

1 AN ACT concerning transportation.

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 6-303 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Except as otherwise provided in subsection (a-5), any
10 person who drives or is in actual physical control of a motor
11 vehicle on any highway of this State at a time when such
12 person's driver's license, permit or privilege to do so or the
13 privilege to obtain a driver's license or permit is revoked or
14 suspended as provided by this Code or the law of another state,
15 except as may be specifically allowed by a judicial driving
16 permit issued prior to January 1, 2009, monitoring device
17 driving permit, family financial responsibility driving
18 permit, probationary license to drive, or a restricted driving
19 permit issued pursuant to this Code or under the law of another
20 state, shall be guilty of a Class A misdemeanor.

21 (a-5) Any person who violates this Section as provided in
22 subsection (a) while his or her driver's license, permit or
23 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961, relating to the offense of reckless
2 homicide or a similar provision of a law of another state, is
3 guilty of a Class 4 felony. The person shall be required to
4 undergo a professional evaluation, as provided in Section
5 11-501 of this Code, to determine if an alcohol, drug, or
6 intoxicating compound problem exists and the extent of the
7 problem, and to undergo the imposition of treatment as
8 appropriate.

9 (b) (Blank).

10 (b-1) Upon receiving a report of the conviction of any
11 violation indicating a person was operating a motor vehicle
12 during the time when the person's driver's license, permit or
13 privilege was suspended by the Secretary of State or the
14 driver's licensing administrator of another state, except as
15 specifically allowed by a probationary license, judicial
16 driving permit, restricted driving permit or monitoring device
17 driving permit the Secretary shall extend the suspension for
18 the same period of time as the originally imposed suspension
19 unless the suspension has already expired, in which case the
20 Secretary shall be authorized to suspend the person's driving
21 privileges for the same period of time as the originally
22 imposed suspension.

23 (b-2) Except as provided in subsection (b-6), upon
24 receiving a report of the conviction of any violation
25 indicating a person was operating a motor vehicle when the
26 person's driver's license, permit or privilege was revoked by

1 the Secretary of State or the driver's license administrator of
2 any other state, except as specifically allowed by a restricted
3 driving permit issued pursuant to this Code or the law of
4 another state, the Secretary shall not issue a driver's license
5 for an additional period of one year from the date of such
6 conviction indicating such person was operating a vehicle
7 during such period of revocation.

8 (b-3) (Blank).

9 (b-4) When the Secretary of State receives a report of a
10 conviction of any violation indicating a person was operating a
11 motor vehicle that was not equipped with an ignition interlock
12 device during a time when the person was prohibited from
13 operating a motor vehicle not equipped with such a device, the
14 Secretary shall not issue a driver's license to that person for
15 an additional period of one year from the date of the
16 conviction.

17 (b-5) Any person convicted of violating this Section shall
18 serve a minimum term of imprisonment of 30 consecutive days or
19 300 hours of community service when the person's driving
20 privilege was revoked or suspended as a result of a violation
21 of Section 9-3 of the Criminal Code of 1961, as amended,
22 relating to the offense of reckless homicide, or a similar
23 provision of a law of another state.

24 (b-6) Upon receiving a report of a first conviction of
25 operating a motor vehicle while the person's driver's license,
26 permit or privilege was revoked where the revocation was for a

1 violation of Section 9-3 of the Criminal Code of 1961 relating
2 to the offense of reckless homicide or a similar out-of-state
3 offense, the Secretary shall not issue a driver's license for
4 an additional period of three years from the date of such
5 conviction.

6 (c) Except as provided in subsections (c-3) and (c-4), any
7 person convicted of violating this Section shall serve a
8 minimum term of imprisonment of 10 consecutive days or 30 days
9 of community service when the person's driving privilege was
10 revoked or suspended as a result of:

11 (1) a violation of Section 11-501 of this Code or a
12 similar provision of a local ordinance relating to the
13 offense of operating or being in physical control of a
14 vehicle while under the influence of alcohol, any other
15 drug or any combination thereof; or

16 (2) a violation of paragraph (b) of Section 11-401 of
17 this Code or a similar provision of a local ordinance
18 relating to the offense of leaving the scene of a motor
19 vehicle accident involving personal injury or death; or

20 (3) a statutory summary suspension or revocation under
21 Section 11-501.1 of this Code.

22 Such sentence of imprisonment or community service shall
23 not be subject to suspension in order to reduce such sentence.

24 (c-1) Except as provided in subsections (c-5) and (d), any
25 person convicted of a second violation of this Section shall be
26 ordered by the court to serve a minimum of 100 hours of

1 community service.

2 (c-2) In addition to other penalties imposed under this
3 Section, the court may impose on any person convicted a fourth
4 time of violating this Section any of the following:

5 (1) Seizure of the license plates of the person's
6 vehicle.

7 (2) Immobilization of the person's vehicle for a period
8 of time to be determined by the court.

9 (c-3) Any person convicted of a violation of this Section
10 during a period of summary suspension imposed pursuant to
11 Section 11-501.1 when the person was eligible for a MDDP shall
12 be guilty of a Class 4 felony and shall serve a minimum term of
13 imprisonment of 30 days.

14 (c-4) Any person who has been issued a MDDP and who is
15 convicted of a violation of this Section as a result of
16 operating or being in actual physical control of a motor
17 vehicle not equipped with an ignition interlock device at the
18 time of the offense shall be guilty of a Class 4 felony and
19 shall serve a minimum term of imprisonment of 30 days.

20 (c-5) Any person convicted of a second violation of this
21 Section is guilty of a Class 2 felony, is not eligible for
22 probation or conditional discharge, and shall serve a mandatory
23 term of imprisonment, if the revocation or suspension was for a
24 violation of Section 9-3 of the Criminal Code of 1961, relating
25 to the offense of reckless homicide, or a similar out-of-state
26 offense.

1 (d) Any person convicted of a second violation of this
2 Section shall be guilty of a Class 4 felony and shall serve a
3 minimum term of imprisonment of 30 days or 300 hours of
4 community service, as determined by the court, if the original
5 revocation or suspension was for a violation of Section 11-401
6 or 11-501 of this Code, or a similar out-of-state offense, or a
7 similar provision of a local ordinance, or a statutory summary
8 suspension or revocation under Section 11-501.1 of this Code.

9 (d-1) Except as provided in subsections (d-2), (d-2.5), and
10 (d-3), any person convicted of a third or subsequent violation
11 of this Section shall serve a minimum term of imprisonment of
12 30 days or 300 hours of community service, as determined by the
13 court.

14 (d-2) Any person convicted of a third violation of this
15 Section is guilty of a Class 4 felony and must serve a minimum
16 term of imprisonment of 30 days if the revocation or suspension
17 was for a violation of Section 11-401 or 11-501 of this Code,
18 or a similar out-of-state offense, or a similar provision of a
19 local ordinance, or a statutory summary suspension or
20 revocation under Section 11-501.1 of this Code.

21 (d-2.5) Any person convicted of a third violation of this
22 Section is guilty of a Class 1 felony, is not eligible for
23 probation or conditional discharge, and must serve a mandatory
24 term of imprisonment if the revocation or suspension was for a
25 violation of Section 9-3 of the Criminal Code of 1961, relating
26 to the offense of reckless homicide, or a similar out-of-state

1 offense. The person's driving privileges shall be revoked for
2 the remainder of the person's life.

3 (d-3) Any person convicted of a fourth, fifth, sixth,
4 seventh, eighth, or ninth violation of this Section is guilty
5 of a Class 4 felony and must serve a minimum term of
6 imprisonment of 180 days if the revocation or suspension was
7 for a violation of Section 11-401 or 11-501 of this Code, or a
8 similar out-of-state offense, or a similar provision of a local
9 ordinance, or a statutory summary suspension or revocation
10 under Section 11-501.1 of this Code.

11 (d-3.5) Any person convicted of a fourth or subsequent
12 violation of this Section is guilty of a Class 1 felony, is not
13 eligible for probation or conditional discharge, and must serve
14 a mandatory term of imprisonment, and is eligible for an
15 extended term, if the revocation or suspension was for a
16 violation of Section 9-3 of the Criminal Code of 1961, relating
17 to the offense of reckless homicide, or a similar out-of-state
18 offense.

19 (d-4) Any person convicted of a tenth, eleventh, twelfth,
20 thirteenth, or fourteenth violation of this Section is guilty
21 of a Class 3 felony, and is not eligible for probation or
22 conditional discharge, if the revocation or suspension was for
23 a violation of Section 11-401 or 11-501 of this Code, or a
24 similar out-of-state offense, or a similar provision of a local
25 ordinance, or a statutory summary suspension or revocation
26 under Section 11-501.1 of this Code.

1 (d-5) Any person convicted of a fifteenth or subsequent
2 violation of this Section is guilty of a Class 2 felony, and is
3 not eligible for probation or conditional discharge, if the
4 revocation or suspension was for a violation of Section 11-401
5 or 11-501 of this Code, or a similar out-of-state offense, or a
6 similar provision of a local ordinance, or a statutory summary
7 suspension or revocation under Section 11-501.1 of this Code.

8 (e) Any person in violation of this Section who is also in
9 violation of Section 7-601 of this Code relating to mandatory
10 insurance requirements, in addition to other penalties imposed
11 under this Section, shall have his or her motor vehicle
12 immediately impounded by the arresting law enforcement
13 officer. The motor vehicle may be released to any licensed
14 driver upon a showing of proof of insurance for the vehicle
15 that was impounded and the notarized written consent for the
16 release by the vehicle owner.

17 (f) For any prosecution under this Section, a certified
18 copy of the driving abstract of the defendant shall be admitted
19 as proof of any prior conviction.

20 (g) The motor vehicle used in a violation of this Section
21 is subject to seizure and forfeiture as provided in Sections
22 36-1 and 36-2 of the Criminal Code of 1961 if the person's
23 driving privilege was revoked or suspended as a result of:

24 (1) a violation of Section 11-501 of this Code, a
25 similar provision of a local ordinance, or a similar
26 provision of a law of another state;

1 (2) a violation of paragraph (b) of Section 11-401 of
2 this Code, a similar provision of a local ordinance, or a
3 similar provision of a law of another state;

4 (3) a statutory summary suspension or revocation under
5 Section 11-501.1 of this Code or a similar provision of a
6 law of another state; or

7 (4) a violation of Section 9-3 of the Criminal Code of
8 1961 relating to the offense of reckless homicide, or a
9 similar provision of a law of another state.

10 ~~listed in paragraph (1) or (2) of subsection (c) of this~~
11 ~~Section, as a result of a summary suspension or revocation as~~
12 ~~provided in paragraph (3) of subsection (c) of this Section, or~~
13 ~~as a result of a violation of Section 9-3 of the Criminal Code~~
14 ~~of 1961 relating to the offense of reckless homicide.~~

15 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,
16 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,
17 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
18 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11.)