**Section 1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction**

a) Local ordinance conviction. A person who has been convicted of a local ordinance violation that is similar to any of those offenses in IVC Section 6-205 or 6-206 shall have his/her driving privileges revoked or suspended in the same manner as if he/she had been convicted of an offense contained within the Illinois Vehicle Code. An offense would be similar if the same elements were necessary to prove a local ordinance offense as are necessary to prove the offense as stated in the Illinois Vehicle Code.

b) Administrative Revocation

1) When the Secretary of State has received sufficient evidence that a person has committed one or more of the following offenses or similar provisions of a local ordinance and these offenses, currently awaiting court disposition, resulted in great bodily harm or death, the driving record of the individual shall be reviewed for possible driver's license revocation by the Department:

A) driving under the influence of alcohol, other drugs or a combination thereof pursuant to IVC Section 11-501;

B) reckless homicide resulting from the operation of a motor vehicle pursuant to Section 9-3 of the Criminal Code of 1961 [720 ILCS 5/9-3];

C) leaving the scene of a traffic accident involving death or personal injury pursuant to IVC Section 11-401;

D) drag racing pursuant to IVC Section 11-504;

E) aggravated reckless driving pursuant to IVC Section 11-503(c);

F) any felony under the laws of this or any other state or the federal government in the commission of which a motor vehicle was used pursuant to IVC Section 6-205(a)(3);

G) street racing pursuant to IVC Section 11-506(a);

H) a violation of a traffic regulation governing the movement of vehicles.

2) In determining whether action should be taken, the driving record and other sufficient evidence showing that the person has committed an offense listed in subsection (b)(1) shall be examined. "Sufficient evidence" shall be defined as copies of court documents showing the person has been charged with one or more of the named offenses in subsection (b)(1) and:

A) documentation or copies of documentation, of coroner's activities describing an incident where great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1) was charged; or

B) statements of eye witnesses and others with first hand knowledge concerning the matter that indicate that great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1) was charged; or

C) any other competent evidence. Examples of what would constitute other competent evidence include but are not limited to laboratory reports, accident reports and other documentation deemed important and probative by the state's attorney.

3) This information shall be provided with a letter of transmittal from the appropriate state's attorney.

4) "Great bodily harm" shall include but not be limited to any of the following:

A) bodily injury that involves a substantial risk of death;

B) unconsciousness;

C) extreme physical pain;

D) protracted or permanent disfigurement;

E) protracted or permanent loss or impairment of the function of a bodily member, organ, or mental faculty;

F) bone fractures;

G) distorted extremity or extremities;

H) severely bleeding wound.

5) If sufficient evidence is received from the state's attorney and indicates that a person has committed one or more of the named offenses in subsection (b)(1), and that these offenses, currently awaiting court disposition, involved a motor vehicle accident that caused great bodily harm or death, the driving privileges of the individual shall be revoked.

6) If the individual whose driving privileges have been revoked under this Section is adjudicated "guilty" or is granted a disposition of "court supervision" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

7) If the individual whose driving privileges have been revoked under this Section is adjudicated "not guilty" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

8) If the charges against an individual whose driving privileges have been revoked under this Section are reduced or altered in any manner so that the offenses for which the individual is convicted do not require a mandatory revocation under IVC Section 6-205, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

c) Administrative Hearing. An individual whose driving privileges have been revoked or suspended under this Section may request an administrative hearing pursuant to IVC Section 2-118 and 92 Ill. Adm. Code 1001.

(Source: Amended at 42 Ill. Reg. 7963, effective April 30, 2018)