**Section 1070.110 Illinois Safety and Family Financial Responsibility Law**

a) For purposes of this Section, the following definitions shall apply:

"Administrative Order of Support" − an order for the support of dependent children issued by an administrative body of this or any other state.

"Cancellation" − the annulment or termination by formal action of the Secretary of State of a person's Family Financial Responsibility Driving Permit (FFRP) because of some error or defect in the FFRP or because the permittee is in some form of violation of any of the requirements contained in the Illinois Vehicle Code or Illinois Administrative Code.

"Certification" − the electronic transmission to the Department from the Illinois Department of Healthcare and Family Services when a person is 90 days or more delinquent in payment of support under an order of support entered by a court or an administrative body of this or any other state.

"Department" − the Department of Driver Services within the Office of the Secretary of State.

"Department of Healthcare and Family Services" or "HFS" − the Illinois Department of Healthcare and Family Services.

"Family Financial Responsibility Driving Permit" or "FFRP" − a document issued to persons who have had their full driving privileges suspended that grants and specifies limited driving privileges as specified in IVC Section 7-702.1.

"Illinois Vehicle Code", "Vehicle Code" or "IVC" − 625 ILCS 5.

"Invalidation" − to render a license or permit no longer valid for the purpose it was issued, as specified in IVC Section 6-301.3.

"Law Enforcement" − a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Law Enforcement Sworn Report" − a confirmation of correctness and truth by an affidavit, oath or deposition, or a verification by certification, executed by a law enforcement officer, as specified in IVC Section 11-501.1(d) and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

"Received by the Department of Administrative Hearings" − a written request for an administrative hearing that is received and date-file stamped at the Department of Administrative Hearings or any formal hearing location .

"Recipient Identification Number" or "RIN" – the file number used by the Department of Healthcare and Family Services to identify child support cases.

"Stay Order" − the temporary suspension of the regular order of proceeding in a cause, by direction or order of the court.

"Visitation Order" – the order of the court involving visitation rights for family members of minor children.

b) Suspension of Driving Privileges

1) The Department shall suspend the driver's license of an obligor, pursuant to IVC Section 7-702(a) or (b), upon receipt of an authenticated report as set forth in IVC Section 7-703. The authenticated report must be on a form prescribed by the Secretary of State and include the obligor's name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, judge's signature, court seal or file stamp, and date certified.

2) The Department shall enter an order of suspension pursuant to IVC Section 7-702(c) upon receipt of certification by HFS that the obligor is 90 days or more delinquent in payment of support under an order of support issued by a court or an administrative body of this or any other state.  The certification shall include the obligor's name, address, driver's license number and/or social security number and case number. If the certification does not contain the driver's license number or social security number of the obligor, the certification shall include the obligor's name, date of birth, gender and case number.

3) Any submitted authenticated report or Record of Nonpayment of Court-Ordered Child Support that is defective by not containing sufficient information or that has been completed in error shall not be entered onto the obligor's driving record, but shall be returned to the court of jurisdiction and shall indicate why the order of suspension cannot be entered.

4) Any certification from HFS that contains insufficient data or has been completed in error shall not be entered onto the obligor's driving record, but shall be electronically returned to HFS with an indication as to why the order of suspension cannot be entered.

5) The Department shall suspend the driver's license of an individual, pursuant to IVC Section 7-702(d), upon receipt of an authenticated report as set forth in IVC Section 7-703 that indicates the court has adjudicated the individual as engaging in visitation abuse. The authenticated report must be on a form prescribed by the Secretary of State and include the name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, name of the judge entering the order, court seal or file stamp, and date certified.

c) Termination of Suspension

1) Upon receipt of an authenticated document, in a form approved by the Department, that the obligor is in compliance with a court order of support or that the order has been stayed by subsequent order of the court, the Department shall terminate the suspension. The authenticated document must include the obligor's name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, judge's signature, and court seal or file stamp.

2) Upon receipt of an electronic certification of compliance from HFS when the person has paid the delinquent support in full or has arranged for payment of the delinquent support and current support obligations in a manner satisfactory to HFS. The certification must include the person's name, address, date of birth, gender and RIN.

3) Upon receipt of an authenticated document, in a form approved by the Department, that the individual is in compliance with the visitation order or that the order has been stayed by subsequent order of the court, the Department shall terminate the suspension.  The authenticated document must include the individual's name, address, driver's license number, date of birth and gender, the date and county in which the order was entered, case number, name of the judge entering the order, and court seal or file stamp.

d) Family Financial Responsibility Permits (FFRP)

1) The Department shall enter an FFRP pursuant to IVC Section 7-702.1(a) or 7-702.1(a-1) if the following conditions are met:

A) The Department receives a certified court order, on a form prescribed by the Secretary of State, from the court of jurisdiction.

B) The court order includes: obligor's name or the name of the individual violating the visitation order, address, driver's license number, date of birth and gender, date the order was issued, case number, driver's employer and address if applicable, medical or treatment provider and address if applicable, whether the permit allows the driver to seek employment, hours the driver is permitted to operate a vehicle, routes to be traveled, case number, judge's signature, county in which the order was issued, permit type (original, duplicate or renewal), permit expiration date (maximum duration is one year), and court seal or file stamp.

2) The Department shall enter an FFRP pursuant to IVC Section 7-702.1(b) if the following conditions are met:

A) The Department receives an order, on a form prescribed by the Secretary of State, from HFS.

B) The HFS order includes: obligor's name, address, driver's license number, date of birth and gender, date the order was issued, obligor's employer and address if applicable, medical or treatment provider and address if applicable, whether the permit allows the obligor to drive to seek employment, hours the obligor is permitted to operate a vehicle, routes to be traveled, RIN, signature of the HFS representative, county in which the order was issued, permit type (original, duplicate or renewal), permit expiration date (maximum duration is one year), and HFS stamp or seal.

3) Any submitted court or HFS order directing the Department to issue an FFRP that contains insufficient data or fails to comply with any provisions of this Part or IVC Article VII shall not be entered to the obligor's driving record, but shall be returned to the court of jurisdiction or HFS, indicating why the FFRP cannot be issued at that time.

e) Invalidation of FFRP

1) Upon receipt of any of the following documents from a circuit clerk, law enforcement agency or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate an FFRP:

A) a copy of a charging document for reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, driving outside of restrictions of permit in violation of IVC Section 6-113(e), leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or street racing in violation of IVC Section 11-506.  The law enforcement officer issuing a citation for any of these offenses shall confiscate the FFRP and forward it, along with the citation, to the clerk of the circuit court of the county in which the citation was issued.  The circuit clerk shall forward the FFRP and a facsimile of the officer's citation to the Secretary of State as expeditiously as possible; or

B) a report of any disposition of court supervision or conviction for reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of IVC Section 11-501 or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of IVC Section 11-401, or street racing in violation of IVC Section 11-506; or

C) Law Enforcement Officer's Sworn Report.

2) The Department shall invalidate an FFRP, upon receipt of a court order indicating the driver is no longer entitled to the permit, in the same manner that a driver's license may be invalidated.

3) The Department shall invalidate an FFRP if the driver's license expires during the term of the FFRP and the driver does not renew his or her driver's license in the manner set forth in IVC Section 6-115.

4) The Department shall invalidate an FFRP, upon request of HFS, when the obligor has not met the conditions of the issuance of the permit, set forth by HFS. Those conditions include, but are not limited to, maintaining and providing to HFS an employment diary as proof that the FFRP is being used to seek employment. The invalidation request shall be submitted to the Department on a form provided by the Department.

f) Termination of FFRP

1) Upon receipt of authenticated documentation from the court that the driver is in compliance with the court order of support or visitation, or that the order of suspension has been stayed, the Department shall terminate the FFRP.

2) Upon receipt of an electronic certification of compliance from HFS, the Department shall terminate the FFRP. The certification of compliance must include the obligor's name, address, driver's license number, date of birth, gender and RIN.

g) Administrative Hearings

1) The obligor or individual violating the visitation order may make a written request for an administrative hearing to contest the family financial responsibility suspension of his or her driver's license, pursuant to IVC Section 2-118.

2) If the Department of Administrative Hearings of the Secretary of State receives a written hearing request by the obligor or individual violating the visitation order, in a manner and form approved by the Secretary of State, prior to the effective date of the family financial responsibility suspension, the Department shall stay the suspension in accordance with IVC Section 7-706.

h) Fees. The Department shall collect a driver's license reinstatement fee as prescribed by IVC Sections 6-118 and 7-707. A reinstatement fee shall be charged for each suspension entered pursuant to IVC Section 7-702. No reinstatement fee shall be charged for individuals suspended pursuant to IVC Section 7-702(d).

(Source: Amended at 38 Ill. Reg. 20054, effective October 1, 2014)