**Section 1001.460 Requests for Modification of Revocations and Suspensions**

a) No Rescission.  Revocations and suspensions will not be rescinded, except as provided by law or rule. Mandatory revocations and suspensions cannot be reduced or modified in any way, except as provided in subsections (e) and (g).

b) Modification Limited. Suspension periods are set by Department of Driver Services rule (see 92 Ill. Adm. Code 1040) to apply equally to all persons.

c) Modification Defined; Disqualifying Factors. For purposes of this Section, modification means that a discretionary revocation may be reduced to a 12 month suspension, a reduction in the length of a suspension, or the termination of a suspension on or by a specific date, or as soon as the termination can be processed by the Secretary of State. The following factors disqualify a petitioner from being considered for modification:

1) Prior fatal or Type A injury collisions with a disposition (either court supervision or conviction) for a citation issued in conjunction with or as a result of the collisions, within 2 years prior to the date of the hearing. For purposes of this subsection (c)(1), a "Type A Injury" is as defined in IVC Section 11-501.6(g);

2) A prior suspension under the Illinois Safety Responsibility Law [625 ILCS 5/Ch. 7] within 2 years prior to the date of the hearing;

3) A disposition for any moving violations within 6 months prior to the date of the hearing;

4) A revocation or suspension of driving privileges for any moving violations within 5 years prior to the date of the hearing;

5) The record of the proceeding contains credible evidence that the petitioner's conduct, for which his or her driving privileges are suspended or revoked, resulted in the petitioner being charged with a felony.

d) Factors Considered in Petitions for Modification of Discretionary Revocations and Suspensions. Modification may be granted for good cause shown. "Good cause" means that the petitioner has the burden of showing why an exception should be made to serving the full term of a revocation or suspension. If the petitioner shows good cause, then consideration for modification may be given to a petitioner under the conditions listed in this subsection, but the petitioner also is allowed to submit other considerations for modification.

1) Extent of Petitioner's Culpability. The Secretary will consider the petitioner's intent, knowledge, conduct and role in the facts of the event that resulted in the revocation or suspension of his or her driving privileges, and the attitude exhibited by the petitioner prior to and/or at the hearing.

A) In regard to a suspension entered pursuant to IVC Section 6-206(a)9, this means that the petitioner is able to present credible evidence that he or she did not have a specific intent to provide false information on an application for a driver's license or driving permit.

B) In regard to a suspension entered pursuant to IVC Section 6-206(a)10, this means that the petitioner is able to provide credible evidence that he or she did not use alcohol or other drugs and that there was no reasonable potential for the petitioner to use alcohol or other drugs while in the possession of a driver's license or identification card issued to another person. Furthermore, the petitioner must be able to show a credible and legitimate reason for being in possession of someone else's driver's license or identification card.

C) In regard to a suspension entered pursuant to IVC Section 6-206(a)14, this means that the petitioner is able to present credible evidence that he or she has cooperated with law enforcement authorities in the investigation, apprehension and/or prosecution of persons for violations of the Illinois Vehicle Code, particularly those related to underaged drinking or the possession, display, use, attempted use, distribution or manufacture of fraudulent or fictitious driver's licenses, permits or identification cards not issued to the petitioner.

2) The seriousness of the offense and the petitioner's attitude (acceptance of responsibility, expressions of genuine remorse, etc.).

3) The petitioner must be able to demonstrate, by clear and convincing evidence, that he or she is at low risk of repeating his or her behavior in the future. The Secretary reserves the discretion to require the petitioner to satisfy the requirements of this Subpart D if there is evidence that the petitioner may be a user of alcohol or any other drugs to a degree that renders the petitioner incapable of safely driving a motor vehicle, as a condition of modifying the suspension or averting a cancellation of the petitioner's driving privileges;

4) The early termination of a suspension will be considered when, in addition to satisfying the other conditions of this subsection (d), the petitioner also provides a compelling justification or mitigating circumstances that warrant the early termination.

e) Rescission, Termination or Modification of Revocations Entered Pursuant to IVC Section 6-205(a)16.

1) Petitions to rescind, terminate or modify a revocation entered pursuant to IVC Section 6-205(a)16 are considered at a formal hearing (see 625 ILCS 5/2-118);

2) In order for a revocation to be rescinded, the petitioner must prove that his or her conduct was not the proximate cause of the death;

3) The Secretary will apply the criteria in subsections (c) and (d) in deciding whether to modify or terminate a revocation;

4) Modification or termination will not be granted unless the petitioner presents a certificate of completion of any driver remedial or rehabilitative program.

f) Limitations on the Terms of Modification of Discretionary Revocations and Discretionary Suspensions.  A discretionary revocation may only be reduced to a 12 month suspension. However, a discretionary revocation shall not be reduced to a 12 month suspension and then the suspension reduced.  A discretionary suspension may be reduced by no more than 6 months, unless it is terminated. A discretionary suspension shall be terminated only under the most compelling circumstances and in the interest of fairness and justice, except as provided in subsection (g).

g) Credit for Out-of-State or Military Offenses.  Credit may be given to Illinois licensed drivers if they commit an offense or engage in conduct outside the State of Illinois or on a military base that results in revocation or suspension of their out-of-state or military base driver's license and driving privileges and that is entered prior to their Illinois driver's license being suspended or revoked pursuant to IVC Section 6-206(a)(6) or (a)(24) for the same or a substantially similar offense. In order to be eligible to receive credit for the time spent suspended or revoked out-of-state or on a military base prior to being suspended or revoked in Illinois, the petitioner must demonstrate either that the prior suspension or revocation created a previous undue hardship as it pertains to hardships recognized under this Part or that the petitioner resided temporarily in the other state or military base prior to his/her Illinois driver's license being suspended or revoked in Illinois. The credit shall be given against the Illinois suspension or revocation for the same length of time actually served on the out-of-state or military suspension or revocation prior to the effective date of the Illinois suspension or revocation.  A discretionary revocation will be modified to a suspension and terminated early, or the date of eligibility for reinstatement of Illinois driving privileges shall be advanced.

(Source: Amended at 40 Ill. Reg. 834, effective December 31, 2015)