



Rep. Barbara Wheeler

Filed: 3/7/2017

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LRB100 06233 AXK 22596 a

1 AMENDMENT TO HOUSE BILL 3037

2 AMENDMENT NO. _____. Amend House Bill 3037 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-205, 6-206, 6-208, and 11-501.01 as
6 follows:

7 (625 ILCS 5/6-205)

8 Sec. 6-205. Mandatory revocation of license or permit;
9 Hardship cases.

10 (a) Except as provided in this Section, the Secretary of
11 State shall immediately revoke the license, permit, or driving
12 privileges of any driver upon receiving a report of the
13 driver's conviction of any of the following offenses:

14 1. Reckless homicide resulting from the operation of a
15 motor vehicle;

16 2. Violation of Section 11-501 of this Code or a

1 similar provision of a local ordinance relating to the
2 offense of operating or being in physical control of a
3 vehicle while under the influence of alcohol, other drug or
4 drugs, intoxicating compound or compounds, or any
5 combination thereof;

6 3. Any felony under the laws of any State or the
7 federal government in the commission of which a motor
8 vehicle was used;

9 4. Violation of Section 11-401 of this Code relating to
10 the offense of leaving the scene of a traffic accident
11 involving death or personal injury;

12 5. Perjury or the making of a false affidavit or
13 statement under oath to the Secretary of State under this
14 Code or under any other law relating to the ownership or
15 operation of motor vehicles;

16 6. Conviction upon 3 charges of violation of Section
17 11-503 of this Code relating to the offense of reckless
18 driving committed within a period of 12 months;

19 7. Conviction of any offense defined in Section 4-102
20 of this Code;

21 8. Violation of Section 11-504 of this Code relating to
22 the offense of drag racing;

23 9. Violation of Chapters 8 and 9 of this Code;

24 10. Violation of Section 12-5 of the Criminal Code of
25 1961 or the Criminal Code of 2012 arising from the use of a
26 motor vehicle;

1 11. Violation of Section 11-204.1 of this Code relating
2 to aggravated fleeing or attempting to elude a peace
3 officer;

4 12. Violation of paragraph (1) of subsection (b) of
5 Section 6-507, or a similar law of any other state,
6 relating to the unlawful operation of a commercial motor
7 vehicle;

8 13. Violation of paragraph (a) of Section 11-502 of
9 this Code or a similar provision of a local ordinance if
10 the driver has been previously convicted of a violation of
11 that Section or a similar provision of a local ordinance
12 and the driver was less than 21 years of age at the time of
13 the offense;

14 14. Violation of paragraph (a) of Section 11-506 of
15 this Code or a similar provision of a local ordinance
16 relating to the offense of street racing;

17 15. A second or subsequent conviction of driving while
18 the person's driver's license, permit or privileges was
19 revoked for reckless homicide or a similar out-of-state
20 offense;

21 16. Any offense against any provision in this Code, or
22 any local ordinance, regulating the movement of traffic
23 when that offense was the proximate cause of the death of
24 any person. Any person whose driving privileges have been
25 revoked pursuant to this paragraph may seek to have the
26 revocation terminated or to have the length of revocation

1 reduced by requesting an administrative hearing with the
2 Secretary of State prior to the projected driver's license
3 application eligibility date;

4 17. Violation of subsection (a-2) of Section 11-1301.3
5 of this Code or a similar provision of a local ordinance;

6 18. A second or subsequent conviction of illegal
7 possession, while operating or in actual physical control,
8 as a driver, of a motor vehicle, of any controlled
9 substance prohibited under the Illinois Controlled
10 Substances Act, any cannabis prohibited under the Cannabis
11 Control Act, or any methamphetamine prohibited under the
12 Methamphetamine Control and Community Protection Act. A
13 defendant found guilty of this offense while operating a
14 motor vehicle shall have an entry made in the court record
15 by the presiding judge that this offense did occur while
16 the defendant was operating a motor vehicle and order the
17 clerk of the court to report the violation to the Secretary
18 of State.

19 (b) The Secretary of State shall also immediately revoke
20 the license or permit of any driver in the following
21 situations:

22 1. Of any minor upon receiving the notice provided for
23 in Section 5-901 of the Juvenile Court Act of 1987 that the
24 minor has been adjudicated under that Act as having
25 committed an offense relating to motor vehicles prescribed
26 in Section 4-103 of this Code;

1 2. Of any person when any other law of this State
2 requires either the revocation or suspension of a license
3 or permit;

4 3. Of any person adjudicated under the Juvenile Court
5 Act of 1987 based on an offense determined to have been
6 committed in furtherance of the criminal activities of an
7 organized gang as provided in Section 5-710 of that Act,
8 and that involved the operation or use of a motor vehicle
9 or the use of a driver's license or permit. The revocation
10 shall remain in effect for the period determined by the
11 court.

12 (c)(1) Whenever a person is convicted of any of the
13 offenses enumerated in this Section, the court may recommend
14 and the Secretary of State in his discretion, without regard to
15 whether the recommendation is made by the court may, upon
16 application, issue to the person a restricted driving permit
17 granting the privilege of driving a motor vehicle between the
18 petitioner's residence and petitioner's place of employment or
19 within the scope of the petitioner's employment related duties,
20 or to allow the petitioner to transport himself or herself or a
21 family member of the petitioner's household to a medical
22 facility for the receipt of necessary medical care or to allow
23 the petitioner to transport himself or herself to and from
24 alcohol or drug remedial or rehabilitative activity
25 recommended by a licensed service provider, or to allow the
26 petitioner to transport himself or herself or a family member

1 of the petitioner's household to classes, as a student, at an
2 accredited educational institution, or to allow the petitioner
3 to transport children, elderly persons, or persons with
4 disabilities who do not hold driving privileges and are living
5 in the petitioner's household to and from daycare; if the
6 petitioner is able to demonstrate that no alternative means of
7 transportation is reasonably available and that the petitioner
8 will not endanger the public safety or welfare; provided that
9 the Secretary's discretion shall be limited to cases where
10 undue hardship, as defined by the rules of the Secretary of
11 State, would result from a failure to issue the restricted
12 driving permit.

13 (1.5) A person subject to the provisions of paragraph 4
14 of subsection (b) of Section 6-208 of this Code may make
15 application for a restricted driving permit at a hearing
16 conducted under Section 2-118 of this Code after the
17 expiration of 5 years from the effective date of the most
18 recent revocation, or after 5 years from the date of
19 release from a period of imprisonment resulting from a
20 conviction of the most recent offense, whichever is later,
21 provided the person, in addition to all other requirements
22 of the Secretary, shows by clear and convincing evidence:

23 (A) a minimum of 3 years of uninterrupted
24 abstinence from alcohol and the unlawful use or
25 consumption of cannabis under the Cannabis Control
26 Act, a controlled substance under the Illinois

1 Controlled Substances Act, an intoxicating compound
2 under the Use of Intoxicating Compounds Act, or
3 methamphetamine under the Methamphetamine Control and
4 Community Protection Act; and

5 (B) the successful completion of any
6 rehabilitative treatment and involvement in any
7 ongoing rehabilitative activity that may be
8 recommended by a properly licensed service provider
9 according to an assessment of the person's alcohol or
10 drug use under Section 11-501.01 of this Code.

11 In determining whether an applicant is eligible for a
12 restricted driving permit under this paragraph (1.5), the
13 Secretary may consider any relevant evidence, including,
14 but not limited to, testimony, affidavits, records, and the
15 results of regular alcohol or drug tests. Persons subject
16 to the provisions of paragraph 4 of subsection (b) of
17 Section 6-208 of this Code and who have been convicted of
18 more than one violation of paragraph (3), paragraph (4), or
19 paragraph (5) of subsection (a) of Section 11-501 of this
20 Code shall not be eligible to apply for a restricted
21 driving permit.

22 A restricted driving permit issued under this
23 paragraph (1.5) shall provide that the holder may only
24 operate motor vehicles equipped with an ignition interlock
25 device as required under paragraph (2) of subsection (c) of
26 this Section and subparagraph (A) of paragraph 3 of

1 subsection (c) of Section 6-206 of this Code. The Secretary
2 may revoke a restricted driving permit or amend the
3 conditions of a restricted driving permit issued under this
4 paragraph (1.5) if the holder operates a vehicle that is
5 not equipped with an ignition interlock device, or for any
6 other reason authorized under this Code.

7 A restricted driving permit issued under this
8 paragraph (1.5) shall be revoked, and the holder barred
9 from applying for or being issued a restricted driving
10 permit in the future, if the holder is subsequently
11 convicted of a violation of Section 11-501 of this Code, a
12 similar provision of a local ordinance, or a similar
13 offense in another state.

14 (2) If a person's license or permit is revoked or
15 suspended due to 2 or more convictions of violating Section
16 11-501 of this Code or a similar provision of a local
17 ordinance or a similar out-of-state offense, or Section 9-3
18 of the Criminal Code of 1961 or the Criminal Code of 2012,
19 where the use of alcohol or other drugs is recited as an
20 element of the offense, or a similar out-of-state offense,
21 or a combination of these offenses, arising out of separate
22 occurrences, that person, if issued a restricted driving
23 permit, may not operate a vehicle unless it has been
24 equipped with an ignition interlock device as defined in
25 Section 1-129.1.

26 (3) If:

1 (A) a person's license or permit is revoked or
2 suspended 2 or more times due to any combination of:

3 (i) a single conviction of violating Section
4 11-501 of this Code or a similar provision of a
5 local ordinance or a similar out-of-state offense,
6 or Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, where the use of alcohol or
8 other drugs is recited as an element of the
9 offense, or a similar out-of-state offense; or

10 (ii) a statutory summary suspension or
11 revocation under Section 11-501.1; or

12 (iii) a suspension pursuant to Section
13 6-203.1;

14 arising out of separate occurrences; or

15 (B) a person has been convicted of one violation of
16 subparagraph (C) or (F) of paragraph (1) of subsection
17 (d) of Section 11-501 of this Code, Section 9-3 of the
18 Criminal Code of 1961 or the Criminal Code of 2012,
19 relating to the offense of reckless homicide where the
20 use of alcohol or other drugs was recited as an element
21 of the offense, or a similar provision of a law of
22 another state;

23 that person, if issued a restricted driving permit, may not
24 operate a vehicle unless it has been equipped with an
25 ignition interlock device as defined in Section 1-129.1.

26 (4) The person issued a permit conditioned on the use

1 of an ignition interlock device must pay to the Secretary
2 of State DUI Administration Fund an amount not to exceed
3 \$30 per month. The Secretary shall establish by rule the
4 amount and the procedures, terms, and conditions relating
5 to these fees.

6 (5) If the restricted driving permit is issued for
7 employment purposes, then the prohibition against
8 operating a motor vehicle that is not equipped with an
9 ignition interlock device does not apply to the operation
10 of an occupational vehicle owned or leased by that person's
11 employer when used solely for employment purposes. For any
12 person who, within a 5-year period, is convicted of a
13 second or subsequent offense under Section 11-501 of this
14 Code, or a similar provision of a local ordinance or
15 similar out-of-state offense, this employment exemption
16 does not apply until either a one-year period has elapsed
17 during which that person had his or her driving privileges
18 revoked or a one-year period has elapsed during which that
19 person had a restricted driving permit which required the
20 use of an ignition interlock device on every motor vehicle
21 owned or operated by that person.

22 (6) In each case the Secretary of State may issue a
23 restricted driving permit for a period he deems
24 appropriate, except that the permit shall expire within one
25 year from the date of issuance. A restricted driving permit
26 issued under this Section shall be subject to cancellation,

1 revocation, and suspension by the Secretary of State in
2 like manner and for like cause as a driver's license issued
3 under this Code may be cancelled, revoked, or suspended;
4 except that a conviction upon one or more offenses against
5 laws or ordinances regulating the movement of traffic shall
6 be deemed sufficient cause for the revocation, suspension,
7 or cancellation of a restricted driving permit. The
8 Secretary of State may, as a condition to the issuance of a
9 restricted driving permit, require the petitioner to
10 participate in a designated driver remedial or
11 rehabilitative program. The Secretary of State is
12 authorized to cancel a restricted driving permit if the
13 permit holder does not successfully complete the program.
14 However, if an individual's driving privileges have been
15 revoked in accordance with paragraph 13 of subsection (a)
16 of this Section, no restricted driving permit shall be
17 issued until the individual has served 6 months of the
18 revocation period.

19 (c-5) (Blank).

20 (c-6) If a person is convicted of a second violation of
21 operating a motor vehicle while the person's driver's license,
22 permit or privilege was revoked, where the revocation was for a
23 violation of Section 9-3 of the Criminal Code of 1961 or the
24 Criminal Code of 2012 relating to the offense of reckless
25 homicide or a similar out-of-state offense, the person's
26 driving privileges shall be revoked pursuant to subdivision

1 (a) (15) of this Section. The person may not make application
2 for a license or permit until the expiration of five years from
3 the effective date of the revocation or the expiration of five
4 years from the date of release from a term of imprisonment,
5 whichever is later.

6 (c-7) If a person is convicted of a third or subsequent
7 violation of operating a motor vehicle while the person's
8 driver's license, permit or privilege was revoked, where the
9 revocation was for a violation of Section 9-3 of the Criminal
10 Code of 1961 or the Criminal Code of 2012 relating to the
11 offense of reckless homicide or a similar out-of-state offense,
12 the person may never apply for a license or permit.

13 (d) (1) Whenever a person under the age of 21 is convicted
14 under Section 11-501 of this Code or a similar provision of a
15 local ordinance or a similar out-of-state offense, the
16 Secretary of State shall revoke the driving privileges of that
17 person. One year after the date of revocation, and upon
18 application, the Secretary of State may, if satisfied that the
19 person applying will not endanger the public safety or welfare,
20 issue a restricted driving permit granting the privilege of
21 driving a motor vehicle only between the hours of 5 a.m. and 9
22 p.m. or as otherwise provided by this Section for a period of
23 one year. After this one-year period, and upon reapplication
24 for a license as provided in Section 6-106, upon payment of the
25 appropriate reinstatement fee provided under paragraph (b) of
26 Section 6-118, the Secretary of State, in his discretion, may

1 reinstate the petitioner's driver's license and driving
2 privileges, or extend the restricted driving permit as many
3 times as the Secretary of State deems appropriate, by
4 additional periods of not more than 12 months each.

5 (2) If a person's license or permit is revoked or
6 suspended due to 2 or more convictions of violating Section
7 11-501 of this Code or a similar provision of a local
8 ordinance or a similar out-of-state offense, or Section 9-3
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 where the use of alcohol or other drugs is recited as an
11 element of the offense, or a similar out-of-state offense,
12 or a combination of these offenses, arising out of separate
13 occurrences, that person, if issued a restricted driving
14 permit, may not operate a vehicle unless it has been
15 equipped with an ignition interlock device as defined in
16 Section 1-129.1.

17 (3) If a person's license or permit is revoked or
18 suspended 2 or more times due to any combination of:

19 (A) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a local
21 ordinance or a similar out-of-state offense, or
22 Section 9-3 of the Criminal Code of 1961 or the
23 Criminal Code of 2012, where the use of alcohol or
24 other drugs is recited as an element of the offense, or
25 a similar out-of-state offense; or

26 (B) a statutory summary suspension or revocation

1 under Section 11-501.1; or

2 (C) a suspension pursuant to Section 6-203.1;
3 arising out of separate occurrences, that person, if issued
4 a restricted driving permit, may not operate a vehicle
5 unless it has been equipped with an ignition interlock
6 device as defined in Section 1-129.1.

7 (3.5) If a person's license or permit is revoked or
8 suspended due to a conviction for a violation of
9 subparagraph (C) or (F) of paragraph (1) of subsection (d)
10 of Section 11-501 of this Code, or a similar provision of a
11 local ordinance or similar out-of-state offense, that
12 person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

15 (4) The person issued a permit conditioned upon the use
16 of an interlock device must pay to the Secretary of State
17 DUI Administration Fund an amount not to exceed \$30 per
18 month. The Secretary shall establish by rule the amount and
19 the procedures, terms, and conditions relating to these
20 fees.

21 (5) If the restricted driving permit is issued for
22 employment purposes, then the prohibition against driving
23 a vehicle that is not equipped with an ignition interlock
24 device does not apply to the operation of an occupational
25 vehicle owned or leased by that person's employer when used
26 solely for employment purposes. For any person who, within

1 a 5-year period, is convicted of a second or subsequent
2 offense under Section 11-501 of this Code, or a similar
3 provision of a local ordinance or similar out-of-state
4 offense, this employment exemption does not apply until
5 either a one-year period has elapsed during which that
6 person had his or her driving privileges revoked or a
7 one-year period has elapsed during which that person had a
8 restricted driving permit which required the use of an
9 ignition interlock device on every motor vehicle owned or
10 operated by that person.

11 (6) A restricted driving permit issued under this
12 Section shall be subject to cancellation, revocation, and
13 suspension by the Secretary of State in like manner and for
14 like cause as a driver's license issued under this Code may
15 be cancelled, revoked, or suspended; except that a
16 conviction upon one or more offenses against laws or
17 ordinances regulating the movement of traffic shall be
18 deemed sufficient cause for the revocation, suspension, or
19 cancellation of a restricted driving permit.

20 (d-5) The revocation of the license, permit, or driving
21 privileges of a person convicted of a third or subsequent
22 violation of Section 6-303 of this Code committed while his or
23 her driver's license, permit, or privilege was revoked because
24 of a violation of Section 9-3 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, relating to the offense of reckless
26 homicide, or a similar provision of a law of another state, is

1 permanent. The Secretary may not, at any time, issue a license
2 or permit to that person.

3 (e) This Section is subject to the provisions of the Driver
4 License Compact.

5 (f) Any revocation imposed upon any person under
6 subsections 2 and 3 of paragraph (b) that is in effect on
7 December 31, 1988 shall be converted to a suspension for a like
8 period of time.

9 (g) The Secretary of State shall not issue a restricted
10 driving permit to a person under the age of 16 years whose
11 driving privileges have been revoked under any provisions of
12 this Code.

13 (h) The Secretary of State shall require the use of
14 ignition interlock devices on all vehicles owned by a person
15 who has been convicted for a second or subsequent offense under
16 Section 11-501 of this Code or a similar provision of a local
17 ordinance or out-of-state offense, Section 9-3 of the Criminal
18 Code of 1961 or the Criminal Code of 2012 in which the use of
19 alcohol or other drugs is recited as an element of the offense
20 or a similar out-of-state offense, or a combination of these
21 offenses arising out of separate occurrences and the second or
22 subsequent offense was committed before January 1, 2016. The
23 Secretary of State shall require the use of ignition interlock
24 devices for a period not less than 5 years on all vehicles
25 owned by a person who has been convicted for ~~of~~ a second or
26 subsequent offense under Section 11-501 of this Code or a

1 similar provision of a local ordinance or out-of-state offense,
2 Section 9-3 of the Criminal Code of 1961 or the Criminal Code
3 of 2012 in which the use of alcohol or other drugs is recited
4 as an element of the offense or a similar out-of-state offense,
5 or a combination of these offenses arising out of separate
6 occurrences and the second or subsequent offense was committed
7 on or after January 1, 2016. A person required to use an
8 ignition interlock device under this subsection (h) ~~The person~~
9 must pay to the Secretary of State DUI Administration Fund an
10 amount not to exceed \$30 for each month that he or she uses the
11 device. The Secretary shall establish by rule and regulation
12 the procedures for certification and use of the interlock
13 system, the amount of the fee, and the procedures, terms, and
14 conditions relating to these fees. During the time period in
15 which a person is required to install an ignition interlock
16 device under this subsection (h), that person shall only
17 operate vehicles in which ignition interlock devices have been
18 installed, except as allowed by subdivision (c) (5) or (d) (5) of
19 this Section.

20 (i) (Blank).

21 (j) In accordance with 49 C.F.R. 384, the Secretary of
22 State may not issue a restricted driving permit for the
23 operation of a commercial motor vehicle to a person holding a
24 CDL whose driving privileges have been revoked, suspended,
25 cancelled, or disqualified under any provisions of this Code.

26 (k) The Secretary of State shall notify by mail any person

1 whose driving privileges have been revoked under paragraph 16
2 of subsection (a) of this Section that his or her driving
3 privileges and driver's license will be revoked 90 days from
4 the date of the mailing of the notice.

5 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;
6 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
7 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff.
8 7-28-16.)

9 (625 ILCS 5/6-206)

10 Sec. 6-206. Discretionary authority to suspend or revoke
11 license or permit; right to a hearing.

12 (a) The Secretary of State is authorized to suspend or
13 revoke the driving privileges of any person without preliminary
14 hearing upon a showing of the person's records or other
15 sufficient evidence that the person:

16 1. Has committed an offense for which mandatory
17 revocation of a driver's license or permit is required upon
18 conviction;

19 2. Has been convicted of not less than 3 offenses
20 against traffic regulations governing the movement of
21 vehicles committed within any 12 month period. No
22 revocation or suspension shall be entered more than 6
23 months after the date of last conviction;

24 3. Has been repeatedly involved as a driver in motor
25 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

7 4. Has by the unlawful operation of a motor vehicle
8 caused or contributed to an accident resulting in injury
9 requiring immediate professional treatment in a medical
10 facility or doctor's office to any person, except that any
11 suspension or revocation imposed by the Secretary of State
12 under the provisions of this subsection shall start no
13 later than 6 months after being convicted of violating a
14 law or ordinance regulating the movement of traffic, which
15 violation is related to the accident, or shall start not
16 more than one year after the date of the accident,
17 whichever date occurs later;

18 5. Has permitted an unlawful or fraudulent use of a
19 driver's license, identification card, or permit;

20 6. Has been lawfully convicted of an offense or
21 offenses in another state, including the authorization
22 contained in Section 6-203.1, which if committed within
23 this State would be grounds for suspension or revocation;

24 7. Has refused or failed to submit to an examination
25 provided for by Section 6-207 or has failed to pass the
26 examination;

1 8. Is ineligible for a driver's license or permit under
2 the provisions of Section 6-103;

3 9. Has made a false statement or knowingly concealed a
4 material fact or has used false information or
5 identification in any application for a license,
6 identification card, or permit;

7 10. Has possessed, displayed, or attempted to
8 fraudulently use any license, identification card, or
9 permit not issued to the person;

10 11. Has operated a motor vehicle upon a highway of this
11 State when the person's driving privilege or privilege to
12 obtain a driver's license or permit was revoked or
13 suspended unless the operation was authorized by a
14 monitoring device driving permit, judicial driving permit
15 issued prior to January 1, 2009, probationary license to
16 drive, or a restricted driving permit issued under this
17 Code;

18 12. Has submitted to any portion of the application
19 process for another person or has obtained the services of
20 another person to submit to any portion of the application
21 process for the purpose of obtaining a license,
22 identification card, or permit for some other person;

23 13. Has operated a motor vehicle upon a highway of this
24 State when the person's driver's license or permit was
25 invalid under the provisions of Sections 6-107.1 and 6-110;

26 14. Has committed a violation of Section 6-301,

1 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
2 14B of the Illinois Identification Card Act;

3 15. Has been convicted of violating Section 21-2 of the
4 Criminal Code of 1961 or the Criminal Code of 2012 relating
5 to criminal trespass to vehicles in which case, the
6 suspension shall be for one year;

7 16. Has been convicted of violating Section 11-204 of
8 this Code relating to fleeing from a peace officer;

9 17. Has refused to submit to a test, or tests, as
10 required under Section 11-501.1 of this Code and the person
11 has not sought a hearing as provided for in Section
12 11-501.1;

13 18. Has, since issuance of a driver's license or
14 permit, been adjudged to be afflicted with or suffering
15 from any mental disability or disease;

16 19. Has committed a violation of paragraph (a) or (b)
17 of Section 6-101 relating to driving without a driver's
18 license;

19 20. Has been convicted of violating Section 6-104
20 relating to classification of driver's license;

21 21. Has been convicted of violating Section 11-402 of
22 this Code relating to leaving the scene of an accident
23 resulting in damage to a vehicle in excess of \$1,000, in
24 which case the suspension shall be for one year;

25 22. Has used a motor vehicle in violating paragraph
26 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of

1 the Criminal Code of 1961 or the Criminal Code of 2012
2 relating to unlawful use of weapons, in which case the
3 suspension shall be for one year;

4 23. Has, as a driver, been convicted of committing a
5 violation of paragraph (a) of Section 11-502 of this Code
6 for a second or subsequent time within one year of a
7 similar violation;

8 24. Has been convicted by a court-martial or punished
9 by non-judicial punishment by military authorities of the
10 United States at a military installation in Illinois or in
11 another state of or for a traffic related offense that is
12 the same as or similar to an offense specified under
13 Section 6-205 or 6-206 of this Code;

14 25. Has permitted any form of identification to be used
15 by another in the application process in order to obtain or
16 attempt to obtain a license, identification card, or
17 permit;

18 26. Has altered or attempted to alter a license or has
19 possessed an altered license, identification card, or
20 permit;

21 27. Has violated Section 6-16 of the Liquor Control Act
22 of 1934;

23 28. Has been convicted for a first time of the illegal
24 possession, while operating or in actual physical control,
25 as a driver, of a motor vehicle, of any controlled
26 substance prohibited under the Illinois Controlled

1 Substances Act, any cannabis prohibited under the Cannabis
2 Control Act, or any methamphetamine prohibited under the
3 Methamphetamine Control and Community Protection Act, in
4 which case the person's driving privileges shall be
5 suspended for one year. Any defendant found guilty of this
6 offense while operating a motor vehicle, shall have an
7 entry made in the court record by the presiding judge that
8 this offense did occur while the defendant was operating a
9 motor vehicle and order the clerk of the court to report
10 the violation to the Secretary of State;

11 29. Has been convicted of the following offenses that
12 were committed while the person was operating or in actual
13 physical control, as a driver, of a motor vehicle: criminal
14 sexual assault, predatory criminal sexual assault of a
15 child, aggravated criminal sexual assault, criminal sexual
16 abuse, aggravated criminal sexual abuse, juvenile pimping,
17 soliciting for a juvenile prostitute, promoting juvenile
18 prostitution as described in subdivision (a)(1), (a)(2),
19 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
20 or the Criminal Code of 2012, and the manufacture, sale or
21 delivery of controlled substances or instruments used for
22 illegal drug use or abuse in which case the driver's
23 driving privileges shall be suspended for one year;

24 30. Has been convicted a second or subsequent time for
25 any combination of the offenses named in paragraph 29 of
26 this subsection, in which case the person's driving

1 privileges shall be suspended for 5 years;

2 31. Has refused to submit to a test as required by
3 Section 11-501.6 of this Code or Section 5-16c of the Boat
4 Registration and Safety Act or has submitted to a test
5 resulting in an alcohol concentration of 0.08 or more or
6 any amount of a drug, substance, or compound resulting from
7 the unlawful use or consumption of cannabis as listed in
8 the Cannabis Control Act, a controlled substance as listed
9 in the Illinois Controlled Substances Act, an intoxicating
10 compound as listed in the Use of Intoxicating Compounds
11 Act, or methamphetamine as listed in the Methamphetamine
12 Control and Community Protection Act, in which case the
13 penalty shall be as prescribed in Section 6-208.1;

14 32. Has been convicted of Section 24-1.2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 relating
16 to the aggravated discharge of a firearm if the offender
17 was located in a motor vehicle at the time the firearm was
18 discharged, in which case the suspension shall be for 3
19 years;

20 33. Has as a driver, who was less than 21 years of age
21 on the date of the offense, been convicted a first time of
22 a violation of paragraph (a) of Section 11-502 of this Code
23 or a similar provision of a local ordinance;

24 34. Has committed a violation of Section 11-1301.5 of
25 this Code or a similar provision of a local ordinance;

26 35. Has committed a violation of Section 11-1301.6 of

1 this Code or a similar provision of a local ordinance;

2 36. Is under the age of 21 years at the time of arrest
3 and has been convicted of not less than 2 offenses against
4 traffic regulations governing the movement of vehicles
5 committed within any 24 month period. No revocation or
6 suspension shall be entered more than 6 months after the
7 date of last conviction;

8 37. Has committed a violation of subsection (c) of
9 Section 11-907 of this Code that resulted in damage to the
10 property of another or the death or injury of another;

11 38. Has been convicted of a violation of Section 6-20
12 of the Liquor Control Act of 1934 or a similar provision of
13 a local ordinance;

14 39. Has committed a second or subsequent violation of
15 Section 11-1201 of this Code;

16 40. Has committed a violation of subsection (a-1) of
17 Section 11-908 of this Code;

18 41. Has committed a second or subsequent violation of
19 Section 11-605.1 of this Code, a similar provision of a
20 local ordinance, or a similar violation in any other state
21 within 2 years of the date of the previous violation, in
22 which case the suspension shall be for 90 days;

23 42. Has committed a violation of subsection (a-1) of
24 Section 11-1301.3 of this Code or a similar provision of a
25 local ordinance;

26 43. Has received a disposition of court supervision for

1 a violation of subsection (a), (d), or (e) of Section 6-20
2 of the Liquor Control Act of 1934 or a similar provision of
3 a local ordinance, in which case the suspension shall be
4 for a period of 3 months;

5 44. Is under the age of 21 years at the time of arrest
6 and has been convicted of an offense against traffic
7 regulations governing the movement of vehicles after
8 having previously had his or her driving privileges
9 suspended or revoked pursuant to subparagraph 36 of this
10 Section;

11 45. Has, in connection with or during the course of a
12 formal hearing conducted under Section 2-118 of this Code:
13 (i) committed perjury; (ii) submitted fraudulent or
14 falsified documents; (iii) submitted documents that have
15 been materially altered; or (iv) submitted, as his or her
16 own, documents that were in fact prepared or composed for
17 another person;

18 46. Has committed a violation of subsection (j) of
19 Section 3-413 of this Code;

20 47. Has committed a violation of Section 11-502.1 of
21 this Code; or

22 48. Has submitted a falsified or altered medical
23 examiner's certificate to the Secretary of State or
24 provided false information to obtain a medical examiner's
25 certificate.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license is
3 deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license or a temporary driver's
6 license.

7 (b) If any conviction forming the basis of a suspension or
8 revocation authorized under this Section is appealed, the
9 Secretary of State may rescind or withhold the entry of the
10 order of suspension or revocation, as the case may be, provided
11 that a certified copy of a stay order of a court is filed with
12 the Secretary of State. If the conviction is affirmed on
13 appeal, the date of the conviction shall relate back to the
14 time the original judgment of conviction was entered and the 6
15 month limitation prescribed shall not apply.

16 (c) 1. Upon suspending or revoking the driver's license or
17 permit of any person as authorized in this Section, the
18 Secretary of State shall immediately notify the person in
19 writing of the revocation or suspension. The notice to be
20 deposited in the United States mail, postage prepaid, to the
21 last known address of the person.

22 2. If the Secretary of State suspends the driver's license
23 of a person under subsection 2 of paragraph (a) of this
24 Section, a person's privilege to operate a vehicle as an
25 occupation shall not be suspended, provided an affidavit is
26 properly completed, the appropriate fee received, and a permit

1 issued prior to the effective date of the suspension, unless 5
2 offenses were committed, at least 2 of which occurred while
3 operating a commercial vehicle in connection with the driver's
4 regular occupation. All other driving privileges shall be
5 suspended by the Secretary of State. Any driver prior to
6 operating a vehicle for occupational purposes only must submit
7 the affidavit on forms to be provided by the Secretary of State
8 setting forth the facts of the person's occupation. The
9 affidavit shall also state the number of offenses committed
10 while operating a vehicle in connection with the driver's
11 regular occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as set
18 forth in the notice that was mailed under this Section. If an
19 affidavit is received subsequent to the effective date of this
20 suspension, a permit may be issued for the remainder of the
21 suspension period.

22 The provisions of this subparagraph shall not apply to any
23 driver required to possess a CDL for the purpose of operating a
24 commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section 6-302

1 and upon conviction thereof shall have all driving privileges
2 revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118 of
4 this Code, the Secretary of State shall either rescind or
5 continue an order of revocation or shall substitute an order of
6 suspension; or, good cause appearing therefor, rescind,
7 continue, change, or extend the order of suspension. If the
8 Secretary of State does not rescind the order, the Secretary
9 may upon application, to relieve undue hardship (as defined by
10 the rules of the Secretary of State), issue a restricted
11 driving permit granting the privilege of driving a motor
12 vehicle between the petitioner's residence and petitioner's
13 place of employment or within the scope of the petitioner's
14 employment related duties, or to allow the petitioner to
15 transport himself or herself, or a family member of the
16 petitioner's household to a medical facility, to receive
17 necessary medical care, to allow the petitioner to transport
18 himself or herself to and from alcohol or drug remedial or
19 rehabilitative activity recommended by a licensed service
20 provider, or to allow the petitioner to transport himself or
21 herself or a family member of the petitioner's household to
22 classes, as a student, at an accredited educational
23 institution, or to allow the petitioner to transport children,
24 elderly persons, or persons with disabilities who do not hold
25 driving privileges and are living in the petitioner's household
26 to and from daycare. The petitioner must demonstrate that no

1 alternative means of transportation is reasonably available
2 and that the petitioner will not endanger the public safety or
3 welfare.

4 (A) The Secretary of State shall require the use of
5 ignition interlock devices on all vehicles owned by a
6 person who has been convicted for a second or subsequent
7 offense under Section 11-501 of this Code or a similar
8 provision of a local ordinance or out-of-state offense,
9 Section 9-3 of the Criminal Code of 1961 or the Criminal
10 Code of 2012 in which the use of alcohol or other drugs is
11 recited as an element of the offense or a similar
12 out-of-state offense, or a combination of these offenses
13 arising out of separate occurrences and the second or
14 subsequent offense was committed before January 1, 2016.
15 The Secretary of State shall require the use of an ignition
16 interlock device for a period of not less than 5 years if
17 ~~If~~ a person's license or permit is revoked or suspended due
18 to 2 or more convictions of ~~violating~~ Section 11-501 of
19 this Code or a similar provision of a local ordinance or a
20 similar out-of-state offense, or Section 9-3 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, in
22 which ~~where~~ the use of alcohol or other drugs is recited as
23 an element of the offense, or a similar out-of-state
24 offense, or a combination of these offenses, arising out of
25 separate occurrences and the second or subsequent offense
26 was committed on or after January 1, 2016, ~~that person,~~ if

1 that person is issued a restricted driving permit, ~~may not~~
2 ~~operate a vehicle unless it has been equipped with an~~
3 ~~ignition interlock device as defined in Section 1-129.1.~~

4 (B) If a person's license or permit is revoked or
5 suspended 2 or more times due to any combination of:

6 (i) a single conviction of violating Section
7 11-501 of this Code or a similar provision of a local
8 ordinance or a similar out-of-state offense or Section
9 9-3 of the Criminal Code of 1961 or the Criminal Code
10 of 2012, where the use of alcohol or other drugs is
11 recited as an element of the offense, or a similar
12 out-of-state offense; or

13 (ii) a statutory summary suspension or revocation
14 under Section 11-501.1; or

15 (iii) a suspension under Section 6-203.1;

16 arising out of separate occurrences; that person, if issued
17 a restricted driving permit, may not operate a vehicle
18 unless it has been equipped with an ignition interlock
19 device as defined in Section 1-129.1.

20 (B-5) If a person's license or permit is revoked or
21 suspended due to a conviction for a violation of
22 subparagraph (C) or (F) of paragraph (1) of subsection (d)
23 of Section 11-501 of this Code, or a similar provision of a
24 local ordinance or similar out-of-state offense, that
25 person, if issued a restricted driving permit, may not
26 operate a vehicle unless it has been equipped with an

1 ignition interlock device as defined in Section 1-129.1.

2 (C) The person issued a permit conditioned upon the use
3 of an ignition interlock device must pay to the Secretary
4 of State DUI Administration Fund an amount not to exceed
5 \$30 per month. The Secretary shall establish by rule the
6 amount and the procedures, terms, and conditions relating
7 to these fees.

8 (D) If the restricted driving permit is issued for
9 employment purposes, then the prohibition against
10 operating a motor vehicle that is not equipped with an
11 ignition interlock device does not apply to the operation
12 of an occupational vehicle owned or leased by that person's
13 employer when used solely for employment purposes. For any
14 person who, within a 5-year period, is convicted of a
15 second or subsequent offense under Section 11-501 of this
16 Code, or a similar provision of a local ordinance or
17 similar out-of-state offense, this employment exemption
18 does not apply until either a one-year period has elapsed
19 during which that person had his or her driving privileges
20 revoked or a one-year period has elapsed during which that
21 person had a restricted driving permit which required the
22 use of an ignition interlock device on every motor vehicle
23 owned or operated by that person.

24 (E) In each case the Secretary may issue a restricted
25 driving permit for a period deemed appropriate, except that
26 all permits shall expire within one year from the date of

1 issuance. A restricted driving permit issued under this
2 Section shall be subject to cancellation, revocation, and
3 suspension by the Secretary of State in like manner and for
4 like cause as a driver's license issued under this Code may
5 be cancelled, revoked, or suspended; except that a
6 conviction upon one or more offenses against laws or
7 ordinances regulating the movement of traffic shall be
8 deemed sufficient cause for the revocation, suspension, or
9 cancellation of a restricted driving permit. The Secretary
10 of State may, as a condition to the issuance of a
11 restricted driving permit, require the applicant to
12 participate in a designated driver remedial or
13 rehabilitative program. The Secretary of State is
14 authorized to cancel a restricted driving permit if the
15 permit holder does not successfully complete the program.

16 (F) A person subject to the provisions of paragraph 4
17 of subsection (b) of Section 6-208 of this Code may make
18 application for a restricted driving permit at a hearing
19 conducted under Section 2-118 of this Code after the
20 expiration of 5 years from the effective date of the most
21 recent revocation or after 5 years from the date of release
22 from a period of imprisonment resulting from a conviction
23 of the most recent offense, whichever is later, provided
24 the person, in addition to all other requirements of the
25 Secretary, shows by clear and convincing evidence:

26 (i) a minimum of 3 years of uninterrupted

1 abstinence from alcohol and the unlawful use or
2 consumption of cannabis under the Cannabis Control
3 Act, a controlled substance under the Illinois
4 Controlled Substances Act, an intoxicating compound
5 under the Use of Intoxicating Compounds Act, or
6 methamphetamine under the Methamphetamine Control and
7 Community Protection Act; and

8 (ii) the successful completion of any
9 rehabilitative treatment and involvement in any
10 ongoing rehabilitative activity that may be
11 recommended by a properly licensed service provider
12 according to an assessment of the person's alcohol or
13 drug use under Section 11-501.01 of this Code.

14 In determining whether an applicant is eligible for a
15 restricted driving permit under this subparagraph (F), the
16 Secretary may consider any relevant evidence, including,
17 but not limited to, testimony, affidavits, records, and the
18 results of regular alcohol or drug tests. Persons subject
19 to the provisions of paragraph 4 of subsection (b) of
20 Section 6-208 of this Code and who have been convicted of
21 more than one violation of paragraph (3), paragraph (4), or
22 paragraph (5) of subsection (a) of Section 11-501 of this
23 Code shall not be eligible to apply for a restricted
24 driving permit under this subparagraph (F).

25 A restricted driving permit issued under this
26 subparagraph (F) shall provide that the holder may only

1 operate motor vehicles equipped with an ignition interlock
2 device as required under paragraph (2) of subsection (c) of
3 Section 6-205 of this Code and subparagraph (A) of
4 paragraph 3 of subsection (c) of this Section. The
5 Secretary may revoke a restricted driving permit or amend
6 the conditions of a restricted driving permit issued under
7 this subparagraph (F) if the holder operates a vehicle that
8 is not equipped with an ignition interlock device, or for
9 any other reason authorized under this Code.

10 A restricted driving permit issued under this
11 subparagraph (F) shall be revoked, and the holder barred
12 from applying for or being issued a restricted driving
13 permit in the future, if the holder is convicted of a
14 violation of Section 11-501 of this Code, a similar
15 provision of a local ordinance, or a similar offense in
16 another state.

17 (c-3) In the case of a suspension under paragraph 43 of
18 subsection (a), reports received by the Secretary of State
19 under this Section shall, except during the actual time the
20 suspension is in effect, be privileged information and for use
21 only by the courts, police officers, prosecuting authorities,
22 the driver licensing administrator of any other state, the
23 Secretary of State, or the parent or legal guardian of a driver
24 under the age of 18. However, beginning January 1, 2008, if the
25 person is a CDL holder, the suspension shall also be made
26 available to the driver licensing administrator of any other

1 state, the U.S. Department of Transportation, and the affected
2 driver or motor carrier or prospective motor carrier upon
3 request.

4 (c-4) In the case of a suspension under paragraph 43 of
5 subsection (a), the Secretary of State shall notify the person
6 by mail that his or her driving privileges and driver's license
7 will be suspended one month after the date of the mailing of
8 the notice.

9 (c-5) The Secretary of State may, as a condition of the
10 reissuance of a driver's license or permit to an applicant
11 whose driver's license or permit has been suspended before he
12 or she reached the age of 21 years pursuant to any of the
13 provisions of this Section, require the applicant to
14 participate in a driver remedial education course and be
15 retested under Section 6-109 of this Code.

16 (d) This Section is subject to the provisions of the
17 Drivers License Compact.

18 (e) The Secretary of State shall not issue a restricted
19 driving permit to a person under the age of 16 years whose
20 driving privileges have been suspended or revoked under any
21 provisions of this Code.

22 (f) In accordance with 49 C.F.R. 384, the Secretary of
23 State may not issue a restricted driving permit for the
24 operation of a commercial motor vehicle to a person holding a
25 CDL whose driving privileges have been suspended, revoked,
26 cancelled, or disqualified under any provisions of this Code.

1 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,
2 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
3 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
4 99-607, eff. 7-22-16; 99-642, eff. 7-28-16.)

5 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

6 Sec. 6-208. Period of suspension - application after
7 revocation.

8 (a) Except as otherwise provided by this Code or any other
9 law of this State, the Secretary of State shall not suspend a
10 driver's license, permit, or privilege to drive a motor vehicle
11 on the highways for a period of more than one year.

12 (b) Any person whose license, permit, or privilege to drive
13 a motor vehicle on the highways has been revoked shall not be
14 entitled to have such license, permit, or privilege renewed or
15 restored. However, such person may, except as provided under
16 subsections (d) and (d-5) of Section 6-205, make application
17 for a license pursuant to Section 6-106 (i) if the revocation
18 was for a cause that has been removed or (ii) as provided in
19 the following subparagraphs:

20 1. Except as provided in subparagraphs 1.3, 1.5, 2, 3,
21 4, and 5, the person may make application for a license (A)
22 after the expiration of one year from the effective date of
23 the revocation, (B) in the case of a violation of paragraph
24 (b) of Section 11-401 of this Code or a similar provision
25 of a local ordinance, after the expiration of 3 years from

1 the effective date of the revocation, or (C) in the case of
2 a violation of Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012 or a similar provision of a law
4 of another state relating to the offense of reckless
5 homicide or a violation of subparagraph (F) of paragraph 1
6 of subsection (d) of Section 11-501 of this Code relating
7 to aggravated driving under the influence of alcohol, other
8 drug or drugs, intoxicating compound or compounds, or any
9 combination thereof, if the violation was the proximate
10 cause of a death, after the expiration of 2 years from the
11 effective date of the revocation or after the expiration of
12 24 months from the date of release from a period of
13 imprisonment as provided in Section 6-103 of this Code,
14 whichever is later.

15 1.3. If the person is convicted of a second or
16 subsequent violation of Section 11-501 of this Code or a
17 similar provision of a local ordinance or a similar
18 out-of-state offense, or Section 9-3 of the Criminal Code
19 of 1961 or the Criminal Code of 2012, in which the use of
20 alcohol or other drugs is recited as an element of the
21 offense, or a similar out-of-state offense, or a
22 combination of these offenses, arising out of separate
23 occurrences and the second or subsequent offense was
24 committed on or after January 1, 2016, that person may not
25 make application for a driver's license until:

26 (A) the person has first been issued a restricted

1 driving permit by the Secretary of State; and

2 (B) the expiration of a continuous period of not
3 less than 5 years following the issuance of the
4 restricted driving permit during which the person's
5 restricted driving permit is not suspended, cancelled,
6 or revoked for a violation of any provision of law, or
7 any rule or regulation of the Secretary of State
8 relating to the required use of an ignition interlock
9 device.

10 1.5. If the person is convicted of a violation of
11 Section 6-303 of this Code committed while his or her
12 driver's license, permit, or privilege was revoked because
13 of a violation of Section 9-3 of the Criminal Code of 1961
14 or the Criminal Code of 2012, relating to the offense of
15 reckless homicide, or a similar provision of a law of
16 another state, the person may not make application for a
17 license or permit until the expiration of 3 years from the
18 date of the conviction.

19 2. If such person is convicted of committing a second
20 violation within a 20-year period of:

21 (A) Section 11-501 of this Code or a similar
22 provision of a local ordinance;

23 (B) Paragraph (b) of Section 11-401 of this Code or
24 a similar provision of a local ordinance;

25 (C) Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, relating to the offense of

1 reckless homicide; or

2 (D) any combination of the above offenses
3 committed at different instances;

4 then such person may not make application for a license
5 until after the expiration of 5 years from the effective
6 date of the most recent revocation. The 20-year period
7 shall be computed by using the dates the offenses were
8 committed and shall also include similar out-of-state
9 offenses and similar offenses committed on a military
10 installation.

11 2.5. If a person is convicted of a second violation of
12 Section 6-303 of this Code committed while the person's
13 driver's license, permit, or privilege was revoked because
14 of a violation of Section 9-3 of the Criminal Code of 1961
15 or the Criminal Code of 2012, relating to the offense of
16 reckless homicide, or a similar provision of a law of
17 another state, the person may not make application for a
18 license or permit until the expiration of 5 years from the
19 date of release from a term of imprisonment.

20 3. However, except as provided in subparagraph 4, if
21 such person is convicted of committing a third violation or
22 any combination of the above offenses, including similar
23 out-of-state offenses and similar offenses committed on a
24 military installation, contained in subparagraph 2, then
25 such person may not make application for a license until
26 after the expiration of 10 years from the effective date of

1 the most recent revocation.

2 4. Except as provided in paragraph (1.5) of subsection
3 (c) of Section 6-205 and subparagraph (F) of paragraph 3 of
4 subsection (c) of Section 6-206 of this Code, the person
5 may not make application for a license if the person is
6 convicted of committing a fourth or subsequent violation of
7 Section 11-501 of this Code or a similar provision of a
8 local ordinance, Section 11-401 of this Code, Section 9-3
9 of the Criminal Code of 1961 or the Criminal Code of 2012,
10 or a combination of these offenses, similar provisions of
11 local ordinances, similar out-of-state offenses, or
12 similar offenses committed on a military installation.

13 4.5. A bona fide resident of a foreign jurisdiction who
14 is subject to the provisions of subparagraph 4 of this
15 subsection (b) may make application for termination of the
16 revocation after a period of 10 years from the effective
17 date of the most recent revocation. However, if a person
18 who has been granted a termination of revocation under this
19 subparagraph 4.5 subsequently becomes a resident of this
20 State, the revocation shall be reinstated and the person
21 shall be subject to the provisions of subparagraph 4.

22 5. The person may not make application for a license or
23 permit if the person is convicted of a third or subsequent
24 violation of Section 6-303 of this Code committed while his
25 or her driver's license, permit, or privilege was revoked
26 because of a violation of Section 9-3 of the Criminal Code

1 of 1961 or the Criminal Code of 2012, relating to the
2 offense of reckless homicide, or a similar provision of a
3 law of another state.

4 Notwithstanding any other provision of this Code, all
5 persons referred to in this paragraph (b) may not have their
6 privileges restored until the Secretary receives payment of the
7 required reinstatement fee pursuant to subsection (b) of
8 Section 6-118.

9 In no event shall the Secretary issue such license unless
10 and until such person has had a hearing pursuant to this Code
11 and the appropriate administrative rules and the Secretary is
12 satisfied, after a review or investigation of such person, that
13 to grant the privilege of driving a motor vehicle on the
14 highways will not endanger the public safety or welfare.

15 (c) (Blank).

16 (Source: P.A. 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-642,
17 eff. 7-28-16.)

18 (625 ILCS 5/11-501.01)

19 Sec. 11-501.01. Additional administrative sanctions.

20 (a) After a finding of guilt and prior to any final
21 sentencing or an order for supervision, for an offense based
22 upon an arrest for a violation of Section 11-501 or a similar
23 provision of a local ordinance, individuals shall be required
24 to undergo a professional evaluation to determine if an
25 alcohol, drug, or intoxicating compound abuse problem exists

1 and the extent of the problem, and undergo the imposition of
2 treatment as appropriate. Programs conducting these
3 evaluations shall be licensed by the Department of Human
4 Services. The cost of any professional evaluation shall be paid
5 for by the individual required to undergo the professional
6 evaluation.

7 (b) Any person who is found guilty of or pleads guilty to
8 violating Section 11-501, including any person receiving a
9 disposition of court supervision for violating that Section,
10 may be required by the Court to attend a victim impact panel
11 offered by, or under contract with, a county State's Attorney's
12 office, a probation and court services department, Mothers
13 Against Drunk Driving, or the Alliance Against Intoxicated
14 Motorists. All costs generated by the victim impact panel shall
15 be paid from fees collected from the offender or as may be
16 determined by the court.

17 (c) Every person found guilty of violating Section 11-501,
18 whose operation of a motor vehicle while in violation of that
19 Section proximately caused any incident resulting in an
20 appropriate emergency response, shall be liable for the expense
21 of an emergency response as provided in subsection (i) of this
22 Section.

23 (d) The Secretary of State shall revoke the driving
24 privileges of any person convicted under Section 11-501 or a
25 similar provision of a local ordinance.

26 (e) The Secretary of State shall require the use of

1 ignition interlock devices on all vehicles owned by a person
2 who has been convicted for a second or subsequent offense under
3 Section 11-501 of this Code or a similar provision of a local
4 ordinance or out-of-state offense, Section 9-3 of the Criminal
5 Code of 1961 or the Criminal Code of 2012 in which the use of
6 alcohol or other drugs is recited as an element of the offense
7 or a similar out-of-state offense, or a combination of these
8 offenses arising out of separate occurrences and the second or
9 subsequent offense was committed before January 1, 2016. The
10 Secretary of State shall require the use of ignition interlock
11 devices for a period not less than 5 years on all vehicles
12 owned by a person who has been convicted for ~~of~~ a second or
13 subsequent offense of Section 11-501 or a similar provision of
14 a local ordinance or out-of-state offense, Section 9-3 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 in which the
16 use of alcohol or other drugs is recited as an element of the
17 offense or a similar out-of-state offense, or a combination of
18 these offenses arising out of separate occurrences and the
19 second or subsequent offense was committed on or after January
20 1, 2016. A person required to use an ignition interlock device
21 under this subsection (e) ~~The person~~ must pay to the Secretary
22 of State DUI Administration Fund an amount not to exceed \$30
23 for each month that he or she uses the device. The Secretary
24 shall establish by rule and regulation the procedures for
25 certification and use of the interlock system, the amount of
26 the fee, and the procedures, terms, and conditions relating to

1 these fees. During the time period in which a person is
2 required to install an ignition interlock device under this
3 subsection (e), that person shall only operate vehicles in
4 which ignition interlock devices have been installed, except as
5 allowed by subdivision (c)(5) or (d)(5) of Section 6-205 of
6 this Code.

7 (f) In addition to any other penalties and liabilities, a
8 person who is found guilty of or pleads guilty to violating
9 Section 11-501, including any person placed on court
10 supervision for violating Section 11-501, shall be assessed
11 \$750, payable to the circuit clerk, who shall distribute the
12 money as follows: \$350 to the law enforcement agency that made
13 the arrest, and \$400 shall be forwarded to the State Treasurer
14 for deposit into the General Revenue Fund. If the person has
15 been previously convicted of violating Section 11-501 or a
16 similar provision of a local ordinance, the fine shall be
17 \$1,000, and the circuit clerk shall distribute \$200 to the law
18 enforcement agency that made the arrest and \$800 to the State
19 Treasurer for deposit into the General Revenue Fund. In the
20 event that more than one agency is responsible for the arrest,
21 the amount payable to law enforcement agencies shall be shared
22 equally. Any moneys received by a law enforcement agency under
23 this subsection (f) shall be used for enforcement and
24 prevention of driving while under the influence of alcohol,
25 other drug or drugs, intoxicating compound or compounds or any
26 combination thereof, as defined by Section 11-501 of this Code,

1 including but not limited to the purchase of law enforcement
2 equipment and commodities that will assist in the prevention of
3 alcohol related criminal violence throughout the State; police
4 officer training and education in areas related to alcohol
5 related crime, including but not limited to DUI training; and
6 police officer salaries, including but not limited to salaries
7 for hire back funding for safety checkpoints, saturation
8 patrols, and liquor store sting operations. Any moneys received
9 by the Department of State Police under this subsection (f)
10 shall be deposited into the State Police DUI Fund and shall be
11 used to purchase law enforcement equipment that will assist in
12 the prevention of alcohol related criminal violence throughout
13 the State.

14 (g) The Secretary of State Police DUI Fund is created as a
15 special fund in the State treasury. All moneys received by the
16 Secretary of State Police under subsection (f) of this Section
17 shall be deposited into the Secretary of State Police DUI Fund
18 and, subject to appropriation, shall be used for enforcement
19 and prevention of driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof, as defined by Section 11-501 of this Code,
22 including but not limited to the purchase of law enforcement
23 equipment and commodities to assist in the prevention of
24 alcohol related criminal violence throughout the State; police
25 officer training and education in areas related to alcohol
26 related crime, including but not limited to DUI training; and

1 police officer salaries, including but not limited to salaries
2 for hire back funding for safety checkpoints, saturation
3 patrols, and liquor store sting operations.

4 (h) Whenever an individual is sentenced for an offense
5 based upon an arrest for a violation of Section 11-501 or a
6 similar provision of a local ordinance, and the professional
7 evaluation recommends remedial or rehabilitative treatment or
8 education, neither the treatment nor the education shall be the
9 sole disposition and either or both may be imposed only in
10 conjunction with another disposition. The court shall monitor
11 compliance with any remedial education or treatment
12 recommendations contained in the professional evaluation.
13 Programs conducting alcohol or other drug evaluation or
14 remedial education must be licensed by the Department of Human
15 Services. If the individual is not a resident of Illinois,
16 however, the court may accept an alcohol or other drug
17 evaluation or remedial education program in the individual's
18 state of residence. Programs providing treatment must be
19 licensed under existing applicable alcoholism and drug
20 treatment licensure standards.

21 (i) In addition to any other fine or penalty required by
22 law, an individual convicted of a violation of Section 11-501,
23 Section 5-7 of the Snowmobile Registration and Safety Act,
24 Section 5-16 of the Boat Registration and Safety Act, or a
25 similar provision, whose operation of a motor vehicle,
26 snowmobile, or watercraft while in violation of Section 11-501,

1 Section 5-7 of the Snowmobile Registration and Safety Act,
2 Section 5-16 of the Boat Registration and Safety Act, or a
3 similar provision proximately caused an incident resulting in
4 an appropriate emergency response, shall be required to make
5 restitution to a public agency for the costs of that emergency
6 response. The restitution may not exceed \$1,000 per public
7 agency for each emergency response. As used in this subsection
8 (i), "emergency response" means any incident requiring a
9 response by a police officer, a firefighter carried on the
10 rolls of a regularly constituted fire department, or an
11 ambulance. With respect to funds designated for the Department
12 of State Police, the moneys shall be remitted by the circuit
13 court clerk to the State Police within one month after receipt
14 for deposit into the State Police DUI Fund. With respect to
15 funds designated for the Department of Natural Resources, the
16 Department of Natural Resources shall deposit the moneys into
17 the Conservation Police Operations Assistance Fund.

18 (j) A person that is subject to a chemical test or tests of
19 blood under subsection (a) of Section 11-501.1 or subdivision
20 (c)(2) of Section 11-501.2 of this Code, whether or not that
21 person consents to testing, shall be liable for the expense up
22 to \$500 for blood withdrawal by a physician authorized to
23 practice medicine, a licensed physician assistant, a licensed
24 advanced practice nurse, a registered nurse, a trained
25 phlebotomist, a licensed paramedic, or a qualified person other
26 than a police officer approved by the Department of State

1 Police to withdraw blood, who responds, whether at a law
2 enforcement facility or a health care facility, to a police
3 department request for the drawing of blood based upon refusal
4 of the person to submit to a lawfully requested breath test or
5 probable cause exists to believe the test would disclose the
6 ingestion, consumption, or use of drugs or intoxicating
7 compounds if:

8 (1) the person is found guilty of violating Section
9 11-501 of this Code or a similar provision of a local
10 ordinance; or

11 (2) the person pleads guilty to or stipulates to facts
12 supporting a violation of Section 11-503 of this Code or a
13 similar provision of a local ordinance when the plea or
14 stipulation was the result of a plea agreement in which the
15 person was originally charged with violating Section
16 11-501 of this Code or a similar local ordinance.

17 (Source: P.A. 98-292, eff. 1-1-14; 98-463, eff. 8-16-13;
18 98-973, eff. 8-15-14; 99-289, eff. 8-6-15; 99-296, eff. 1-1-16;
19 99-642, eff. 7-28-16.)".