**Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently**

a) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in IVC Section 6-206.

1) If any person has permitted an unlawful use of a driver's license, identification card, or permit by allowing another person to use any license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(5):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

2) If any person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(9):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense with open or pending revocation |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

3) If any person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to that person, the Department shall take the following action pursuant to IVC Section 6-206(a)(10):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

4) If any person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to IVC Section 6-206(a)(12):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

5) If any person has violated IVC Section 6-301, 6-301.1 or 6-301.2 or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335/14, 14A or 14B], the Department shall take action appropriate for the violation committed pursuant to IVC Section 6-206.

A) Unlawful use of driver's license, permit or identification card: If any person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card; allowed unlawful use of driver's license, permit or identification card; lent his driver's license, permit or identification card to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, permit or identification card issued to another, the Department shall take the following action pursuant to IVC Section 6-301 or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

B) Fictitious or unlawfully altered driver's license, identification card or permit: If any person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to IVC Section 6-301.1 or Section 14 of the Illinois Identification Card Act:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

C) Fraudulent driver's license or permit: If any person has committed a violation of IVC Section 6-301.2(b)(1) through (6), (11) or (12) or Section 14B(b)(1) through (6) of the Illinois Identification Card Act, the Department shall take the following action pursuant to IVC Section 6-206(a)(14):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

D) Fraudulent driver's license or permit: If any person has committed a violation of IVC Section 6-301.2(b)(7) through (10) or Section 14B(b)(7) through (10) of the Illinois Identification Card Act, the Department shall take the following action pursuant to IVC Section 6-206(a)(14):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st or subsequent Offense |  | Revocation; or |

6) If any person has permitted another person to use any form of that person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(25):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

7) If any person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to IVC Section 6-206(a)(26):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Offenses |  | Action |
| 1st Offense |  | 12-month Suspension |
| 1st Offense (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Offense |  | Revocation; or |

8) If any person has been convicted of violating Section 6-20(c) of the Liquor Control Act of 1934, and the person was an occupant of a motor vehicle at the time of the violation, the Department shall take the following action pursuant to IVC Section 6-206(a)(38):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
| 1st Conviction |  | 12-month Suspension |
| 1st Conviction (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Conviction  |  | Revocation; or |

9) If a person has been convicted of violating Section 10-15(b) or 10-20(b) of the Cannabis Regulation and Tax Act, the Department shall take the following action pursuant to the IVC Section 6-206(a)(52):

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
| 1st Conviction |  | 12-month Suspension |
| 1st Conviction (with open or pending revocation) |  | Revocation |
| 2nd or subsequent Conviction |  | Revocation. |

b) The sources of acceptable proof of the offenses described in subsection (a) are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.

c) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (a) if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by IVC Section 6-103. Proof shall be the application documents for federal amnesty issued by the U.S. Citizenship and Immigration Services verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (b) that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 2012 [720 ILCS 5], driving privileges shall be suspended or revoked by the Department in accordance with subsection (a).

d) The Director of the Department of Driver Services shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Secretary's Office of the Inspector General or Office of the Executive Inspector General gives the Director sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license, permit or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General or Office of the Executive Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General or Office of the Executive Inspector General.

(Source: Amended at 47 Ill. Reg. 11480, effective July 12, 2023)