professional evaluations of a person's alcohol, other drug,
25 or intoxicating compound use must report, to the court of
26 venue, using a form prescribed by the Secretary of State. A
27 copy of such evaluations shall be sent to the Secretary of
28 State by the court. However, the evaluation information shall
29 be privileged and only available to courts and to the
30 Secretary of State, but shall not be admissible in the
31 subsequent trial on the underlying charge.

32 (c) The scope of any court order issued for a JDP under
33 this Section shall be limited to the operation of a motor
34 vehicle as provided for in subsection (a) of this Section and

1 shall specify the petitioner's residence, place of employment
2 or location of educational institution, and the scope of job
3 related duties, if relevant. The JDP shall also specify days
4 of the week and specific hours of the day when the petitioner
5 is able to exercise the limited privilege of operating a
6 motor vehicle. If the Petitioner, who has been granted a JDP,
7 is issued a citation for a traffic related offense, including
8 operating a motor vehicle outside the limitations prescribed
9 in the JDP or a violation of Section 6-303, or is convicted
10 of any such an offense during the term of the JDP, the court
11 shall consider cancellation of the limited driving permit.
12 In any case, if the Petitioner commits an offense, as defined
13 in Section 11-501, or a similar provision of a local
14 ordinance, as evidenced by the issuance of a Uniform Traffic
15 Ticket, the JDP shall be forwarded by the court of venue to
16 the court ordering the issuance of the JDP, for cancellation.
17 The court shall notify the Secretary of State of any such
18 cancellation.

19 (c-1) No court may order the issuance of a JDP that
20 allows an employee of a public transit agency to operate a
21 public transit vehicle while that employee is in possession
22 of the JDP. This subsection (c-1) does not apply to an
23 employee of a commuter railroad organized under Article III-B
24 of the Regional Transportation Authority Act.

25 (d) The Secretary of State shall, upon receiving a court
26 order from the court of venue, issue a JDP to a successful
27 Petitioner under this Section. Such court order form shall
28 also contain a notification, which shall be sent to the
29 Secretary of State, providing the name, driver's license
30 number and legal address of the successful petitioner, and
31 the full and detailed description of the limitations of the
32 JDP. This information shall be available only to the courts,
33 police officers, and the Secretary of State, except during
34 the actual period the JDP is valid, during which time it

1 shall be a public record. The Secretary of State shall design
2 and furnish to the courts an official court order form to be
3 used by the courts when directing the Secretary of State to
4 issue a JDP.

5 Any submitted court order that contains insufficient data
6 or fails to comply with this Code shall not be utilized for
7 JDP issuance or entered to the driver record but shall be
8 returned to the issuing court indicating why the JDP cannot
9 be so entered. A notice of this action shall also be sent to
10 the JDP petitioner by the Secretary of State.

11 (e) The circuit court of venue may conduct the judicial
12 hearing, as provided in Section 2-118.1, and the JDP hearing
13 provided in this Section, concurrently. Such concurrent
14 hearing shall proceed in the court in the same manner as in
15 other civil proceedings.

16 (f) The circuit court of venue may, as a condition of
17 the issuance of a JDP, prohibit the person from operating a
18 motor vehicle not equipped with an ignition interlock device.
19 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99;
20 91-127, eff. 1-1-00.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.