**Section 1040.46 Suspension or Revocation for Personal Injury Suspensions or Revocations**

a) The Department shall review accidents in which a personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates a personal injury that has been designated as a Type A injury and the injured party was transported to a hospital. No action shall be taken in a personal injury case if the only Type A injury indicated was for the individual convicted of the traffic violation. Fatal accidents that occur on or after January 1, 2011 shall not be subject to subsections (a) through (f), but shall be subject to subsection (g).

b) Suspensions and revocations under these provisions shall be based on the number of points a person has accumulated and upon review of the individual's prior driving record, unless the conviction is an immediate action violation for which no points are assigned. The points shall be assigned in the following manner:

1) Five points shall be added to a person's point total for a Type A injury to a maximum of four persons. Five additional points shall be assigned for each Type A injury for the fifth and each subsequent Type A injury.

2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 shall be added to the person's point total.

3) Ten points shall be added to the person's point total for each previous two-month suspension entered in accordance with IVC Section 6-206(a)(2). Fifteen points shall be added to the person's point total for any other previous non-alcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any revocation within two years prior to or one year subsequent to the accident. Miscellaneous suspensions shall not be counted as prior or subsequent suspensions.

4) Ten points shall also be added to the person's point total for each conviction of reckless driving in violation of IVC Section 11-503, speeding in excess of 25 miles per hour over the speed limit in violation of IVC Section 11-601(b), or operating a motorcycle on one wheel in violation of IVC Section 11-1403.2 issued within two years prior to or one year subsequent to the accident.

5) Five points shall be added to the person's point total for any traffic-related conviction issued within two years prior to or one year subsequent to the accident with the following exceptions:

A) No conviction associated with a previous suspension or revocation shall be used.

B) Only the most serious conviction resulting from the accident under review shall be used.

c) For accidents involving personal injury, if a person accumulates zero to 39 points the Department shall take no action. Forty to 49 points shall result in a three-month suspension. Fifty to 59 points shall result in a 6-month suspension and 60 to 74 points shall result in a 12-month suspension. Seventy-five or more points shall result in a revocation.

d) Any person whose driving privileges were suspended, revoked or cancelled at the time of the personal injury accident shall have his/her driving privileges revoked. Any person who, as a result of a fatal or personal injury accident, is convicted of passing a stopped school bus in violation of IVC Section 11-1414 shall have his/her driving privileges revoked.

e) In accordance with IVC Section 6-206(a)(4), any suspension or revocation imposed shall start no later than six months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one year subsequent to the date of the accident involving a personal injury, whichever date occurs later.

f) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 shall have his/her driving privileges revoked under the applicable IVC Section.

g) Any person who is convicted of an offense regulating the movement of traffic with an arrest date on or after January 1, 2011 that resulted in proximate death of any person shall have his/her driving privileges revoked under IVC Section 6-205(a)(16).

(Source: Amended at 40 Ill. Reg. 15417, effective December 1, 2016)