**Section 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation**

a) Pursuant to IVC Section 6-303, when the Department is notified that a person has been convicted of any violation committed while operating a motor vehicle upon a highway, except violations of IVC Section 12-603.1 and Section 7-342.1 of the Chicago Traffic Code while driving privileges were suspended, excluding miscellaneous suspensions, and the person does not possess a valid restricted driving permit, judicial driving permit or probationary license at the time of arrest, the period of suspension shall be extended for an additional like period of time as the original suspension if the suspension is in effect at the time the conviction is recorded to the driving record. The Department shall suspend for a like period of time as the original suspension if the suspension has terminated at the time the conviction is recorded to the driving record.

b) If a person is convicted of driving while driving privileges are suspended in violation of IVC Section 6-303(a) and possesses a valid probationary license at the time of the arrest, no suspension action will be taken by the Department.

c) If a person is convicted of driving while driving privileges are suspended in violation of IVC Section 6-303(a) or 6-113 and at the time of arrest the person had in his/her possession a valid restricted driving permit or valid judicial driving permit, the period of suspension shall be extended for an additional like period of time as the original suspension if the suspension is in effect at the time the conviction is recorded to the driving record. If the suspension has terminated at the time the conviction is recorded to the driving record the Department shall suspend for a like period of time as the original suspension.

d) If a person is convicted of driving while driving privileges are revoked in violation of IVC Section 6-303(a) or 6-113, and at the time the conviction is recorded to the driving record, a revocation is in effect, the person shall not be eligible to apply for reinstatement of driving privileges for an additional one year period from the date of conviction or the latest projected eligibility date on record regardless of whether or not the person possesses a valid restricted driving permit. If the period of revocation has terminated at the time the conviction is recorded to the driving record, the Department shall suspend the person's driving privileges for 12 months.

e) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of suspension, excluding miscellaneous suspensions, and possesses a valid restricted driving permit or valid judicial driving permit at the time of arrest, a determination shall be made whether or not the person was in violation of a restriction on the permit based on, but not limited to, the person's driving record, the ticket issued, and the restriction on the permit. If a violation of a restriction on the permit exists, the period of suspension shall be extended for an additional like period of time as the original suspension, provided the suspension is in effect at the time the conviction is recorded to the driving record. If the suspension has terminated at the time the conviction is recorded to the driving record, the Department shall suspend for a like period of time as the original suspension. Convictions of the following violations shall be excluded from this subsection: IVC Sections 6-303(a) and 6-113, Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1.

f) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of revocation and possesses a valid restricted driving permit at the time of arrest, a determination shall be made, whether or not the person was in violation of a restriction imposed on the permit based on, but not limited to, the person's driving record, the ticket issued, and the restrictions on the permit. If a violation of a restriction on the permit exists, the person shall not be eligible to apply for reinstatement of driving privileges for an additional one year period or longer as provided in IVC Section 6-208 from the date of conviction or the latest projected eligibility date on record provided the revocation is in effect at the time the conviction is recorded to the driving record. If the period of revocation has terminated at the time the conviction is recorded to the driving record, the Department shall suspend the person's driving privileges for 12 months. Convictions of the following violations shall be excluded from this subsection: IVC Sections 6-303(a) and 6-113, Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1.

g) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of suspension, excluding miscellaneous suspensions, or during the period of revocation and possesses a valid restricted driving permit or valid judicial driving permit at the time of arrest, a determination shall be made whether or not a violation of any restriction on the permit exists, based on, but not limited to, the person's driving record, the ticket issued, and the restrictions on the permit. If no violation of a restriction on the permit is found to exist, the Department shall take no action pursuant to IVC Section 6-303(b). Convictions of the following violations shall be excluded from this subsection: IVC Sections 6-303(a) and 6-113, Section 7-342.1 of the Chicago Traffic Code and IVC Section 12-603.1.

h) If a person is convicted of any violation of driving during a miscellaneous suspension, the Department will take no action pursuant to IVC Section 6-303(b).

(Source: Amended at 33 Ill. Reg. 2603, effective January 22, 2009)