**Section 1040.42 Suspension or Revocation for Fleeing and Eluding**

a) A person who has been convicted of fleeing or attempting to elude a peace officer in a motor vehicle shall have his/her driving privileges suspended or revoked by the Department.

b) If the driving record contains no suspensions or revocations, the Department shall take the following action:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
| 1st Conviction |  | 6-month Suspension |
| 2nd Conviction |  | 12-month Suspension |
| 3rd or subsequent Conviction |  | Revocation |

c) If the driving record contains one or more suspensions and/or cleared revocations, excluding miscellaneous suspensions, the Department shall take the following action:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
| 1st Conviction |  | 6-month Suspension  |
| 2nd Conviction |  | 12-month Suspension |
| 3rd or subsequent Conviction |  | Revocation |

d) If the driving record contains one or more open or pending revocation excluding miscellaneous suspensions, and the arrest date of the incoming conviction falls occurred prior to the effective date of revocation, the Department shall take the following action:

ACTION TABLE

|  |  |  |
| --- | --- | --- |
| Convictions |  | Action |
| 1st Conviction |  | No Action |
| 2nd Conviction |  | No Action |
| 3rd or subsequent Conviction |  | Revocation |

e) If the driving record contains one or more open revocations, one of which may be concurrent with one or more open or pending suspensions, excluding miscellaneous suspensions, and the arrest date of the incoming conviction falls during the revocation, the Department shall extend the projected eligibility date of the revocation one year from the conviction date or to the latest projected eligibility date on record. If the arrest date of the incoming conviction falls outside the period of revocation but within the period of an open suspension, the Department shall extend the suspension for an additional like period of time.

f) Only prior suspensions or revocations terminating within seven years prior to the forthcoming suspension's effective date shall be considered.

g) When considering prior convictions, only convictions for fleeing or attempting to elude a peace officer with conviction dates within seven years prior to the forthcoming suspension's effective date shall be used.

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