



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3177

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-704.2	
625 ILCS 5/6-201	
625 ILCS 5/6-204	from Ch. 95 1/2, par. 6-204
625 ILCS 5/6-205	
625 ILCS 5/6-206	
625 ILCS 5/6-208.2	
625 ILCS 5/6-209	from Ch. 95 1/2, par. 6-209
625 ILCS 5/6-306.5	from Ch. 95 1/2, par. 6-306.5
625 ILCS 5/6-308	
625 ILCS 5/11-208.3	from Ch. 95 1/2, par. 11-208.3
625 ILCS 5/6-205.2 rep.	
625 ILCS 5/6-306.7 rep.	

Amends the Illinois Vehicle Code. Removes provisions providing the Secretary of State authority to cancel a license or permit of a person who has failed to pay fees owed to the Illinois Commerce Commission or has been convicted of a sex offense as defined in the Sex Offender Registration Act. Removes a provision providing that the reporting requirements for public officials to the Secretary shall apply to a truant minor in need of supervision, an addicted minor, or a delinquent minor whose driver's license has been ordered suspended. Provides that the Secretary may suspend or revoke the license or permit of someone who has been convicted of violating a provision in the Criminal Code of 1961 or the Criminal Code of 2012 relating to criminal trespass of vehicles if the violation involves operating the vehicle. Removes various provisions allowing the Secretary to suspend or revoke an individual's license or permit. Provides that a person who, based on the changes in the bill, becomes eligible for a driver's license, State identification card, or permit, may petition the Secretary for reinstatement of his or her license, identification card, or permit. Removes other provisions. Repeals Sections concerning suspension of a driver's license of a person convicted of theft of motor fuel and suspension of driving privileges for failure to satisfy fines or penalties for toll violations or evasions. Makes conforming changes.

LRB100 10689 AXK 20913 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. This Act may be referred to as the License to
5 Work Act.

6 Section 5. The Illinois Vehicle Code is amended by changing
7 Sections 3-704.2, 6-201, 6-204, 6-205, 6-205.2, 6-206,
8 6-208.2, 6-209, 6-306.5, 6-308, and 11-208.3 as follows:

9 (625 ILCS 5/3-704.2)

10 Sec. 3-704.2. Failure to satisfy fines or penalties for
11 toll violations or evasions; suspension of vehicle
12 registration.

13 (a) Upon receipt of a certified report, as prescribed by
14 subsection (c) of this Section, from the Authority stating that
15 the owner of a registered vehicle has failed to satisfy any
16 fine or penalty resulting from a final order issued by the
17 Authority relating directly or indirectly to 5 or more toll
18 violations, toll evasions, or both, the Secretary of State
19 shall suspend the vehicle registration of the person in
20 accordance with the procedures set forth in this Section.

21 (b) Following receipt of the certified report of the
22 Authority as specified in the Section, the Secretary of State

1 shall notify the person whose name appears on the certified
2 report that the person's vehicle registration will be suspended
3 at the end of a specified period unless the Secretary of State
4 is presented with a notice from the Authority certifying that
5 the fines or penalties owing the Authority have been satisfied
6 or that inclusion of that person's name on the certified report
7 was in error. The Secretary's notice shall state in substance
8 the information contained in the Authority's certified report
9 to the Secretary, and shall be effective as specified by
10 subsection (c) of Section 6-211 of this Code.

11 (c) The report from the Authority notifying the Secretary
12 of unsatisfied fines or penalties pursuant to this Section
13 shall be certified and shall contain the following:

14 (1) The name, last known address, and driver's license
15 number of the person who failed to satisfy the fines or
16 penalties and the registration number of any vehicle known
17 to be registered in this State to that person.

18 (2) A statement that the Authority sent a notice of
19 impending suspension of the person's driver's license,
20 vehicle registration, or both, as prescribed by rules
21 enacted pursuant to subsection (a-5) of Section 10 of the
22 Toll Highway Act, to the person named in the report at the
23 address recorded with the Secretary of State; the date on
24 which the notice was sent; and the address to which the
25 notice was sent.

26 (d) The Authority, after making a certified report to the

1 Secretary pursuant to this Section, shall notify the Secretary,
2 on a form prescribed by the Secretary, whenever a person named
3 in the certified report has satisfied the previously reported
4 fines or penalties or whenever the Authority determines that
5 the original report was in error. A certified copy of the
6 notification shall also be given upon request and at no
7 additional charge to the person named therein. Upon receipt of
8 the Authority's notification or presentation of a certified
9 copy of the notification, the Secretary shall terminate the
10 suspension.

11 (e) The Authority shall, by rule, establish procedures for
12 persons to challenge the accuracy of the certified report made
13 pursuant to this Section. The rule shall also provide the
14 grounds for a challenge, which may be limited to:

15 (1) the person not having been the owner or lessee of
16 the vehicle or vehicles receiving 5 or more toll violation
17 or toll evasion notices on the date or dates the notices
18 were issued; or

19 (2) the person having already satisfied the fines or
20 penalties for the 5 or more toll violations or toll
21 evasions indicated on the certified report.

22 (f) All notices sent by the Authority to persons involved
23 in administrative adjudications, hearings, and final orders
24 issued pursuant to rules implementing subsection (a-5) of
25 Section 10 of the Toll Highway Act shall state, in clear and
26 unambiguous language, the consequences of that failure to

1 ~~satisfy any fine or penalty imposed by the Authority shall~~
2 ~~result in the Secretary of State suspending the driving~~
3 ~~privileges, vehicle registration, or both, of the person~~
4 failing to satisfy the fines or penalties imposed by the
5 Authority.

6 (g) A person may request an administrative hearing to
7 contest an impending suspension or a suspension made pursuant
8 to this Section upon filing a written request with the
9 Secretary. The filing fee for this hearing is \$20, to be paid
10 at the time of the request. The Authority shall reimburse the
11 Secretary for all reasonable costs incurred by the Secretary as
12 a result of the filing of a certified report pursuant to this
13 Section, including, but not limited to, the costs of providing
14 notice required pursuant to subsection (b) and the costs
15 incurred by the Secretary in any hearing conducted with respect
16 to the report pursuant to this subsection and any appeal from
17 that hearing.

18 (h) The Secretary and the Authority may promulgate rules to
19 enable them to carry out their duties under this Section.

20 (i) The Authority shall cooperate with the Secretary in the
21 administration of this Section and shall provide the Secretary
22 with any information the Secretary may deem necessary for these
23 purposes, including regular and timely access to toll violation
24 enforcement records.

25 The Secretary shall cooperate with the Authority in the
26 administration of this Section and shall provide the Authority

1 with any information the Authority may deem necessary for the
2 purposes of this Section, including regular and timely access
3 to vehicle registration records. Section 2-123 of this Code
4 shall not apply to the provision of this information, but the
5 Secretary shall be reimbursed for the cost of providing this
6 information.

7 (j) For purposes of this Section, the term "Authority"
8 means the Illinois State Toll Highway Authority.

9 (Source: P.A. 91-277, eff. 1-1-00.)

10 (625 ILCS 5/6-201)

11 Sec. 6-201. Authority to cancel licenses and permits.

12 (a) The Secretary of State is authorized to cancel any
13 license or permit upon determining that the holder thereof:

14 1. was not entitled to the issuance thereof hereunder;

15 or

16 2. failed to give the required or correct information
17 in his application; or

18 3. (blank); or ~~failed to pay any fees, civil penalties~~
19 ~~owed to the Illinois Commerce Commission, or taxes due~~
20 ~~under this Act and upon reasonable notice and demand; or~~

21 4. committed any fraud in the making of such
22 application; or

23 5. is ineligible therefor under the provisions of
24 Section 6-103 of this Act, as amended; or

25 6. has refused or neglected to submit an alcohol, drug,

1 and intoxicating compound evaluation or to submit to
2 examination or re-examination as required under this Act;
3 or

4 7. has been convicted of violating the Cannabis Control
5 Act, the Illinois Controlled Substances Act, the
6 Methamphetamine Control and Community Protection Act, or
7 the Use of Intoxicating Compounds Act while that individual
8 was in actual physical control of a motor vehicle. For
9 purposes of this Section, any person placed on probation
10 under Section 10 of the Cannabis Control Act, Section 410
11 of the Illinois Controlled Substances Act, or Section 70 of
12 the Methamphetamine Control and Community Protection Act
13 shall not be considered convicted. Any person found guilty
14 of this offense, while in actual physical control of a
15 motor vehicle, shall have an entry made in the court record
16 by the judge that this offense did occur while the person
17 was in actual physical control of a motor vehicle and order
18 the clerk of the court to report the violation to the
19 Secretary of State as such. After the cancellation, the
20 Secretary of State shall not issue a new license or permit
21 for a period of one year after the date of cancellation.
22 However, upon application, the Secretary of State may, if
23 satisfied that the person applying will not endanger the
24 public safety, or welfare, issue a restricted driving
25 permit granting the privilege of driving a motor vehicle
26 between the petitioner's residence and petitioner's place

1 of employment or within the scope of the petitioner's
2 employment related duties, or to allow transportation for
3 the petitioner or a household member of the petitioner's
4 family for the receipt of necessary medical care, or
5 provide transportation for the petitioner to and from
6 alcohol or drug remedial or rehabilitative activity
7 recommended by a licensed service provider, or for the
8 petitioner to attend classes, as a student, in an
9 accredited educational institution. The petitioner must
10 demonstrate that no alternative means of transportation is
11 reasonably available; provided that the Secretary's
12 discretion shall be limited to cases where undue hardship,
13 as defined by the rules of the Secretary of State, would
14 result from a failure to issue such restricted driving
15 permit. In each case the Secretary of State may issue such
16 restricted driving permit for such period as he deems
17 appropriate, except that such permit shall expire within
18 one year from the date of issuance. A restricted driving
19 permit issued hereunder shall be subject to cancellation,
20 revocation and suspension by the Secretary of State in like
21 manner and for like cause as a driver's license issued
22 hereunder may be cancelled, revoked or suspended; except
23 that a conviction upon one or more offenses against laws or
24 ordinances regulating the movement of traffic shall be
25 deemed sufficient cause for the revocation, suspension or
26 cancellation of a restricted driving permit. The Secretary

1 of State may, as a condition to the issuance of a
2 restricted driving permit, require the applicant to
3 participate in a driver remedial or rehabilitative
4 program. In accordance with 49 C.F.R. 384, the Secretary of
5 State may not issue a restricted driving permit for the
6 operation of a commercial motor vehicle to a person holding
7 a CDL whose driving privileges have been revoked,
8 suspended, cancelled, or disqualified under this Code; or

9 8. failed to submit a report as required by Section
10 6-116.5 of this Code; or

11 9. (blank); or ~~has been convicted of a sex offense as~~
12 ~~defined in the Sex Offender Registration Act. The driver's~~
13 ~~license shall remain cancelled until the driver registers~~
14 ~~as a sex offender as required by the Sex Offender~~
15 ~~Registration Act, proof of the registration is furnished to~~
16 ~~the Secretary of State and the sex offender provides proof~~
17 ~~of current address to the Secretary; or~~

18 10. is ineligible for a license or permit under Section
19 6-107, 6-107.1, or 6-108 of this Code; or

20 11. refused or neglected to appear at a Driver Services
21 facility to have the license or permit corrected and a new
22 license or permit issued or to present documentation for
23 verification of identity; or

24 12. failed to submit a medical examiner's certificate
25 or medical variance as required by 49 C.F.R. 383.71 or
26 submitted a fraudulent medical examiner's certificate or

1 medical variance; or

2 13. has had his or her medical examiner's certificate,
3 medical variance, or both removed or rescinded by the
4 Federal Motor Carrier Safety Administration; or

5 14. failed to self-certify as to the type of driving in
6 which the CDL driver engages or expects to engage; or

7 15. has submitted acceptable documentation indicating
8 out-of-state residency to the Secretary of State to be
9 released from the requirement of showing proof of financial
10 responsibility in this State; or

11 16. was convicted of fraud relating to the testing or
12 issuance of a CDL or CLP, in which case only the CDL or CLP
13 shall be cancelled. After cancellation, the Secretary
14 shall not issue a CLP or CDL for a period of one year from
15 the date of cancellation; or

16 17. has a special restricted license under subsection
17 (g) of Section 6-113 of this Code and failed to submit the
18 required annual vision specialist report that the special
19 restricted license holder's vision has not changed; or

20 18. has a special restricted license under subsection
21 (g) of Section 6-113 of this Code and was convicted or
22 received court supervision for a violation of this Code
23 that occurred during nighttime hours or was involved in a
24 motor vehicle accident during nighttime hours in which the
25 restricted license holder was at fault.

26 (b) Upon such cancellation the licensee or permittee must

1 surrender the license or permit so cancelled to the Secretary
2 of State.

3 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
4 Secretary of State shall have exclusive authority to grant,
5 issue, deny, cancel, suspend and revoke driving privileges,
6 drivers' licenses and restricted driving permits.

7 (d) The Secretary of State may adopt rules to implement
8 this Section.

9 (Source: P.A. 97-208, eff. 1-1-12; 97-229, eff. 7-28-11;
10 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-176 (see Section
11 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the
12 effective date of changes made by P.A. 98-176); 98-178, eff.
13 1-1-14; 98-747, eff. 1-1-15; 98-756, eff. 7-16-14.)

14 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

15 Sec. 6-204. When Court to forward license and reports.

16 (a) For the purpose of providing to the Secretary of State
17 the records essential to the performance of the Secretary's
18 duties under this Code to cancel, revoke or suspend the
19 driver's license and privilege to drive motor vehicles of
20 certain minors ~~adjudicated truant minors in need of~~
21 ~~supervision, addicted, or delinquent~~ and of persons found
22 guilty of the criminal offenses or traffic violations which
23 this Code recognizes as evidence relating to unfitness to
24 safely operate motor vehicles, the following duties are imposed
25 upon public officials:

1 (1) Whenever any person is convicted of any offense for
2 which this Code makes mandatory the cancellation or
3 revocation of the driver's license or permit of such person
4 by the Secretary of State, the judge of the court in which
5 such conviction is had shall require the surrender to the
6 clerk of the court of all driver's licenses or permits then
7 held by the person so convicted, and the clerk of the court
8 shall, within 5 days thereafter, forward the same, together
9 with a report of such conviction, to the Secretary.

10 (2) Whenever any person is convicted of any offense
11 under this Code or similar offenses under a municipal
12 ordinance, other than regulations governing standing,
13 parking or weights of vehicles, and excepting the following
14 enumerated Sections of this Code: Sections 11-1406
15 (obstruction to driver's view or control), 11-1407
16 (improper opening of door into traffic), 11-1410 (coasting
17 on downgrade), 11-1411 (following fire apparatus),
18 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
19 vehicle which is in unsafe condition or improperly
20 equipped), 12-201(a) (daytime lights on motorcycles),
21 12-202 (clearance, identification and side marker lamps),
22 12-204 (lamp or flag on projecting load), 12-205 (failure
23 to display the safety lights required), 12-401
24 (restrictions as to tire equipment), 12-502 (mirrors),
25 12-503 (windshields must be unobstructed and equipped with
26 wipers), 12-601 (horns and warning devices), 12-602

1 (mufflers, prevention of noise or smoke), 12-603 (seat
2 safety belts), 12-702 (certain vehicles to carry flares or
3 other warning devices), 12-703 (vehicles for oiling roads
4 operated on highways), 12-710 (splash guards and
5 replacements), 13-101 (safety tests), 15-101 (size, weight
6 and load), 15-102 (width), 15-103 (height), 15-104 (name
7 and address on second division vehicles), 15-107 (length of
8 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
9 15-112 (weights), 15-301 (weights), 15-316 (weights),
10 15-318 (weights), and also excepting the following
11 enumerated Sections of the Chicago Municipal Code:
12 Sections 27-245 (following fire apparatus), 27-254
13 (obstruction of traffic), 27-258 (driving vehicle which is
14 in unsafe condition), 27-259 (coasting on downgrade),
15 27-264 (use of horns and signal devices), 27-265
16 (obstruction to driver's view or driver mechanism), 27-267
17 (dimming of headlights), 27-268 (unattended motor
18 vehicle), 27-272 (illegal funeral procession), 27-273
19 (funeral procession on boulevard), 27-275 (driving freight
20 hauling vehicles on boulevard), 27-276 (stopping and
21 standing of buses or taxicabs), 27-277 (cruising of public
22 passenger vehicles), 27-305 (parallel parking), 27-306
23 (diagonal parking), 27-307 (parking not to obstruct
24 traffic), 27-308 (stopping, standing or parking
25 regulated), 27-311 (parking regulations), 27-312 (parking
26 regulations), 27-313 (parking regulations), 27-314

1 (parking regulations), 27-315 (parking regulations),
2 27-316 (parking regulations), 27-317 (parking
3 regulations), 27-318 (parking regulations), 27-319
4 (parking regulations), 27-320 (parking regulations),
5 27-321 (parking regulations), 27-322 (parking
6 regulations), 27-324 (loading and unloading at an angle),
7 27-333 (wheel and axle loads), 27-334 (load restrictions in
8 the downtown district), 27-335 (load restrictions in
9 residential areas), 27-338 (width of vehicles), 27-339
10 (height of vehicles), 27-340 (length of vehicles), 27-352
11 (reflectors on trailers), 27-353 (mufflers), 27-354
12 (display of plates), 27-355 (display of city vehicle tax
13 sticker), 27-357 (identification of vehicles), 27-358
14 (projecting of loads), and also excepting the following
15 enumerated paragraphs of Section 2-201 of the Rules and
16 Regulations of the Illinois State Toll Highway Authority:
17 (l) (driving unsafe vehicle on tollway), (m) (vehicles
18 transporting dangerous cargo not properly indicated), it
19 shall be the duty of the clerk of the court in which such
20 conviction is had within 5 days thereafter to forward to
21 the Secretary of State a report of the conviction and the
22 court may recommend the suspension of the driver's license
23 or permit of the person so convicted.

24 The reporting requirements of this subsection shall
25 apply to all violations stated in paragraphs (1) and (2) of
26 this subsection when the individual has been adjudicated

1 under the Juvenile Court Act or the Juvenile Court Act of
2 1987. Such reporting requirements shall also apply to
3 individuals adjudicated under the Juvenile Court Act or the
4 Juvenile Court Act of 1987 who have committed a violation
5 of Section 11-501 of this Code, or similar provision of a
6 local ordinance, or Section 9-3 of the Criminal Code of
7 1961 or the Criminal Code of 2012, relating to the offense
8 of reckless homicide. These reporting requirements also
9 apply to individuals adjudicated under the Juvenile Court
10 Act of 1987 based on any offense determined to have been
11 committed in furtherance of the criminal activities of an
12 organized gang, as provided in Section 5-710 of that Act,
13 if those activities ~~and that~~ involved the operation or use
14 of a motor vehicle ~~or the use of a driver's license or~~
15 ~~permit. The reporting requirements of this subsection~~
16 ~~shall also apply to a truant minor in need of supervision,~~
17 ~~an addicted minor, or a delinquent minor and whose driver's~~
18 ~~license and privilege to drive a motor vehicle has been~~
19 ~~ordered suspended for such times as determined by the~~
20 ~~Court, but only until he or she attains 18 years of age.~~ It
21 shall be the duty of the clerk of the court in which
22 adjudication is had within 5 days thereafter to forward to
23 the Secretary of State a report of the adjudication and the
24 court order requiring the Secretary of State to suspend the
25 minor's driver's license and driving privilege for such
26 time as determined by the Court, but only until he or she

1 attains the age of 18 years. All juvenile court
2 dispositions reported to the Secretary of State under this
3 provision shall be processed by the Secretary of State as
4 if the cases had been adjudicated in traffic or criminal
5 court. However, information reported relative to the
6 offense of reckless homicide, or Section 11-501 of this
7 Code, or a similar provision of a local ordinance, shall be
8 privileged and available only to the Secretary of State,
9 courts, and police officers.

10 The reporting requirements of this subsection (a)
11 apply to all violations listed in paragraphs (1) and (2) of
12 this subsection (a), excluding parking violations, when
13 the driver holds a CLP or CDL, regardless of the type of
14 vehicle in which the violation occurred, or when any driver
15 committed the violation in a commercial motor vehicle as
16 defined in Section 6-500 of this Code.

17 (3) Whenever an order is entered vacating the
18 forfeiture of any bail, security or bond given to secure
19 appearance for any offense under this Code or similar
20 offenses under municipal ordinance, it shall be the duty of
21 the clerk of the court in which such vacation was had or
22 the judge of such court if such court has no clerk, within
23 5 days thereafter to forward to the Secretary of State a
24 report of the vacation.

25 (4) A report of any disposition of court supervision
26 for a violation of Sections 6-303, 11-401, 11-501 or a

1 similar provision of a local ordinance, 11-503, 11-504, and
2 11-506 shall be forwarded to the Secretary of State. A
3 report of any disposition of court supervision for a
4 violation of an offense defined as a serious traffic
5 violation in this Code or a similar provision of a local
6 ordinance committed by a person under the age of 21 years
7 shall be forwarded to the Secretary of State.

8 (5) Reports of conviction under this Code and
9 sentencing hearings under the Juvenile Court Act of 1987 in
10 an electronic format or a computer processible medium shall
11 be forwarded to the Secretary of State via the Supreme
12 Court in the form and format required by the Illinois
13 Supreme Court and established by a written agreement
14 between the Supreme Court and the Secretary of State. In
15 counties with a population over 300,000, instead of
16 forwarding reports to the Supreme Court, reports of
17 conviction under this Code and sentencing hearings under
18 the Juvenile Court Act of 1987 in an electronic format or a
19 computer processible medium may be forwarded to the
20 Secretary of State by the Circuit Court Clerk in a form and
21 format required by the Secretary of State and established
22 by written agreement between the Circuit Court Clerk and
23 the Secretary of State. Failure to forward the reports of
24 conviction or sentencing hearing under the Juvenile Court
25 Act of 1987 as required by this Section shall be deemed an
26 omission of duty and it shall be the duty of the several

1 State's Attorneys to enforce the requirements of this
2 Section.

3 (b) Whenever a restricted driving permit is forwarded to a
4 court, as a result of confiscation by a police officer pursuant
5 to the authority in Section 6-113(f), it shall be the duty of
6 the clerk, or judge, if the court has no clerk, to forward such
7 restricted driving permit and a facsimile of the officer's
8 citation to the Secretary of State as expeditiously as
9 practicable.

10 (c) (Blank). ~~For the purposes of this Code, a forfeiture of~~
11 ~~bail or collateral deposited to secure a defendant's appearance~~
12 ~~in court when forfeiture has not been vacated, or the failure~~
13 ~~of a defendant to appear for trial after depositing his~~
14 ~~driver's license in lieu of other bail, shall be equivalent to~~
15 ~~a conviction.~~

16 (d) For the purpose of providing the Secretary of State
17 with records necessary to properly monitor and assess driver
18 performance and assist the courts in the proper disposition of
19 repeat traffic law offenders, the clerk of the court shall
20 forward to the Secretary of State, on a form prescribed by the
21 Secretary, records of a driver's participation in a driver
22 remedial or rehabilitative program which was required, through
23 a court order or court supervision, in relation to the driver's
24 arrest for a violation of Section 11-501 of this Code or a
25 similar provision of a local ordinance. The clerk of the court
26 shall also forward to the Secretary, either on paper or in an

1 electronic format or a computer processible medium as required
2 under paragraph (5) of subsection (a) of this Section, any
3 disposition of court supervision for any traffic violation,
4 excluding those offenses listed in paragraph (2) of subsection
5 (a) of this Section. These reports shall be sent within 5 days
6 after disposition, or, if the driver is referred to a driver
7 remedial or rehabilitative program, within 5 days of the
8 driver's referral to that program. These reports received by
9 the Secretary of State, including those required to be
10 forwarded under paragraph (a)(4), shall be privileged
11 information, available only (i) to the affected driver, (ii) to
12 the parent or guardian of a person under the age of 18 years
13 holding an instruction permit or a graduated driver's license,
14 and (iii) for use by the courts, police officers, prosecuting
15 authorities, the Secretary of State, and the driver licensing
16 administrator of any other state. In accordance with 49 C.F.R.
17 Part 384, all reports of court supervision, except violations
18 related to parking, shall be forwarded to the Secretary of
19 State for all holders of a CLP or CDL or any driver who commits
20 an offense while driving a commercial motor vehicle. These
21 reports shall be recorded to the driver's record as a
22 conviction for use in the disqualification of the driver's
23 commercial motor vehicle privileges and shall not be privileged
24 information.

25 (Source: P.A. 97-1150, eff. 1-25-13; 98-176 (see Section 10 of
26 P.A. 98-722 and Section 10 of P.A. 99-414 for the effective

1 date of changes made by P.A. 98-176).)

2 (625 ILCS 5/6-205)

3 Sec. 6-205. Mandatory revocation of license or permit;
4 Hardship cases.

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

9 1. Reckless homicide resulting from the operation of a
10 motor vehicle;

11 2. Violation of Section 11-501 of this Code or a
12 similar provision of a local ordinance relating to the
13 offense of operating or being in physical control of a
14 vehicle while under the influence of alcohol, other drug or
15 drugs, intoxicating compound or compounds, or any
16 combination thereof;

17 3. Any felony under the laws of any State or the
18 federal government in the commission of which a motor
19 vehicle was used;

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

23 5. Perjury or the making of a false affidavit or
24 statement under oath to the Secretary of State under this
25 Code or under any other law relating to the ownership or

1 operation of motor vehicles;

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

5 7. Conviction of any offense defined in Section 4-102
6 of this Code if the vehicle is set in motion;

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

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

10 10. Violation of Section 12-5 of the Criminal Code of
11 1961 or the Criminal Code of 2012 arising from the use of a
12 motor vehicle;

13 11. Violation of Section 11-204.1 of this Code relating
14 to aggravated fleeing or attempting to elude a peace
15 officer;

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

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

26 14. Violation of paragraph (a) of Section 11-506 of

1 this Code or a similar provision of a local ordinance
2 relating to the offense of street racing;

3 15. A second or subsequent conviction of driving while
4 the person's driver's license, permit or privileges was
5 revoked for reckless homicide or a similar out-of-state
6 offense;

7 16. Any offense against any provision in this Code, or
8 any local ordinance, regulating the movement of traffic
9 when that offense was the proximate cause of the death of
10 any person. Any person whose driving privileges have been
11 revoked pursuant to this paragraph may seek to have the
12 revocation terminated or to have the length of revocation
13 reduced by requesting an administrative hearing with the
14 Secretary of State prior to the projected driver's license
15 application eligibility date;

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

18 18. A second or subsequent conviction of illegal
19 possession, while operating or in actual physical control,
20 as a driver, of a motor vehicle, of any controlled
21 substance prohibited under the Illinois Controlled
22 Substances Act, any cannabis prohibited under the Cannabis
23 Control Act, or any methamphetamine prohibited under the
24 Methamphetamine Control and Community Protection Act. A
25 defendant found guilty of this offense while operating a
26 motor vehicle shall have an entry made in the court record

1 by the presiding judge that this offense did occur while
2 the defendant was operating a motor vehicle and order the
3 clerk of the court to report the violation to the Secretary
4 of State.

5 (b) The Secretary of State shall also immediately revoke
6 the license or permit of any driver in the following
7 situations:

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

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

16 3. Of any person adjudicated under the Juvenile Court
17 Act of 1987 based on an offense determined to have been
18 committed in furtherance of the criminal activities of an
19 organized gang as provided in Section 5-710 of that Act,
20 and that involved the operation or use of a motor vehicle
21 or the use of a driver's license or permit. The revocation
22 shall remain in effect for the period determined by the
23 court.

24 (c) (1) Whenever a person is convicted of any of the
25 offenses enumerated in this Section, the court may recommend
26 and the Secretary of State in his discretion, without regard to

1 whether the recommendation is made by the court may, upon
2 application, issue to the person a restricted driving permit
3 granting the privilege of driving a motor vehicle between the
4 petitioner's residence and petitioner's place of employment or
5 within the scope of the petitioner's employment related duties,
6 or to allow the petitioner to transport himself or herself or a
7 family member of the petitioner's household to a medical
8 facility for the receipt of necessary medical care or to allow
9 the petitioner to transport himself or herself to and from
10 alcohol or drug remedial or rehabilitative activity
11 recommended by a licensed service provider, or to allow the
12 petitioner to transport himself or herself or a family member
13 of the petitioner's household to classes, as a student, at an
14 accredited educational institution, or to allow the petitioner
15 to transport children, elderly persons, or persons with
16 disabilities who do not hold driving privileges and are living
17 in the petitioner's household to and from daycare; if the
18 petitioner is able to demonstrate that no alternative means of
19 transportation is reasonably available and that the petitioner
20 will not endanger the public safety or welfare; provided that
21 the Secretary's discretion shall be limited to cases where
22 undue hardship, as defined by the rules of the Secretary of
23 State, would result from a failure to issue the restricted
24 driving permit.

25 (1.5) A person subject to the provisions of paragraph 4
26 of subsection (b) of Section 6-208 of this Code may make

1 application for a restricted driving permit at a hearing
2 conducted under Section 2-118 of this Code after the
3 expiration of 5 years from the effective date of the most
4 recent revocation, or after 5 years from the date of
5 release from a period of imprisonment resulting from a
6 conviction of the most recent offense, whichever is later,
7 provided the person, in addition to all other requirements
8 of the Secretary, shows by clear and convincing evidence:

9 (A) a minimum of 3 years of uninterrupted
10 abstinence from alcohol and the unlawful use or
11 consumption of cannabis under the Cannabis Control
12 Act, a controlled substance under the Illinois
13 Controlled Substances Act, an intoxicating compound
14 under the Use of Intoxicating Compounds Act, or
15 methamphetamine under the Methamphetamine Control and
16 Community Protection Act; and

17 (B) the successful completion of any
18 rehabilitative treatment and involvement in any
19 ongoing rehabilitative activity that may be
20 recommended by a properly licensed service provider
21 according to an assessment of the person's alcohol or
22 drug use under Section 11-501.01 of this Code.

23 In determining whether an applicant is eligible for a
24 restricted driving permit under this paragraph (1.5), the
25 Secretary may consider any relevant evidence, including,
26 but not limited to, testimony, affidavits, records, and the

1 results of regular alcohol or drug tests. Persons subject
2 to the provisions of paragraph 4 of subsection (b) of
3 Section 6-208 of this Code and who have been convicted of
4 more than one violation of paragraph (3), paragraph (4), or
5 paragraph (5) of subsection (a) of Section 11-501 of this
6 Code shall not be eligible to apply for a restricted
7 driving permit.

8 A restricted driving permit issued under this
9 paragraph (1.5) shall provide that the holder may only
10 operate motor vehicles equipped with an ignition interlock
11 device as required under paragraph (2) of subsection (c) of
12 this Section and subparagraph (A) of paragraph 3 of
13 subsection (c) of Section 6-206 of this Code. The Secretary
14 may revoke a restricted driving permit or amend the
15 conditions of a restricted driving permit issued under this
16 paragraph (1.5) if the holder operates a vehicle that is
17 not equipped with an ignition interlock device, or for any
18 other reason authorized under this Code.

19 A restricted driving permit issued under this
20 paragraph (1.5) shall be revoked, and the holder barred
21 from applying for or being issued a restricted driving
22 permit in the future, if the holder is subsequently
23 convicted of a violation of Section 11-501 of this Code, a
24 similar provision of a local ordinance, or a similar
25 offense in another state.

26 (2) If a person's license or permit is revoked or

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

12 (3) If:

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

15 (i) a single conviction of violating Section
16 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense,
18 or Section 9-3 of the Criminal Code of 1961 or the
19 Criminal Code of 2012, where the use of alcohol or
20 other drugs is recited as an element of the
21 offense, or a similar out-of-state offense; or

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

24 (iii) a suspension pursuant to Section
25 6-203.1;

26 arising out of separate occurrences; or

1 (B) a person has been convicted of one violation of
2 subparagraph (C) or (F) of paragraph (1) of subsection
3 (d) of Section 11-501 of this Code, Section 9-3 of the
4 Criminal Code of 1961 or the Criminal Code of 2012,
5 relating to the offense of reckless homicide where the
6 use of alcohol or other drugs was recited as an element
7 of the offense, or a similar provision of a law of
8 another state;

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

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

18 (5) If the restricted driving permit is issued for
19 employment purposes, then the prohibition against
20 operating a motor vehicle that is not equipped with an
21 ignition interlock device does not apply to the operation
22 of an occupational vehicle owned or leased by that person's
23 employer when used solely for employment purposes. For any
24 person who, within a 5-year period, is convicted of a
25 second or subsequent offense under Section 11-501 of this
26 Code, or a similar provision of a local ordinance or

1 similar out-of-state offense, this employment exemption
2 does not apply until either a one-year period has elapsed
3 during which that person had his or her driving privileges
4 revoked or a one-year period has elapsed during which that
5 person had a restricted driving permit which required the
6 use of an ignition interlock device on every motor vehicle
7 owned or operated by that person.

8 (6) In each case the Secretary of State may issue a
9 restricted driving permit for a period he deems
10 appropriate, except that the permit shall expire within one
11 year from the date of issuance. A restricted driving permit
12 issued under this Section shall be subject to cancellation,
13 revocation, and suspension by the Secretary of State in
14 like manner and for like cause as a driver's license issued
15 under this Code may be cancelled, revoked, or suspended;
16 except that a conviction upon one or more offenses against
17 laws or ordinances regulating the movement of traffic shall
18 be deemed sufficient cause for the revocation, suspension,
19 or cancellation of a restricted driving permit. The
20 Secretary of State may, as a condition to the issuance of a
21 restricted driving permit, require the petitioner to
22 participate in a designated driver remedial or
23 rehabilitative program. The Secretary of State is
24 authorized to cancel a restricted driving permit if the
25 permit holder does not successfully complete the program.
26 However, if an individual's driving privileges have been

1 revoked in accordance with paragraph 13 of subsection (a)
2 of this Section, no restricted driving permit shall be
3 issued until the individual has served 6 months of the
4 revocation period.

5 (c-5) (Blank).

6 (c-6) If a person is convicted of a second violation of
7 operating a motor vehicle while the person's driver's license,
8 permit or privilege was revoked, where the revocation was for a
9 violation of Section 9-3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012 relating to the offense of reckless
11 homicide or a similar out-of-state offense, the person's
12 driving privileges shall be revoked pursuant to subdivision
13 (a) (15) of this Section. The person may not make application
14 for a license or permit until the expiration of five years from
15 the effective date of the revocation or the expiration of five
16 years from the date of release from a term of imprisonment,
17 whichever is later.

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

25 (d) (1) Whenever a person under the age of 21 is convicted
26 under Section 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense, the
2 Secretary of State shall revoke the driving privileges of that
3 person. One year after the date of revocation, and upon
4 application, the Secretary of State may, if satisfied that the
5 person applying will not endanger the public safety or welfare,
6 issue a restricted driving permit granting the privilege of
7 driving a motor vehicle only between the hours of 5 a.m. and 9
8 p.m. or as otherwise provided by this Section for a period of
9 one year. After this one-year period, and upon reapplication
10 for a license as provided in Section 6-106, upon payment of the
11 appropriate reinstatement fee provided under paragraph (b) of
12 Section 6-118, the Secretary of State, in his discretion, may
13 reinstate the petitioner's driver's license and driving
14 privileges, or extend the restricted driving permit as many
15 times as the Secretary of State deems appropriate, by
16 additional periods of not more than 12 months each.

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

1 equipped with an ignition interlock device as defined in
2 Section 1-129.1.

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

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

12 (B) a statutory summary suspension or revocation
13 under Section 11-501.1; or

14 (C) a suspension pursuant to Section 6-203.1;

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

19 (3.5) If a person's license or permit is revoked or
20 suspended due to a conviction for a violation of
21 subparagraph (C) or (F) of paragraph (1) of subsection (d)
22 of Section 11-501 of this Code, or a similar provision of a
23 local ordinance or similar out-of-state offense, that
24 person, if issued a restricted driving permit, may not
25 operate a vehicle unless it has been equipped with an
26 ignition interlock device as defined in Section 1-129.1.

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

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

23 (6) A restricted driving permit issued under this
24 Section shall be subject to cancellation, revocation, and
25 suspension by the Secretary of State in like manner and for
26 like cause as a driver's license issued under this Code may

1 be cancelled, revoked, or suspended; except that a
2 conviction upon one or more offenses against laws or
3 ordinances regulating the movement of traffic shall be
4 deemed sufficient cause for the revocation, suspension, or
5 cancellation of a restricted driving permit.

6 (d-5) The revocation of the license, permit, or driving
7 privileges of a person convicted of a third or subsequent
8 violation of Section 6-303 of this Code committed while his or
9 her driver's license, permit, or privilege was revoked because
10 of a violation of Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, relating to the offense of reckless
12 homicide, or a similar provision of a law of another state, is
13 permanent. The Secretary may not, at any time, issue a license
14 or permit to that person.

15 (e) This Section is subject to the provisions of the Driver
16 License Compact.

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

21 (g) The Secretary of State shall not issue a restricted
22 driving permit to a person under the age of 16 years whose
23 driving privileges have been revoked under any provisions of
24 this Code.

25 (h) The Secretary of State shall require the use of
26 ignition interlock devices for a period not less than 5 years

1 on all vehicles owned by a person who has been convicted of a
2 second or subsequent offense under Section 11-501 of this Code
3 or a similar provision of a local ordinance. The person must
4 pay to the Secretary of State DUI Administration Fund an amount
5 not to exceed \$30 for each month that he or she uses the
6 device. The Secretary shall establish by rule and regulation
7 the procedures for certification and use of the interlock
8 system, the amount of the fee, and the procedures, terms, and
9 conditions relating to these fees. During the time period in
10 which a person is required to install an ignition interlock
11 device under this subsection (h), that person shall only
12 operate vehicles in which ignition interlock devices have been
13 installed, except as allowed by subdivision (c) (5) or (d) (5) of
14 this Section.

15 (i) (Blank).

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

21 (k) The Secretary of State shall notify by mail any person
22 whose driving privileges have been revoked under paragraph 16
23 of subsection (a) of this Section that his or her driving
24 privileges and driver's license will be revoked 90 days from
25 the date of the mailing of the notice.

26 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;

1 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
2 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff.
3 7-28-16.)

4 (625 ILCS 5/6-206)

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

7 (a) The Secretary of State is authorized to suspend or
8 revoke the driving privileges of any person without preliminary
9 hearing upon a showing of the person's records or other
10 sufficient evidence that the person:

11 1. Has committed an offense for which mandatory
12 revocation of a driver's license or permit is required upon
13 conviction;

14 2. Has been convicted of not less than 3 offenses
15 against traffic regulations governing the movement of
16 vehicles committed within any 12 month period. No
17 revocation or suspension shall be entered more than 6
18 months after the date of last conviction;

19 3. Has been repeatedly involved as a driver in motor
20 vehicle collisions or has been repeatedly convicted of
21 offenses against laws and ordinances regulating the
22 movement of traffic, to a degree that indicates lack of
23 ability to exercise ordinary and reasonable care in the
24 safe operation of a motor vehicle or disrespect for the
25 traffic laws and the safety of other persons upon the

1 highway;

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

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

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

19 7. Has refused or failed to submit to an examination
20 provided for by Section 6-207 or has failed to pass the
21 examination;

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

24 9. Has made a false statement or knowingly concealed a
25 material fact or has used false information or
26 identification in any application for a license,

1 identification card, or permit;

2 10. Has possessed, displayed, or attempted to
3 fraudulently use any license, identification card, or
4 permit not issued to the person;

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

13 12. Has submitted to any portion of the application
14 process for another person or has obtained the services of
15 another person to submit to any portion of the application
16 process for the purpose of obtaining a license,
17 identification card, or permit for some other person;

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

21 14. Has committed a violation of Section 6-301,
22 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
23 14B of the Illinois Identification Card Act;

24 15. Has been convicted of violating Section 21-2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 relating
26 to criminal trespass to vehicles if the violation involves

1 operating the vehicle, in which case, the suspension shall
2 be for one year;

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

5 17. Has refused to submit to a test, or tests, as
6 required under Section 11-501.1 of this Code and the person
7 has not sought a hearing as provided for in Section
8 11-501.1;

9 18. (Blank); ~~Has, since issuance of a driver's license~~
10 ~~or permit, been adjudged to be afflicted with or suffering~~
11 ~~from any mental disability or disease;~~

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

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

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

21 22. Has used a motor vehicle in violating paragraph
22 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
23 the Criminal Code of 1961 or the Criminal Code of 2012
24 relating to unlawful use of weapons, in which case the
25 suspension shall be for one year;

26 23. Has, as a driver, been convicted of committing a

1 violation of paragraph (a) of Section 11-502 of this Code
2 for a second or subsequent time within one year of a
3 similar violation;

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

10 25. Has permitted any form of identification to be used
11 by another in the application process in order to obtain or
12 attempt to obtain a license, identification card, or
13 permit;

14 26. (Blank); ~~Has altered or attempted to alter a~~
15 ~~license or has possessed an altered license,~~
16 ~~identification card, or permit;~~

17 27. (Blank); ~~Has violated Section 6-16 of the Liquor~~
18 ~~Control Act of 1934;~~

19 28. Has been convicted for a first time of the illegal
20 possession, while operating or in actual physical control,
21 as a driver, of a motor vehicle, of any controlled
22 substance prohibited under the Illinois Controlled
23 Substances Act, any cannabis prohibited under the Cannabis
24 Control Act, or any methamphetamine prohibited under the
25 Methamphetamine Control and Community Protection Act, in
26 which case the person's driving privileges shall be

1 suspended for one year. Any defendant found guilty of this
2 offense while operating a motor vehicle, shall have an
3 entry made in the court record by the presiding judge that
4 this offense did occur while the defendant was operating a
5 motor vehicle and order the clerk of the court to report
6 the violation to the Secretary of State;

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

20 30. Has been convicted a second or subsequent time for
21 any combination of the offenses named in paragraph 29 of
22 this subsection, in which case the person's driving
23 privileges shall be suspended for 5 years;

24 31. Has refused to submit to a test as required by
25 Section 11-501.6 of this Code or Section 5-16c of the Boat
26 Registration and Safety Act or has submitted to a test

1 resulting in an alcohol concentration of 0.08 or more or
2 any amount of a drug, substance, or compound resulting from
3 the unlawful use or consumption of cannabis as listed in
4 the Cannabis Control Act, a controlled substance as listed
5 in the Illinois Controlled Substances Act, an intoxicating
6 compound as listed in the Use of Intoxicating Compounds
7 Act, or methamphetamine as listed in the Methamphetamine
8 Control and Community Protection Act, in which case the
9 penalty shall be as prescribed in Section 6-208.1;

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

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

20 34. (Blank); ~~Has committed a violation of Section~~
21 ~~11-1301.5 of this Code or a similar provision of a local~~
22 ~~ordinance;~~

23 35. (Blank); ~~Has committed a violation of Section~~
24 ~~11-1301.6 of this Code or a similar provision of a local~~
25 ~~ordinance;~~

26 36. Is under the age of 21 years at the time of arrest

1 and has been convicted of not less than 2 offenses against
2 traffic regulations governing the movement of vehicles
3 committed within any 24 month period. No revocation or
4 suspension shall be entered more than 6 months after the
5 date of last conviction;

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

9 38. (Blank); ~~Has been convicted of a violation of~~
10 ~~Section 6-20 of the Liquor Control Act of 1934 or a similar~~
11 ~~provision of a local ordinance;~~

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

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

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

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

24 43. (Blank); ~~Has received a disposition of court~~
25 ~~supervision for a violation of subsection (a), (d), or (e)~~
26 ~~of Section 6-20 of the Liquor Control Act of 1934 or a~~

1 ~~similar provision of a local ordinance, in which case the~~
2 ~~suspension shall be for a period of 3 months;~~

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

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

16 46. (Blank); ~~Has committed a violation of subsection~~
17 ~~(j) of Section 3 413 of this Code;~~

18 47. Has committed a violation of subsection (a) of
19 Section 11-502.1 of this Code; or

20 48. (Blank). ~~Has submitted a falsified or altered~~
21 ~~medical examiner's certificate to the Secretary of State or~~
22 ~~provided false information to obtain a medical examiner's~~
23 ~~certificate.~~

24 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
25 and 27 of this subsection, license means any driver's license,
26 any traffic ticket issued when the person's driver's license is

1 deposited in lieu of bail, a suspension notice issued by the
2 Secretary of State, a duplicate or corrected driver's license,
3 a probationary driver's license or a temporary driver's
4 license.

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

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

20 2. If the Secretary of State suspends the driver's license
21 of a person under subsection 2 of paragraph (a) of this
22 Section, a person's privilege to operate a vehicle as an
23 occupation shall not be suspended, provided an affidavit is
24 properly completed, the appropriate fee received, and a permit
25 issued prior to the effective date of the suspension, unless 5
26 offenses were committed, at least 2 of which occurred while

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

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

23 Any person who falsely states any fact in the affidavit
24 required herein shall be guilty of perjury under Section 6-302
25 and upon conviction thereof shall have all driving privileges
26 revoked without further rights.

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

1 welfare.

2 (A) If a person's license or permit is revoked or
3 suspended due to 2 or more convictions of violating Section
4 11-501 of this Code or a similar provision of a local
5 ordinance or a similar out-of-state offense, or Section 9-3
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 where the use of alcohol or other drugs is recited as an
8 element of the offense, or a similar out-of-state offense,
9 or a combination of these offenses, arising out of separate
10 occurrences, that person, if issued a restricted driving
11 permit, may not operate a vehicle unless it has been
12 equipped with an ignition interlock device as defined in
13 Section 1-129.1.

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

16 (i) a single conviction of violating Section
17 11-501 of this Code or a similar provision of a local
18 ordinance or a similar out-of-state offense or Section
19 9-3 of the Criminal Code of 1961 or the Criminal Code
20 of 2012, where the use of alcohol or other drugs is
21 recited as an element of the offense, or a similar
22 out-of-state offense; or

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

25 (iii) a suspension under Section 6-203.1;
26 arising out of separate occurrences; that person, if issued

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

4 (B-5) If a person's license or permit is revoked or
5 suspended due to a conviction for a violation of
6 subparagraph (C) or (F) of paragraph (1) of subsection (d)
7 of Section 11-501 of this Code, or a similar provision of a
8 local ordinance or similar out-of-state offense, that
9 person, if issued a restricted driving permit, may not
10 operate a vehicle unless it has been equipped with an
11 ignition interlock device as defined in Section 1-129.1.

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

18 (D) If the restricted driving permit is issued for
19 employment purposes, then the prohibition against
20 operating a motor vehicle that is not equipped with an
21 ignition interlock device does not apply to the operation
22 of an occupational vehicle owned or leased by that person's
23 employer when used solely for employment purposes. For any
24 person who, within a 5-year period, is convicted of a
25 second or subsequent offense under Section 11-501 of this
26 Code, or a similar provision of a local ordinance or

1 similar out-of-state offense, this employment exemption
2 does not apply until either a one-year period has elapsed
3 during which that person had his or her driving privileges
4 revoked or a one-year period has elapsed during which that
5 person had a restricted driving permit which required the
6 use of an ignition interlock device on every motor vehicle
7 owned or operated by that person.

8 (E) In each case the Secretary may issue a restricted
9 driving permit for a period deemed appropriate, except that
10 all permits shall expire within one year from the date of
11 issuance. 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. The Secretary
20 of State may, as a condition to the issuance of a
21 restricted driving permit, require the applicant to
22 participate in a designated driver remedial or
23 rehabilitative program. The Secretary of State is
24 authorized to cancel a restricted driving permit if the
25 permit holder does not successfully complete the program.

26 (F) A person subject to the provisions of paragraph 4

1 of subsection (b) of Section 6-208 of this Code may make
2 application for a restricted driving permit at a hearing
3 conducted under Section 2-118 of this Code after the
4 expiration of 5 years from the effective date of the most
5 recent revocation or after 5 years from the date of release
6 from a period of imprisonment resulting from a conviction
7 of the most recent offense, whichever is later, provided
8 the person, in addition to all other requirements of the
9 Secretary, shows by clear and convincing evidence:

10 (i) a minimum of 3 years of uninterrupted
11 abstinence from alcohol and the unlawful use or
12 consumption of cannabis under the Cannabis Control
13 Act, a controlled substance under the Illinois
14 Controlled Substances Act, an intoxicating compound
15 under the Use of Intoxicating Compounds Act, or
16 methamphetamine under the Methamphetamine Control and
17 Community Protection Act; and

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

24 In determining whether an applicant is eligible for a
25 restricted driving permit under this subparagraph (F), the
26 Secretary may consider any relevant evidence, including,

1 but not limited to, testimony, affidavits, records, and the
2 results of regular alcohol or drug tests. Persons subject
3 to the provisions of paragraph 4 of subsection (b) of
4 Section 6-208 of this Code and who have been convicted of
5 more than one violation of paragraph (3), paragraph (4), or
6 paragraph (5) of subsection (a) of Section 11-501 of this
7 Code shall not be eligible to apply for a restricted
8 driving permit under this subparagraph (F).

9 A restricted driving permit issued under this
10 subparagraph (F) shall provide that the holder may only
11 operate motor vehicles equipped with an ignition interlock
12 device as required under paragraph (2) of subsection (c) of
13 Section 6-205 of this Code and subparagraph (A) of
14 paragraph 3 of subsection (c) of this Section. The
15 Secretary may revoke a restricted driving permit or amend
16 the conditions of a restricted driving permit issued under
17 this subparagraph (F) if the holder operates a vehicle that
18 is not equipped with an ignition interlock device, or for
19 any other reason authorized under this Code.

20 A restricted driving permit issued under this
21 subparagraph (F) shall be revoked, and the holder barred
22 from applying for or being issued a restricted driving
23 permit in the future, if the holder is convicted of a
24 violation of Section 11-501 of this Code, a similar
25 provision of a local ordinance, or a similar offense in
26 another state.

1 (c-3) In the case of a suspension under paragraph 43 of
2 subsection (a), reports received by the Secretary of State
3 under this Section shall, except during the actual time the
4 suspension is in effect, be privileged information and for use
5 only by the courts, police officers, prosecuting authorities,
6 the driver licensing administrator of any other state, the
7 Secretary of State, or the parent or legal guardian of a driver
8 under the age of 18. However, beginning January 1, 2008, if the
9 person is a CDL holder, the suspension shall also be made
10 available to the driver licensing administrator of any other
11 state, the U.S. Department of Transportation, and the affected
12 driver or motor carrier or prospective motor carrier upon
13 request.

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

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

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

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

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

11 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,
12 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
13 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
14 99-607, eff. 7-22-16; 99-642, eff. 7-28-16.)

15 (625 ILCS 5/6-208.2)

16 Sec. 6-208.2. Restoration of driving privileges; persons
17 under age 21.

18 (a) Unless the suspension based upon consumption of alcohol
19 by a minor or refusal to submit to testing has been rescinded
20 by the Secretary of State in accordance with item (c)(3) of
21 Section 6-206 of this Code, a person whose privilege to drive a
22 motor vehicle on the public highways has been suspended under
23 Section 11-501.8 is not eligible for restoration of the
24 privilege until the expiration of:

25 1. Six months from the effective date of the suspension

1 for a refusal or failure to complete a test or tests to
2 determine the alcohol concentration under Section
3 11-501.8;

4 2. Three months from the effective date of the
5 suspension imposed following the person's submission to a
6 chemical test which disclosed an alcohol concentration
7 greater than 0.00 under Section 11-501.8;

8 3. Two years from the effective date of the suspension
9 for a person who has been previously suspended under
10 Section 11-501.8 and who refuses or fails to complete a
11 test or tests to determine the alcohol concentration under
12 Section 11-501.8; or

13 4. One year from the effective date of the suspension
14 imposed for a person who has been previously suspended
15 under Section 11-501.8 following submission to a chemical
16 test that disclosed an alcohol concentration greater than
17 0.00 under Section 11-501.8.

18 (b) Following a suspension of the privilege to drive a
19 motor vehicle under Section 11-501.8, full driving privileges
20 shall be restored unless the person is otherwise disqualified
21 by this Code.

22 (c) Full driving privileges may not be restored until all
23 applicable reinstatement fees, as provided by this Code, have
24 been paid to the Secretary of State and the appropriate entry
25 made to the driver's record. The Secretary of State may also,
26 as a condition of the reissuance of a driver's license or

1 permit to an individual under the age of 18 years whose driving
2 privileges have been suspended pursuant to Section 11-501.8,
3 require the applicant to participate in a driver remedial
4 education course and be retested under Section 6-109.

5 (d) Where a driving privilege has been suspended under
6 Section 11-501.8 and the person is subsequently convicted of
7 violating Section 11-501, or a similar provision of a local
8 ordinance, for the same incident, any period served on that
9 suspension shall be credited toward the minimum period of
10 revocation of driving privileges imposed under Section 6-205.

11 (e) Following a suspension of driving privileges under
12 Section 11-501.8 for a person who has not had his or her
13 driving privileges previously suspended under that Section,
14 the Secretary of State may issue a restricted driving permit
15 after at least 30 days from the effective date of the
16 suspension.

17 (f) Following a second or subsequent suspension of driving
18 privileges under Section 11-501.8, the Secretary of State may
19 issue a restricted driving permit after at least 12 months from
20 the effective date of the suspension.

21 (g) (Blank).

22 (g-5) Unless otherwise provided in this Code, a person who,
23 based on the changes in this amendatory Act of the 100th
24 General Assembly, becomes eligible for a driver's license,
25 State identification card, or permit, may petition the
26 Secretary of State for reinstatement of his or her license,

1 identification card, or permit. The Secretary of State shall
2 act upon the petition within 30 days. The petition for
3 reinstatement shall not be subject to a fee.

4 (h) Any restricted driving permit considered under this
5 Section is subject to the provisions of item (e) of Section
6 11-501.8.

7 (Source: P.A. 92-248, eff. 8-3-01.)

8 (625 ILCS 5/6-209) (from Ch. 95 1/2, par. 6-209)

9 Sec. 6-209. Notice of Cancellation, Suspension or
10 Revocation - Surrender and Return of License.

11 (a) The Secretary of State upon cancelling, suspending or
12 revoking a license or permit shall immediately notify the
13 holder thereof in writing and shall require that such license
14 or permit shall be surrendered to and retained by the Secretary
15 of State. However, upon payment of the reinstatement fee set
16 out in subsection (g) of Section 6-118 at the end of any period
17 of suspension of a license the licensee, if not ineligible for
18 some other reason, shall be entitled to reinstatement of
19 driving privileges and the return of his license if it has not
20 then expired; or, in case it has expired, to apply for a new
21 license.

22 (b) Unless otherwise provided in this Code, a person who,
23 based on the changes in this amendatory Act of the 100th
24 General Assembly, becomes eligible for a driver's license,
25 State identification card, or permit, may petition the

1 Secretary of State for reinstatement of his or her license,
2 identification card, or permit. The Secretary of State shall
3 act upon the petition within 30 days. The petition for
4 reinstatement shall not be subject to a fee.

5 (Source: P.A. 81-462.)

6 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

7 Sec. 6-306.5. Failure to pay fine or penalty for standing,
8 parking, compliance, automated speed enforcement system, or
9 automated traffic law violations; suspension of driving
10 privileges.

11 (a) Upon receipt of a certified report, as prescribed by
12 subsection (c) of this Section, from any municipality or county
13 stating that the owner of a registered vehicle: ~~(1) has failed~~
14 ~~to pay any fine or penalty due and owing as a result of 10 or~~
15 ~~more violations of a municipality's or county's vehicular~~
16 ~~standing, parking, or compliance regulations established by~~
17 ~~ordinance pursuant to Section 11-208.3 of this Code, (2) has~~
18 failed to pay any fine or penalty due and owing as a result of 5
19 offenses for automated speed enforcement system violations or
20 automated traffic violations as defined in Sections 11-208.6,
21 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or
22 (3) is more than 14 days in default of a payment plan pursuant
23 to which a suspension had been terminated under subsection (c)
24 of this Section, the Secretary of State shall suspend the
25 driving privileges of such person in accordance with the

1 procedures set forth in this Section. The Secretary shall also
2 suspend the driving privileges of an owner of a registered
3 vehicle upon receipt of a certified report, as prescribed by
4 subsection (f) of this Section, from any municipality or county
5 stating that such person has failed to satisfy any fines or
6 penalties imposed by final judgments for 5 or more automated
7 speed enforcement system or automated traffic law violations,
8 or combination thereof, ~~or 10 or more violations of local~~
9 ~~standing, parking, or compliance regulations~~ after exhaustion
10 of judicial review procedures.

11 (b) Following receipt of the certified report of the
12 municipality or county as specified in this Section, the
13 Secretary of State shall notify the person whose name appears
14 on the certified report that the person's drivers license will
15 be suspended at the end of a specified period of time unless
16 the Secretary of State is presented with a notice from the
17 municipality or county certifying that the fine or penalty due
18 and owing the municipality or county has been paid or that
19 inclusion of that person's name on the certified report was in
20 error. The Secretary's notice shall state in substance the
21 information contained in the municipality's or county's
22 certified report to the Secretary, and shall be effective as
23 specified by subsection (c) of Section 6-211 of this Code.

24 (c) The report of the appropriate municipal or county
25 official notifying the Secretary of State of unpaid fines or
26 penalties pursuant to this Section shall be certified and shall

1 contain the following:

2 (1) The name, last known address as recorded with the
3 Secretary of State, as provided by the lessor of the cited
4 vehicle at the time of lease, or as recorded in a United
5 States Post Office approved database if any notice sent
6 under Section 11-208.3 of this Code is returned as
7 undeliverable, and drivers license number of the person who
8 failed to pay the fine or penalty or who has defaulted in a
9 payment plan and the registration number of any vehicle
10 known to be registered to such person in this State.

11 (2) The name of the municipality or county making the
12 report pursuant to this Section.

13 (3) A statement that the municipality or county sent a
14 notice of impending drivers license suspension as
15 prescribed by ordinance enacted pursuant to Section
16 11-208.3 of this Code or a notice of default in a payment
17 plan, to the person named in the report at the address
18 recorded with the Secretary of State or at the last address
19 known to the lessor of the cited vehicle at the time of
20 lease or, if any notice sent under Section 11-208.3 of this
21 Code is returned as undeliverable, at the last known
22 address recorded in a United States Post Office approved
23 database; the date on which such notice was sent; and the
24 address to which such notice was sent. In a municipality or
25 county with a population of 1,000,000 or more, the report
26 shall also include a statement that the alleged violator's

1 State vehicle registration number and vehicle make, if
2 specified on the automated speed enforcement system
3 violation or automated traffic law violation notice, are
4 correct as they appear on the citations.

5 (4) A unique identifying reference number for each
6 request of suspension sent whenever a person has failed to
7 pay the fine or penalty or has defaulted on a payment plan.

8 (d) Any municipality or county making a certified report to
9 the Secretary of State pursuant to this Section shall notify
10 the Secretary of State, in a form prescribed by the Secretary,
11 whenever a person named in the certified report has paid the
12 previously reported fine or penalty, whenever a person named in
13 the certified report has entered into a payment plan pursuant
14 to which the municipality or county has agreed to terminate the
15 suspension, or whenever the municipality or county determines
16 that the original report was in error. A certified copy of such
17 notification shall also be given upon request and at no
18 additional charge to the person named therein. Upon receipt of
19 the municipality's or county's notification or presentation of
20 a certified copy of such notification, the Secretary of State
21 shall terminate the suspension.

22 (e) Any municipality or county making a certified report to
23 the Secretary of State pursuant to this Section shall also by
24 ordinance establish procedures for persons to challenge the
25 accuracy of the certified report. The ordinance shall also
26 state the grounds for such a challenge, which may be limited to

1 (1) the person not having been the owner or lessee of the
2 vehicle or vehicles receiving ~~10 or more standing, parking, or~~
3 ~~compliance violation notices~~ or a combination of 5 or more
4 automated speed enforcement system or automated traffic law
5 violations on the date or dates such notices were issued; and
6 (2) the person having already paid the fine or penalty for the
7 ~~10 or more standing, parking, or compliance violations~~ or
8 combination of 5 or more automated speed enforcement system or
9 automated traffic law violations indicated on the certified
10 report.

11 (f) Any municipality or county, other than a municipality
12 or county establishing ~~vehicular standing, parking, and~~
13 ~~compliance regulations pursuant to Section 11-208.3~~, automated
14 speed enforcement system regulations under Section 11-208.8,
15 or automated traffic law regulations under Section 11-208.6,
16 11-208.9, or 11-1201.1, may also cause a suspension of a
17 person's drivers license pursuant to this Section. Such
18 municipality or county may invoke this sanction by making a
19 certified report to the Secretary of State upon a person's
20 failure to satisfy any fine or penalty imposed by final
21 judgment for ~~10 or more violations of local standing, parking,~~
22 ~~or compliance regulations~~ or a combination of 5 or more
23 automated speed enforcement system or automated traffic law
24 violations after exhaustion of judicial review procedures, but
25 only if:

26 (1) the municipality or county complies with the

1 provisions of this Section in all respects except in regard
2 to enacting an ordinance pursuant to Section 11-208.3;

3 (2) the municipality or county has sent a notice of
4 impending drivers license suspension as prescribed by an
5 ordinance enacted pursuant to subsection (g) of this
6 Section; and

7 (3) in municipalities or counties with a population of
8 1,000,000 or more, the municipality or county has verified
9 that the alleged violator's State vehicle registration
10 number and vehicle make are correct as they appear on the
11 citations.

12 (g) Any municipality or county, other than a municipality
13 or county establishing ~~standing, parking, and compliance~~
14 ~~regulations pursuant to Section 11-208.3,~~ automated speed
15 enforcement system regulations under Section 11-208.8, or
16 automated traffic law regulations under Section 11-208.6,
17 11-208.9, or 11-1201.1, may provide by ordinance for the
18 sending of a notice of impending drivers license suspension to
19 the person who has failed to satisfy any fine or penalty
20 imposed by final judgment for ~~10 or more violations of local~~
21 ~~standing, parking, or compliance regulations~~ or a combination
22 of 5 or more automated speed enforcement system or automated
23 traffic law violations after exhaustion of judicial review
24 procedures. An ordinance so providing shall specify that the
25 notice sent to the person liable for any fine or penalty shall
26 state that failure to pay the fine or penalty owing within 45

1 days of the notice's date will result in the municipality or
2 county notifying the Secretary of State that the person's
3 drivers license is eligible for suspension pursuant to this
4 Section. The notice of impending drivers license suspension
5 shall be sent by first class United States mail, postage
6 prepaid, to the address recorded with the Secretary of State or
7 at the last address known to the lessor of the cited vehicle at
8 the time of lease or, if any notice sent under Section 11-208.3
9 of this Code is returned as undeliverable, to the last known
10 address recorded in a United States Post Office approved
11 database.

12 (h) An administrative hearing to contest an impending
13 suspension or a suspension made pursuant to this Section may be
14 had upon filing a written request with the Secretary of State.
15 The filing fee for this hearing shall be \$20, to be paid at the
16 time the request is made. A municipality or county which files
17 a certified report with the Secretary of State pursuant to this
18 Section shall reimburse the Secretary for all reasonable costs
19 incurred by the Secretary as a result of the filing of the
20 report, including but not limited to the costs of providing the
21 notice required pursuant to subsection (b) and the costs
22 incurred by the Secretary in any hearing conducted with respect
23 to the report pursuant to this subsection and any appeal from
24 such a hearing.

25 (i) The provisions of this Section shall apply on and after
26 January 1, 1988.

1 (j) For purposes of this Section, the term "compliance
2 violation" is defined as in Section 11-208.3.

3 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;
4 98-556, eff. 1-1-14.)

5 (625 ILCS 5/6-308)

6 Sec. 6-308. Procedures for traffic violations.

7 (a) Any person cited for violating this Code or a similar
8 provision of a local ordinance for which a violation is a petty
9 offense as defined by Section 5-1-17 of the Unified Code of
10 Corrections, excluding business offenses as defined by Section
11 5-1-2 of the Unified Code of Corrections or a violation of
12 Section 15-111 or subsection (d) of Section 3-401 of this Code,
13 shall not be required to post bond to secure bail for his or
14 her release. When required by Illinois Supreme Court Rule, the
15 person shall sign the citation. All other provisions of this
16 Code or similar provisions of local ordinances shall be
17 governed by the bail provisions of the Illinois Supreme Court
18 Rules when it is not practical or feasible to take the person
19 before a judge to have bail set or to avoid undue delay because
20 of the hour or circumstances.

21 (b) (Blank). ~~Whenever a person fails to appear in court,~~
22 ~~the court may continue the case for a minimum of 30 days and~~
23 ~~the clerk of the court shall send notice of the continued court~~
24 ~~date to the person's last known address. If the person does not~~
25 ~~appear in court on or before the continued court date or~~

1 ~~satisfy the court that the person's appearance in and surrender~~
2 ~~to the court is impossible for no fault of the person, the~~
3 ~~court shall enter an order of failure to appear. The clerk of~~
4 ~~the court shall notify the Secretary of State, on a report~~
5 ~~prescribed by the Secretary, of the court's order. The~~
6 ~~Secretary, when notified by the clerk of the court that an~~
7 ~~order of failure to appear has been entered, shall immediately~~
8 ~~suspend the person's driver's license, which shall be~~
9 ~~designated by the Secretary as a Failure to Appear suspension.~~
10 ~~The Secretary shall not remove the suspension, nor issue any~~
11 ~~permit or privileges to the person whose license has been~~
12 ~~suspended, until notified by the ordering court that the person~~
13 ~~has appeared and resolved the violation. Upon compliance, the~~
14 ~~clerk of the court shall present the person with a notice of~~
15 ~~compliance containing the seal of the court, and shall notify~~
16 ~~the Secretary that the person has appeared and resolved the~~
17 ~~violation.~~

18 (Source: P.A. 98-870, eff. 1-1-15; 98-1134, eff. 1-1-15.)

19 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

20 Sec. 11-208.3. Administrative adjudication of violations
21 of traffic regulations concerning the standing, parking, or
22 condition of vehicles, automated traffic law violations, and
23 automated speed enforcement system violations.

24 (a) Any municipality or county may provide by ordinance for
25 a system of administrative adjudication of vehicular standing

1 and parking violations and vehicle compliance violations as
2 described in this subsection, automated traffic law violations
3 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and
4 automated speed enforcement system violations as defined in
5 Section 11-208.8. The administrative system shall have as its
6 purpose the fair and efficient enforcement of municipal or
7 county regulations through the administrative adjudication of
8 automated speed enforcement system or automated traffic law
9 violations and violations of municipal or county ordinances
10 regulating the standing and parking of vehicles, the condition
11 and use of vehicle equipment, and the display of municipal or
12 county wheel tax licenses within the municipality's or county's
13 borders. The administrative system shall only have authority to
14 adjudicate civil offenses carrying fines not in excess of \$500
15 or requiring the completion of a traffic education program, or
16 both, that occur after the effective date of the ordinance
17 adopting such a system under this Section. For purposes of this
18 Section, "compliance violation" means a violation of a
19 municipal or county regulation governing the condition or use
20 of equipment on a vehicle or governing the display of a
21 municipal or county wheel tax license.

22 (b) Any ordinance establishing a system of administrative
23 adjudication under this Section shall provide for:

24 (1) A traffic compliance administrator authorized to
25 adopt, distribute and process parking, compliance, and
26 automated speed enforcement system or automated traffic

1 law violation notices and other notices required by this
2 Section, collect money paid as fines and penalties for
3 violation of parking and compliance ordinances and
4 automated speed enforcement system or automated traffic
5 law violations, and operate an administrative adjudication
6 system. The traffic compliance administrator also may make
7 a certified report to the Secretary of State under Section
8 6-306.5.

9 (2) A parking, standing, compliance, automated speed
10 enforcement system, or automated traffic law violation
11 notice that shall specify the date, time, and place of
12 violation of a parking, standing, compliance, automated
13 speed enforcement system, or automated traffic law
14 regulation; the particular regulation violated; any
15 requirement to complete a traffic education program; the
16 fine and any penalty that may be assessed for late payment
17 or failure to complete a required traffic education
18 program, or both, when so provided by ordinance; the
19 vehicle make and state registration number; and the
20 identification number of the person issuing the notice.
21 With regard to automated speed enforcement system or
22 automated traffic law violations, vehicle make shall be
23 specified on the automated speed enforcement system or
24 automated traffic law violation notice if the make is
25 available and readily discernible. With regard to
26 municipalities or counties with a population of 1 million

1 or more, it shall be grounds for dismissal of a parking
2 violation if the state registration number or vehicle make
3 specified is incorrect. The violation notice shall state
4 that the completion of any required traffic education
5 program, the payment of any indicated fine, and the payment
6 of any applicable penalty for late payment or failure to
7 complete a required traffic education program, or both,
8 shall operate as a final disposition of the violation. The
9 notice also shall contain information as to the
10 availability of a hearing in which the violation may be
11 contested on its merits. The violation notice shall specify
12 the time and manner in which a hearing may be had.

13 (3) Service of the parking, standing, or compliance
14 violation notice by affixing the original or a facsimile of
15 the notice to an unlawfully parked vehicle or by handing
16 the notice to the operator of a vehicle if he or she is
17 present and service of an automated speed enforcement
18 system or automated traffic law violation notice by mail to
19 the address of the registered owner or lessee of the cited
20 vehicle as recorded with the Secretary of State or the
21 lessor of the motor vehicle within 30 days after the
22 Secretary of State or the lessor of the motor vehicle
23 notifies the municipality or county of the identity of the
24 owner or lessee of the vehicle, but not later than 90 days
25 after the violation, except that in the case of a lessee of
26 a motor vehicle, service of an automated traffic law

1 violation notice may occur no later than 210 days after the
2 violation. A person authorized by ordinance to issue and
3 serve parking, standing, and compliance violation notices
4 shall certify as to the correctness of the facts entered on
5 the violation notice by signing his or her name to the
6 notice at the time of service or in the case of a notice
7 produced by a computerized device, by signing a single
8 certificate to be kept by the traffic compliance
9 administrator attesting to the correctness of all notices
10 produced by the device while it was under his or her
11 control. In the case of an automated traffic law violation,
12 the ordinance shall require a determination by a technician
13 employed or contracted by the municipality or county that,
14 based on inspection of recorded images, the motor vehicle
15 was being operated in violation of Section 11-208.6,
16 11-208.9, or 11-1201.1 or a local ordinance. If the
17 technician determines that the vehicle entered the
18 intersection as part of a funeral procession or in order to
19 yield the right-of-way to an emergency vehicle, a citation
20 shall not be issued. In municipalities with a population of
21 less than 1,000,000 inhabitants and counties with a
22 population of less than 3,000,000 inhabitants, the
23 automated traffic law ordinance shall require that all
24 determinations by a technician that a motor vehicle was
25 being operated in violation of Section 11-208.6, 11-208.9,
26 or 11-1201.1 or a local ordinance must be reviewed and

1 approved by a law enforcement officer or retired law
2 enforcement officer of the municipality or county issuing
3 the violation. In municipalities with a population of
4 1,000,000 or more inhabitants and counties with a
5 population of 3,000,000 or more inhabitants, the automated
6 traffic law ordinance shall require that all
7 determinations by a technician that a motor vehicle was
8 being operated in violation of Section 11-208.6, 11-208.9,
9 or 11-1201.1 or a local ordinance must be reviewed and
10 approved by a law enforcement officer or retired law
11 enforcement officer of the municipality or county issuing
12 the violation or by an additional fully-trained reviewing
13 technician who is not employed by the contractor who
14 employs the technician who made the initial determination.
15 In the case of an automated speed enforcement system
16 violation, the ordinance shall require a determination by a
17 technician employed by the municipality, based upon an
18 inspection of recorded images, video or other
19 documentation, including documentation of the speed limit
20 and automated speed enforcement signage, and documentation
21 of the inspection, calibration, and certification of the
22 speed equipment, that the vehicle was being operated in
23 violation of Article VI of Chapter 11 of this Code or a
24 similar local ordinance. If the technician determines that
25 the vehicle speed was not determined by a calibrated,
26 certified speed equipment device based upon the speed

1 equipment documentation, or if the vehicle was an emergency
2 vehicle, a citation may not be issued. The automated speed
3 enforcement ordinance shall require that all
4 determinations by a technician that a violation occurred be
5 reviewed and approved by a law enforcement officer or
6 retired law enforcement officer of the municipality
7 issuing the violation or by an additional fully trained
8 reviewing technician who is not employed by the contractor
9 who employs the technician who made the initial
10 determination. Routine and independent calibration of the
11 speeds produced by automated speed enforcement systems and
12 equipment shall be conducted annually by a qualified
13 technician. Speeds produced by an automated speed
14 enforcement system shall be compared with speeds produced
15 by lidar or other independent equipment. Radar or lidar
16 equipment shall undergo an internal validation test no less
17 frequently than once each week. Qualified technicians
18 shall test loop based equipment no less frequently than
19 once a year. Radar equipment shall be checked for accuracy
20 by a qualified technician when the unit is serviced, when
21 unusual or suspect readings persist, or when deemed
22 necessary by a reviewing technician. Radar equipment shall
23 be checked with the internal frequency generator and the
24 internal circuit test whenever the radar is turned on.
25 Technicians must be alert for any unusual or suspect
26 readings, and if unusual or suspect readings of a radar

1 unit persist, that unit shall immediately be removed from
2 service and not returned to service until it has been
3 checked by a qualified technician and determined to be
4 functioning properly. Documentation of the annual
5 calibration results, including the equipment tested, test
6 date, technician performing the test, and test results,
7 shall be maintained and available for use in the
8 determination of an automated speed enforcement system
9 violation and issuance of a citation. The technician
10 performing the calibration and testing of the automated
11 speed enforcement equipment shall be trained and certified
12 in the use of equipment for speed enforcement purposes.
13 Training on the speed enforcement equipment may be
14 conducted by law enforcement, civilian, or manufacturer's
15 personnel and if applicable may be equivalent to the
16 equipment use and operations training included in the Speed
17 Measuring Device Operator Program developed by the
18 National Highway Traffic Safety Administration (NHTSA).
19 The vendor or technician who performs the work shall keep
20 accurate records on each piece of equipment the technician
21 calibrates and tests. As used in this paragraph,
22 "fully-trained reviewing technician" means a person who
23 has received at least 40 hours of supervised training in
24 subjects which shall include image inspection and
25 interpretation, the elements necessary to prove a
26 violation, license plate identification, and traffic

1 safety and management. In all municipalities and counties,
2 the automated speed enforcement system or automated
3 traffic law ordinance shall require that no additional fee
4 shall be charged to the alleged violator for exercising his
5 or her right to an administrative hearing, and persons
6 shall be given at least 25 days following an administrative
7 hearing to pay any civil penalty imposed by a finding that
8 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a
9 similar local ordinance has been violated. The original or
10 a facsimile of the violation notice or, in the case of a
11 notice produced by a computerized device, a printed record
12 generated by the device showing the facts entered on the
13 notice, shall be retained by the traffic compliance
14 administrator, and shall be a record kept in the ordinary
15 course of business. A parking, standing, compliance,
16 automated speed enforcement system, or automated traffic
17 law violation notice issued, signed and served in
18 accordance with this Section, a copy of the notice, or the
19 computer generated record shall be prima facie correct and
20 shall be prima facie evidence of the correctness of the
21 facts shown on the notice. The notice, copy, or computer
22 generated record shall be admissible in any subsequent
23 administrative or legal proceedings.

24 (4) An opportunity for a hearing for the registered
25 owner of the vehicle cited in the parking, standing,
26 compliance, automated speed enforcement system, or

1 automated traffic law violation notice in which the owner
2 may contest the merits of the alleged violation, and during
3 which formal or technical rules of evidence shall not
4 apply; provided, however, that under Section 11-1306 of
5 this Code the lessee of a vehicle cited in the violation
6 notice likewise shall be provided an opportunity for a
7 hearing of the same kind afforded the registered owner. The
8 hearings shall be recorded, and the person conducting the
9 hearing on behalf of the traffic compliance administrator
10 shall be empowered to administer oaths and to secure by
11 subpoena both the attendance and testimony of witnesses and
12 the production of relevant books and papers. Persons
13 appearing at a hearing under this Section may be
14 represented by counsel at their expense. The ordinance may
15 also provide for internal administrative review following
16 the decision of the hearing officer.

17 (5) Service of additional notices, sent by first class
18 United States mail, postage prepaid, to the address of the
19 registered owner of the cited vehicle as recorded with the
20 Secretary of State or, if any notice to that address is
21 returned as undeliverable, to the last known address
22 recorded in a United States Post Office approved database,
23 or, under Section 11-1306 or subsection (p) of Section
24 11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8
25 of this Code, to the lessee of the cited vehicle at the
26 last address known to the lessor of the cited vehicle at

1 the time of lease or, if any notice to that address is
2 returned as undeliverable, to the last known address
3 recorded in a United States Post Office approved database.
4 The service shall be deemed complete as of the date of
5 deposit in the United States mail. The notices shall be in
6 the following sequence and shall include but not be limited
7 to the information specified herein:

8 (i) A second notice of parking, standing, or
9 compliance violation. This notice shall specify the
10 date and location of the violation cited in the
11 parking, standing, or compliance violation notice, the
12 particular regulation violated, the vehicle make and
13 state registration number, any requirement to complete
14 a traffic education program, the fine and any penalty
15 that may be assessed for late payment or failure to
16 complete a traffic education program, or both, when so
17 provided by ordinance, the availability of a hearing in
18 which the violation may be contested on its merits, and
19 the time and manner in which the hearing may be had.
20 The notice of violation shall also state that failure
21 to complete a required traffic education program, to
22 pay the indicated fine and any applicable penalty, or
23 to appear at a hearing on the merits in the time and
24 manner specified, will result in a final determination
25 of violation liability for the cited violation in the
26 amount of the fine or penalty indicated, and that, upon

1 the occurrence of a final determination of violation
2 liability for the failure, and the exhaustion of, or
3 failure to exhaust, available administrative or
4 judicial procedures for review, any incomplete traffic
5 education program or any unpaid fine or penalty, or
6 both, will constitute a debt due and owing the
7 municipality or county.

8 (ii) A notice of final determination of parking,
9 standing, compliance, automated speed enforcement
10 system, or automated traffic law violation liability.
11 This notice shall be sent following a final
12 determination of parking, standing, compliance,
13 automated speed enforcement system, or automated
14 traffic law violation liability and the conclusion of
15 judicial review procedures taken under this Section.
16 The notice shall state that the incomplete traffic
17 education program or the unpaid fine or penalty, or
18 both, is a debt due and owing the municipality or
19 county. The notice shall contain warnings that failure
20 to complete any required traffic education program or
21 to pay any fine or penalty due and owing the
22 municipality or county, or both, within the time
23 specified may result in the municipality's or county's
24 filing of a petition in the Circuit Court to have the
25 incomplete traffic education program or unpaid fine or
26 penalty, or both, rendered a judgment as provided by

1 this Section, or, where applicable, may result in
2 suspension of the person's drivers license for failure
3 to complete a traffic education program or to pay fines
4 or penalties, or both, for ~~10 or more parking~~
5 ~~violations under Section 6-306.5, or a combination of 5~~
6 or more automated traffic law violations under Section
7 11-208.6 or 11-208.9 or automated speed enforcement
8 system violations under Section 11-208.8.

9 (6) A notice of impending drivers license suspension.
10 This notice shall be sent to the person liable for failure
11 to complete a required traffic education program or to pay
12 any fine or penalty that remains due and owing, or both, on
13 ~~10 or more parking violations or combination of 5 or more~~
14 unpaid automated speed enforcement system or automated
15 traffic law violations. The notice shall state that failure
16 to complete a required traffic education program or to pay
17 the fine or penalty owing, or both, within 45 days of the
18 notice's date will result in the municipality or county
19 notifying the Secretary of State that the person is
20 eligible for initiation of suspension proceedings under
21 Section 6-306.5 of this Code. The notice shall also state
22 that the person may obtain a photostatic copy of an
23 original ticket imposing a fine or penalty by sending a
24 self addressed, stamped envelope to the municipality or
25 county along with a request for the photostatic copy. The
26 notice of impending drivers license suspension shall be

1 sent by first class United States mail, postage prepaid, to
2 the address recorded with the Secretary of State or, if any
3 notice to that address is returned as undeliverable, to the
4 last known address recorded in a United States Post Office
5 approved database.

6 (7) Final determinations of violation liability. A
7 final determination of violation liability shall occur
8 following failure to complete the required traffic
9 education program or to pay the fine or penalty, or both,
10 after a hearing officer's determination of violation
11 liability and the exhaustion of or failure to exhaust any
12 administrative review procedures provided by ordinance.
13 Where a person fails to appear at a hearing to contest the
14 alleged violation in the time and manner specified in a
15 prior mailed notice, the hearing officer's determination
16 of violation liability shall become final: (A) upon denial
17 of a timely petition to set aside that determination, or
18 (B) upon expiration of the period for filing the petition
19 without a filing having been made.

20 (8) A petition to set aside a determination of parking,
21 standing, compliance, automated speed enforcement system,
22 or automated traffic law violation liability that may be
23 filed by a person owing an unpaid fine or penalty. A
24 petition to set aside a determination of liability may also
25 be filed by a person required to complete a traffic
26 education program. The petition shall be filed with and

1 ruled upon by the traffic compliance administrator in the
2 manner and within the time specified by ordinance. The
3 grounds for the petition may be limited to: (A) the person
4 not having been the owner or lessee of the cited vehicle on
5 the date the violation notice was issued, (B) the person
6 having already completed the required traffic education
7 program or paid the fine or penalty, or both, for the
8 violation in question, and (C) excusable failure to appear
9 at or request a new date for a hearing. With regard to
10 municipalities or counties with a population of 1 million
11 or more, it shall be grounds for dismissal of a parking
12 violation if the state registration number, or vehicle make
13 if specified, is incorrect. After the determination of
14 parking, standing, compliance, automated speed enforcement
15 system, or automated traffic law violation liability has
16 been set aside upon a showing of just cause, the registered
17 owner shall be provided with a hearing on the merits for
18 that violation.

19 (9) Procedures for non-residents. Procedures by which
20 persons who are not residents of the municipality or county
21 may contest the merits of the alleged violation without
22 attending a hearing.

23 (10) A schedule of civil fines for violations of
24 vehicular standing, parking, compliance, automated speed
25 enforcement system, or automated traffic law regulations
26 enacted by ordinance pursuant to this Section, and a

1 schedule of penalties for late payment of the fines or
2 failure to complete required traffic education programs,
3 provided, however, that the total amount of the fine and
4 penalty for any one violation shall not exceed \$250, except
5 as provided in subsection (c) of Section 11-1301.3 of this
6 Code.

7 (11) Other provisions as are necessary and proper to
8 carry into effect the powers granted and purposes stated in
9 this Section.

10 (c) Any municipality or county establishing vehicular
11 standing, parking, compliance, automated speed enforcement
12 system, or automated traffic law regulations under this Section
13 may also provide by ordinance for a program of vehicle
14 immobilization for the purpose of facilitating enforcement of
15 those regulations. The program of vehicle immobilization shall
16 provide for immobilizing any eligible vehicle upon the public
17 way by presence of a restraint in a manner to prevent operation
18 of the vehicle. Any ordinance establishing a program of vehicle
19 immobilization under this Section shall provide:

20 (1) Criteria for the designation of vehicles eligible
21 for immobilization. A vehicle shall be eligible for
22 immobilization when the registered owner of the vehicle has
23 accumulated the number of incomplete traffic education
24 programs or unpaid final determinations of parking,
25 standing, compliance, automated speed enforcement system,
26 or automated traffic law violation liability, or both, as

1 determined by ordinance.

2 (2) A notice of impending vehicle immobilization and a
3 right to a hearing to challenge the validity of the notice
4 by disproving liability for the incomplete traffic
5 education programs or unpaid final determinations of
6 parking, standing, compliance, automated speed enforcement
7 system, or automated traffic law violation liability, or
8 both, listed on the notice.

9 (3) The right to a prompt hearing after a vehicle has
10 been immobilized or subsequently towed without the
11 completion of the required traffic education program or
12 payment of the outstanding fines and penalties on parking,
13 standing, compliance, automated speed enforcement system,
14 or automated traffic law violations, or both, for which
15 final determinations have been issued. An order issued
16 after the hearing is a final administrative decision within
17 the meaning of Section 3-101 of the Code of Civil
18 Procedure.

19 (4) A post immobilization and post-towing notice
20 advising the registered owner of the vehicle of the right
21 to a hearing to challenge the validity of the impoundment.

22 (d) Judicial review of final determinations of parking,
23 standing, compliance, automated speed enforcement system, or
24 automated traffic law violations and final administrative
25 decisions issued after hearings regarding vehicle
26 immobilization and impoundment made under this Section shall be

1 subject to the provisions of the Administrative Review Law.

2 (e) Any fine, penalty, incomplete traffic education
3 program, or part of any fine or any penalty remaining unpaid
4 after the exhaustion of, or the failure to exhaust,
5 administrative remedies created under this Section and the
6 conclusion of any judicial review procedures shall be a debt
7 due and owing the municipality or county and, as such, may be
8 collected in accordance with applicable law. Completion of any
9 required traffic education program and payment in full of any
10 fine or penalty resulting from a standing, parking, compliance,
11 automated speed enforcement system, or automated traffic law
12 violation shall constitute a final disposition of that
13 violation.

14 (f) After the expiration of the period within which
15 judicial review may be sought for a final determination of
16 parking, standing, compliance, automated speed enforcement
17 system, or automated traffic law violation, the municipality or
18 county may commence a proceeding in the Circuit Court for
19 purposes of obtaining a judgment on the final determination of
20 violation. Nothing in this Section shall prevent a municipality
21 or county from consolidating multiple final determinations of
22 parking, standing, compliance, automated speed enforcement
23 system, or automated traffic law violations against a person in
24 a proceeding. Upon commencement of the action, the municipality
25 or county shall file a certified copy or record of the final
26 determination of parking, standing, compliance, automated

1 speed enforcement system, or automated traffic law violation,
2 which shall be accompanied by a certification that recites
3 facts sufficient to show that the final determination of
4 violation was issued in accordance with this Section and the
5 applicable municipal or county ordinance. Service of the
6 summons and a copy of the petition may be by any method
7 provided by Section 2-203 of the Code of Civil Procedure or by
8 certified mail, return receipt requested, provided that the
9 total amount of fines and penalties for final determinations of
10 parking, standing, compliance, automated speed enforcement
11 system, or automated traffic law violations does not exceed
12 \$2500. If the court is satisfied that the final determination
13 of parking, standing, compliance, automated speed enforcement
14 system, or automated traffic law violation was entered in
15 accordance with the requirements of this Section and the
16 applicable municipal or county ordinance, and that the
17 registered owner or the lessee, as the case may be, had an
18 opportunity for an administrative hearing and for judicial
19 review as provided in this Section, the court shall render
20 judgment in favor of the municipality or county and against the
21 registered owner or the lessee for the amount indicated in the
22 final determination of parking, standing, compliance,
23 automated speed enforcement system, or automated traffic law
24 violation, plus costs. The judgment shall have the same effect
25 and may be enforced in the same manner as other judgments for
26 the recovery of money.

1 (g) The fee for participating in a traffic education
2 program under this Section shall not exceed \$25.

3 A low-income individual required to complete a traffic
4 education program under this Section who provides proof of
5 eligibility for the federal earned income tax credit under
6 Section 32 of the Internal Revenue Code or the Illinois earned
7 income tax credit under Section 212 of the Illinois Income Tax
8 Act shall not be required to pay any fee for participating in a
9 required traffic education program.

10 (Source: P.A. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,
11 eff. 7-1-12; 98-556, eff. 1-1-14; 98-1028, eff. 8-22-14.)

12 (625 ILCS 5/6-205.2 rep.)

13 (625 ILCS 5/6-306.7 rep.)

14 Section 10. The Illinois Vehicle Code is amended by
15 repealing Sections 6-205.2 and 6-306.7.