



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0346

Introduced 1/21/2005, by Rep. Sidney H. Mathias

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206
625 ILCS 5/11-1429 new

from Ch. 95 1/2, par. 6-206

Amends the Illinois Vehicle Code. Creates the offense of theft of motor fuel, a Class A misdemeanor punishable by a minimum fine of \$250 or 30 days of community service. Provides that a person commits the offense when he or she knowingly operates a vehicle so as to cause it to leave the premises of an establishment at which motor fuel offered for retail sale was dispensed into the fuel tank of the vehicle unless that person or some other person has paid for or charged the price of the dispensed motor fuel. Provides that a second violation shall cause the person's driver's license to be suspended for 6 months and that a third or subsequent violation shall result in a one-year suspension.

LRB094 03749 DRH 33758 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT in relation to the operation of motor 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 changing
5 Section 6-206 and adding Section 11-1429 as follows:

6 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 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
26 safe operation of a motor vehicle or disrespect for the
27 traffic laws and the safety of other persons upon the
28 highway;

29 4. Has by the unlawful operation of a motor vehicle
30 caused or contributed to an accident resulting in death or
31 injury requiring immediate professional treatment in a
32 medical facility or doctor's office to any person, except

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

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

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

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

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

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

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

26 11. Has operated a motor vehicle upon a highway of this
27 State when the person's driving privilege or privilege to
28 obtain a driver's license or permit was revoked or
29 suspended unless the operation was authorized by a judicial
30 driving permit, probationary license to drive, or a
31 restricted driving permit issued under this Code;

32 12. Has submitted to any portion of the application
33 process for another person or has obtained the services of
34 another person to submit to any portion of the application
35 process for the purpose of obtaining a license,
36 identification card, or permit for some other person;

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

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
6 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

29 22. Has used a motor vehicle in violating paragraph
30 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
31 the Criminal Code of 1961 relating to unlawful use of
32 weapons, in which case the suspension shall be for one
33 year;

34 23. Has, as a driver, been convicted of committing a
35 violation of paragraph (a) of Section 11-502 of this Code
36 for a second or subsequent time within one year of a

1 similar violation;

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

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

12 26. Has altered or attempted to alter a license or has
13 possessed an altered license, identification card, or
14 permit;

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

17 28. Has been convicted of the illegal possession, while
18 operating or in actual physical control, as a driver, of a
19 motor vehicle, of any controlled substance prohibited
20 under the Illinois Controlled Substances Act or any
21 cannabis prohibited under the provisions of the Cannabis
22 Control Act, in which case the person's driving privileges
23 shall be suspended for one year, and any driver who is
24 convicted of a second or subsequent offense, within 5 years
25 of a previous conviction, for the illegal possession, while
26 operating or in actual physical control, as a driver, of a
27 motor vehicle, of any controlled substance prohibited
28 under the provisions of the Illinois Controlled Substances
29 Act or any cannabis prohibited under the Cannabis Control
30 Act shall be suspended for 5 years. Any defendant found
31 guilty of this offense while operating a motor vehicle,
32 shall have an entry made in the court record by the
33 presiding judge that this offense did occur while the
34 defendant was operating a motor vehicle and order the clerk
35 of the court to report the violation to the Secretary of
36 State;

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

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

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

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

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

35 34. Has committed a violation of Section 11-1301.5 of
36 this Code;

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

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

9 37. Has committed a violation of subsection (c) of
10 Section 11-907 of this Code;

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

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

16 40. Has committed a violation of subsection (a-1) of
17 Section 11-908 of this Code; ~~or~~

18 41. ~~40.~~ Has committed a second or subsequent violation
19 of Section 11-605.1 of this Code within 2 years of the date
20 of the previous violation, in which case the suspension
21 shall be for 90 days; ~~or~~

22 42. Has committed a second or subsequent violation of
23 Section 11-1429 of this Code.

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

31 (b) If any conviction forming the basis of a suspension or
32 revocation authorized under this Section is appealed, the
33 Secretary of State may rescind or withhold the entry of the
34 order of suspension or revocation, as the case may be, provided
35 that a certified copy of a stay order of a court is filed with
36 the Secretary of State. If the conviction is affirmed on

1 appeal, the date of the conviction shall relate back to the
2 time the original judgment of conviction was entered and the 6
3 month limitation prescribed shall not apply.

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

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

1 The provisions of this subparagraph shall not apply to
2 any driver required to obtain a commercial driver's license
3 under Section 6-507 during the period of a disqualification
4 of commercial driving privileges under Section 6-514.

5 Any person who falsely states any fact in the affidavit
6 required herein shall be guilty of perjury under Section
7 6-302 and upon conviction thereof shall have all driving
8 privileges revoked without further rights.

9 3. At the conclusion of a hearing under Section 2-118
10 of this Code, the Secretary of State shall either rescind
11 or continue an order of revocation or shall substitute an
12 order of suspension; or, good cause appearing therefor,
13 rescind, continue, change, or extend the order of
14 suspension. If the Secretary of State does not rescind the
15 order, the Secretary may upon application, to relieve undue
16 hardship, issue a restricted driving permit granting the
17 privilege of driving a motor vehicle between the
18 petitioner's residence and petitioner's place of
19 employment or within the scope of his employment related
20 duties, or to allow transportation for the petitioner, or a
21 household member of the petitioner's family, to receive
22 necessary medical care and if the professional evaluation
23 indicates, provide transportation for alcohol remedial or
24 rehabilitative activity, or for the petitioner to attend
25 classes, as a student, in an accredited educational
26 institution; if the petitioner is able to demonstrate that
27 no alternative means of transportation is reasonably
28 available and the petitioner will not endanger the public
29 safety or welfare.

30 If a person's license or permit has been revoked or
31 suspended due to 2 or more convictions of violating Section
32 11-501 of this Code or a similar provision of a local
33 ordinance or a similar out-of-state offense, arising out of
34 separate occurrences, that person, if issued a restricted
35 driving permit, may not operate a vehicle unless it has
36 been equipped with an ignition interlock device as defined

1 in Section 1-129.1.

2 If a person's license or permit has been revoked or
3 suspended 2 or more times within a 10 year period due to a
4 single conviction of violating Section 11-501 of this Code
5 or a similar provision of a local ordinance or a similar
6 out-of-state offense, and a statutory summary suspension
7 under Section 11-501.1, or 2 or more statutory summary
8 suspensions, or combination of 2 offenses, or of an offense
9 and a statutory summary suspension, arising out of separate
10 occurrences, that person, if issued a restricted driving
11 permit, may not operate a vehicle unless it has been
12 equipped with an ignition interlock device as defined in
13 Section 1-129.1. The person must pay to the Secretary of
14 State DUI Administration Fund an amount not to exceed \$20
15 per month. The Secretary shall establish by rule the amount
16 and the procedures, terms, and conditions relating to these
17 fees. If the restricted driving permit was issued for
18 employment purposes, then this provision does not apply to
19 the operation of an occupational vehicle owned or leased by
20 that person's employer. In each case the Secretary may
21 issue a restricted driving permit for a period deemed
22 appropriate, except that all permits shall expire within
23 one year from the date of issuance. The Secretary may not,
24 however, issue a restricted driving permit to any person
25 whose current revocation is the result of a second or
26 subsequent conviction for a violation of Section 11-501 of
27 this Code or a similar provision of a local ordinance
28 relating to the offense of operating or being in physical
29 control of a motor vehicle while under the influence of
30 alcohol, other drug or drugs, intoxicating compound or
31 compounds, or any similar out-of-state offense, or any
32 combination of those offenses, until the expiration of at
33 least one year from the date of the revocation. A
34 restricted driving permit issued under this Section shall
35 be subject to cancellation, revocation, and suspension by
36 the Secretary of State in like manner and for like cause as

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

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

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

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

25 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
26 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
27 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04; 93-667, eff.
28 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; revised
29 10-22-04.)

30 (625 ILCS 5/11-1429 new)

31 Sec. 11-1429. Theft of motor fuel.

32 (a) No person may knowingly operate a vehicle so as to
33 cause it to leave the premises of an establishment at which
34 motor fuel offered for retail sale was dispensed into the fuel
35 tank of the vehicle unless that person or some other person has

1 paid for or charged the price of the dispensed motor fuel.

2 (b) Violation of this Section is a Class A misdemeanor
3 punishable by a minimum fine of \$250 or 30 hours of community
4 service.

5 (c) A second violation of this Section shall cause the
6 person's driver's license to be suspended for 6 months. A third
7 or subsequent violation of this Section shall result in a
8 one-year suspension.