



Rep. Lindsay Parkhurst

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10100HB2383ham001

LRB101 10722 TAE 58188 a

1 AMENDMENT TO HOUSE BILL 2383

2 AMENDMENT NO. _____. Amend House Bill 2383 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. References to Act. This Act may be referred to
5 as Mason's Law.

6 Section 5. The Illinois Vehicle Code is amended by changing
7 Section 6-206 as follows:

8 (625 ILCS 5/6-206)

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

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

15 1. Has committed an offense for which mandatory

1 revocation of a driver's license or permit is required upon
2 conviction;

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

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

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

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

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

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

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

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

16 10. Has possessed, displayed, or attempted to
17 fraudulently use any license, identification card, or
18 permit not issued to the person;

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

1 12. Has submitted to any portion of the application
2 process for another person or has obtained the services of
3 another person to submit to any portion of the application
4 process for the purpose of obtaining a license,
5 identification card, or permit for some other person;

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

9 14. Has committed a violation of Section 6-301,
10 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
11 14B of the Illinois Identification Card Act;

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

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

18 17. Has refused to submit to a test, or tests, as
19 required under Section 11-501.1 of this Code and the person
20 has not sought a hearing as provided for in Section
21 11-501.1;

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

25 19. Has committed a violation of paragraph (a) or (b)
26 of Section 6-101 relating to driving without a driver's

1 license;

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

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

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

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

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

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

1 26. Has altered or attempted to alter a license or has
2 possessed an altered license, identification card, or
3 permit;

4 27. Has violated Section 6-16 of the Liquor Control Act
5 of 1934;

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

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

1 prostitution as described in subdivision (a) (1), (a) (2),
2 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
3 or the Criminal Code of 2012, and the manufacture, sale or
4 delivery of controlled substances or instruments used for
5 illegal drug use or abuse in which case the driver's
6 driving privileges shall be suspended for one year;

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

11 31. Has refused to submit to a test as required by
12 Section 11-501.6 of this Code or Section 5-16c of the Boat
13 Registration and Safety Act or has submitted to a test
14 resulting in an alcohol concentration of 0.08 or more or
15 any amount of a drug, substance, or compound resulting from
16 the unlawful use or consumption of cannabis as listed in
17 the Cannabis Control Act, a controlled substance as listed
18 in the Illinois Controlled Substances Act, an intoxicating
19 compound as listed in the Use of Intoxicating Compounds
20 Act, or methamphetamine as listed in the Methamphetamine
21 Control and Community Protection Act, in which case the
22 penalty shall be as prescribed in Section 6-208.1;

23 32. Has been convicted of Section 24-1.2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012 relating
25 to the aggravated discharge of a firearm if the offender
26 was located in a motor vehicle at the time the firearm was

1 discharged, in which case the suspension shall be for 3
2 years;

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

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

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

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

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

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

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

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

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

6 42. Has committed a violation of subsection (a-1) of
7 Section 11-1301.3 of this Code or a similar provision of a
8 local ordinance;

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

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

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

1 46. Has committed a violation of subsection (j) of
2 Section 3-413 of this Code;

3 47. Has committed a violation of Section 11-502.1 of
4 this Code; ~~or~~

5 48. Has submitted a falsified or altered medical
6 examiner's certificate to the Secretary of State or
7 provided false information to obtain a medical examiner's
8 certificate; ~~or~~

9 49. Has been convicted of a violation of any Section of
10 Article 9 of Chapter 11 of this Code relating to
11 right-of-way that resulted in a Type A injury to or death
12 of another, in which case the person's driving privileges
13 shall be suspended for 12 months; or

14 50. Has been convicted of a violation of Section
15 11-1002 or 11-1002.5 that resulted in a Type A injury to,
16 or death of, another, in which case the person's driving
17 privileges shall be suspended for 12 months.

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

25 (b) If any conviction forming the basis of a suspension or
26 revocation authorized under this Section is appealed, the

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

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

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

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

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

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

21 3. At the conclusion of a hearing under Section 2-118 of
22 this Code, the Secretary of State shall either rescind or
23 continue an order of revocation or shall substitute an order of
24 suspension; or, good cause appearing therefor, rescind,
25 continue, change, or extend the order of suspension. If the
26 Secretary of State does not rescind the order, the Secretary

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

22 (A) If a person's license or permit is revoked or
23 suspended due to 2 or more convictions of violating Section
24 11-501 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense, or Section 9-3
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

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

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

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

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

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

24 (B-5) If a person's license or permit is revoked or
25 suspended due to a conviction for a violation of
26 subparagraph (C) or (F) of paragraph (1) of subsection (d)

1 of Section 11-501 of this Code, or a similar provision of a
2 local ordinance or similar out-of-state offense, that
3 person, if issued a restricted driving permit, may not
4 operate a vehicle unless it has been equipped with an
5 ignition interlock device as defined in Section 1-129.1.

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

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

1 owned or operated by that person.

2 (E) In each case the Secretary may issue a restricted
3 driving permit for a period deemed appropriate, except that
4 all permits shall expire no later than 2 years from the
5 date of issuance. A restricted driving permit issued under
6 this Section shall be subject to cancellation, revocation,
7 and suspension by the Secretary of State in like manner and
8 for like cause as a driver's license issued under this Code
9 may be cancelled, revoked, or suspended; except that a
10 conviction upon one or more offenses against laws or
11 ordinances regulating the movement of traffic shall be
12 deemed sufficient cause for the revocation, suspension, or
13 cancellation of a restricted driving permit. The Secretary
14 of State may, as a condition to the issuance of a
15 restricted driving permit, require the applicant to
16 participate in a designated driver remedial or
17 rehabilitative program. The Secretary of State is
18 authorized to cancel a restricted driving permit if the
19 permit holder does not successfully complete the program.

20 (F) A person subject to the provisions of paragraph 4
21 of subsection (b) of Section 6-208 of this Code may make
22 application for a restricted driving permit at a hearing
23 conducted under Section 2-118 of this Code after the
24 expiration of 5 years from the effective date of the most
25 recent revocation or after 5 years from the date of release
26 from a period of imprisonment resulting from a conviction

1 of the most recent offense, whichever is later, provided
2 the person, in addition to all other requirements of the
3 Secretary, shows by clear and convincing evidence:

4 (i) a minimum of 3 years of uninterrupted
5 abstinence from alcohol and the unlawful use or
6 consumption of cannabis under the Cannabis Control
7 Act, a controlled substance under the Illinois
8 Controlled Substances Act, an intoxicating compound
9 under the Use of Intoxicating Compounds Act, or
10 methamphetamine under the Methamphetamine Control and
11 Community Protection Act; and

12 (ii) the successful completion of any
13 rehabilitative treatment and involvement in any
14 ongoing rehabilitative activity that may be
15 recommended by a properly licensed service provider
16 according to an assessment of the person's alcohol or
17 drug use under Section 11-501.01 of this Code.

18 In determining whether an applicant is eligible for a
19 restricted driving permit under this subparagraph (F), the
20 Secretary may consider any relevant evidence, including,
21 but not limited to, testimony, affidavits, records, and the
22 results of regular alcohol or drug tests. Persons subject
23 to the provisions of paragraph 4 of subsection (b) of
24 Section 6-208 of this Code and who have been convicted of
25 more than one violation of paragraph (3), paragraph (4), or
26 paragraph (5) of subsection (a) of Section 11-501 of this

1 Code shall not be eligible to apply for a restricted
2 driving permit under this subparagraph (F).

3 A restricted driving permit issued under this
4 subparagraph (F) shall provide that the holder may only
5 operate motor vehicles equipped with an ignition interlock
6 device as required under paragraph (2) of subsection (c) of
7 Section 6-205 of this Code and subparagraph (A) of
8 paragraph 3 of subsection (c) of this Section. The
9 Secretary may revoke a restricted driving permit or amend
10 the conditions of a restricted driving permit issued under
11 this subparagraph (F) if the holder operates a vehicle that
12 is not equipped with an ignition interlock device, or for
13 any other reason authorized under this Code.

14 A restricted driving permit issued under this
15 subparagraph (F) shall be revoked, and the holder barred
16 from applying for or being issued a restricted driving
17 permit in the future, if the holder is convicted of a
18 violation of Section 11-501 of this Code, a similar
19 provision of a local ordinance, or a similar offense in
20 another state.

21 (c-3) In the case of a suspension under paragraph 43 of
22 subsection (a), reports received by the Secretary of State
23 under this Section shall, except during the actual time the
24 suspension is in effect, be privileged information and for use
25 only by the courts, police officers, prosecuting authorities,
26 the driver licensing administrator of any other state, the

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

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

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

20 (d) This Section is subject to the provisions of the
21 Drivers License Compact.

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

26 (f) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been suspended, revoked,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;
6 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;
7 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

8 Section 99. Effective date. This Act takes effect July 1,
9 2020."