



Sen. Omar Aquino

Filed: 5/23/2018

10000SB2411sam003

LRB100 17944 LNS 40580 a

1 AMENDMENT TO SENATE BILL 2411

2 AMENDMENT NO. _____. Amend Senate Bill 2411 by replacing
3 everything after the enacting clause with the following:

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, 6-206, 6-306.5, and
8 11-208.3 and by adding Sections 6-209.1 and 11-208.3a as
9 follows:

10 (625 ILCS 5/3-704.2)

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

14 (a) Upon receipt of a certified report, as prescribed by
15 subsection (c) of this Section, from the Authority stating that

1 the owner of a registered vehicle has failed to satisfy any
2 fine or penalty resulting from a final order issued by the
3 Authority relating directly or indirectly to 5 or more toll
4 violations, toll evasions, or both, the Secretary of State
5 shall suspend the vehicle registration of the person in
6 accordance with the procedures set forth in this Section.

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

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

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

26 (2) A statement that the Authority sent a notice of

1 impending suspension of the person's driver's license,
2 vehicle registration, or both, as prescribed by rules
3 enacted pursuant to subsection (a-5) of Section 10 of the
4 Toll Highway Act, to the person named in the report at the
5 address recorded with the Secretary of State; the date on
6 which the notice was sent; and the address to which the
7 notice was sent.

8 (d) The Authority, after making a certified report to the
9 Secretary pursuant to this Section, shall notify the Secretary,
10 on a form prescribed by the Secretary, whenever a person named
11 in the certified report has satisfied the previously reported
12 fines or penalties or whenever the Authority determines that
13 the original report was in error. A certified copy of the
14 notification shall also be given upon request and at no
15 additional charge to the person named therein. Upon receipt of
16 the Authority's notification or presentation of a certified
17 copy of the notification, the Secretary shall terminate the
18 suspension.

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

23 (1) the person not having been the owner or lessee of
24 the vehicle or vehicles receiving 5 or more toll violation
25 or toll evasion notices on the date or dates the notices
26 were issued; or

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

4 (f) All notices sent by the Authority to persons involved
5 in administrative adjudications, hearings, and final orders
6 issued pursuant to rules implementing subsection (a-5) of
7 Section 10 of the Toll Highway Act shall state, in clear and
8 unambiguous language, the consequences of ~~that failure to~~
9 ~~satisfy any fine or penalty imposed by the Authority shall~~
10 ~~result in the Secretary of State suspending the driving~~
11 ~~privileges, vehicle registration, or both, of the person~~
12 failing to satisfy the fines or penalties imposed by the
13 Authority.

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

26 (h) The Secretary and the Authority may promulgate rules to

1 enable them to carry out their duties under this Section.

2 (i) The Authority shall cooperate with the Secretary in the
3 administration of this Section and shall provide the Secretary
4 with any information the Secretary may deem necessary for these
5 purposes, including regular and timely access to toll violation
6 enforcement records.

7 The Secretary shall cooperate with the Authority in the
8 administration of this Section and shall provide the Authority
9 with any information the Authority may deem necessary for the
10 purposes of this Section, including regular and timely access
11 to vehicle registration records. Section 2-123 of this Code
12 shall not apply to the provision of this information, but the
13 Secretary shall be reimbursed for the cost of providing this
14 information.

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

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

18 (625 ILCS 5/6-201)

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

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

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

23 or

24 2. failed to give the required or correct information
25 in his application; or

1 3. failed to pay any fees owed to the Secretary of
2 State under this Code for the license or permit, ~~civil~~
3 ~~penalties owed to the Illinois Commerce Commission, or~~
4 ~~taxes due under this Act and upon reasonable notice and~~
5 ~~demand; or~~

6 4. committed any fraud in the making of such
7 application; or

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

10 6. has refused or neglected to submit an alcohol, drug,
11 and intoxicating compound evaluation or to submit to
12 examination or reexamination ~~re-examination~~ as required
13 under this Code Act; or

14 7. has been convicted of violating the Cannabis Control
15 Act, the Illinois Controlled Substances Act, the
16 Methamphetamine Control and Community Protection Act, or
17 the Use of Intoxicating Compounds Act while that individual
18 was in actual physical control of a motor vehicle. For
19 purposes of this Section, any person placed on probation
20 under Section 10 of the Cannabis Control Act, Section 410
21 of the Illinois Controlled Substances Act, or Section 70 of
22 the Methamphetamine Control and Community Protection Act
23 shall not be considered convicted. Any person found guilty
24 of this offense, while in actual physical control of a
25 motor vehicle, shall have an entry made in the court record
26 by the judge that this offense did occur while the person

1 was in actual physical control of a motor vehicle and order
2 the clerk of the court to report the violation to the
3 Secretary of State as such. After the cancellation, the
4 Secretary of State shall not issue a new license or permit
5 for a period of one year after the date of cancellation.
6 However, upon application, the Secretary of State may, if
7 satisfied that the person applying will not endanger the
8 public safety, or welfare, issue a restricted driving
9 permit granting the privilege of driving a motor vehicle
10 between the petitioner's residence and petitioner's place
11 of employment or within the scope of the petitioner's
12 employment related duties, or to allow transportation for
13 the petitioner or a household member of the petitioner's
14 family for the receipt of necessary medical care, or
15 provide transportation for the petitioner to and from
16 alcohol or drug remedial or rehabilitative activity
17 recommended by a licensed service provider, or for the
18 petitioner to attend classes, as a student, in an
19 accredited educational institution. The petitioner must
20 demonstrate that no alternative means of transportation is
21 reasonably available; provided that the Secretary's
22 discretion shall be limited to cases where undue hardship,
23 as defined by the rules of the Secretary of State, would
24 result from a failure to issue such restricted driving
25 permit. In each case the Secretary of State may issue such
26 restricted driving permit for such period as he deems

1 appropriate, except that such permit shall expire within
2 one year from the date of issuance. A restricted driving
3 permit issued hereunder shall be subject to cancellation,
4 revocation, and suspension by the Secretary of State in
5 like manner and for like cause as a driver's license issued
6 hereunder may be cancelled, revoked or suspended; except
7 that a conviction upon one or more offenses against laws or
8 ordinances regulating the movement of traffic shall be
9 deemed sufficient cause for the revocation, suspension or
10 cancellation of a restricted driving permit. The Secretary
11 of State may, as a condition to the issuance of a
12 restricted driving permit, require the applicant to
13 participate in a driver remedial or rehabilitative
14 program. In accordance with 49 C.F.R. 384, the Secretary of
15 State may not issue a restricted driving permit for the
16 operation of a commercial motor vehicle to a person holding
17 a CDL whose driving privileges have been revoked,
18 suspended, cancelled, or disqualified under this Code; or

19 8. failed to submit a report as required by Section
20 6-116.5 of this Code; or

21 9. has been convicted of a sex offense as defined in
22 the Sex Offender Registration Act. The driver's license
23 shall remain cancelled until the driver registers as a sex
24 offender as required by the Sex Offender Registration Act,
25 proof of the registration is furnished to the Secretary of
26 State and the sex offender provides proof of current

1 address to the Secretary; or

2 10. is ineligible for a license or permit under Section
3 6-107, 6-107.1, or 6-108 of this Code; or

4 11. refused or neglected to appear at a Driver Services
5 facility to have the license or permit corrected and a new
6 license or permit issued or to present documentation for
7 verification of identity; or

8 12. failed to submit a medical examiner's certificate
9 or medical variance as required by 49 C.F.R. 383.71 or
10 submitted a fraudulent medical examiner's certificate or
11 medical variance; or

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

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

17 15. has submitted acceptable documentation indicating
18 out-of-state residency to the Secretary of State to be
19 released from the requirement of showing proof of financial
20 responsibility in this State; or

21 16. was convicted of fraud relating to the testing or
22 issuance of a CDL or CLP, in which case only the CDL or CLP
23 shall be cancelled. After cancellation, the Secretary
24 shall not issue a CLP or CDL for a period of one year from
25 the date of cancellation; or

26 17. has a special restricted license under subsection

1 (g) of Section 6-113 of this Code and failed to submit the
2 required annual vision specialist report that the special
3 restricted license holder's vision has not changed; or

4 18. has a special restricted license under subsection
5 (g) of Section 6-113 of this Code and was convicted or
6 received court supervision for a violation of this Code
7 that occurred during nighttime hours or was involved in a
8 motor vehicle accident during nighttime hours in which the
9 restricted license holder was at fault; or

10 19. has assisted an out-of-state resident in acquiring
11 an Illinois driver's license or identification card by
12 providing or allowing the out-of-state resident to use his
13 or her Illinois address of residence and is complicit in
14 distributing and forwarding the Illinois driver's license
15 or identification card to the out-of-state resident.

16 (b) Upon such cancellation the licensee or permittee must
17 surrender the license or permit so cancelled to the Secretary
18 of State.

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

23 (d) The Secretary of State may adopt rules to implement
24 this Section.

25 (Source: P.A. 100-409, eff. 8-25-17.)

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

2 Sec. 6-204. When court to forward license and reports.

3 (a) For the purpose of providing to the Secretary of State
4 the records essential to the performance of the Secretary's
5 duties under this Code to cancel, revoke or suspend the
6 driver's license and privilege to drive motor vehicles of
7 certain minors ~~adjudicated truant minors in need of~~
8 ~~supervision, addicted, or delinquent~~ and of persons found
9 guilty of the criminal offenses or traffic violations which
10 this Code recognizes as evidence relating to unfitness to
11 safely operate motor vehicles, the following duties are imposed
12 upon public officials:

13 (1) Whenever any person is convicted of any offense for
14 which this Code makes mandatory the cancellation or
15 revocation of the driver's license or permit of such person
16 by the Secretary of State, the judge of the court in which
17 such conviction is had shall require the surrender to the
18 clerk of the court of all driver's licenses or permits then
19 held by the person so convicted, and the clerk of the court
20 shall, within 5 days thereafter, forward the same, together
21 with a report of such conviction, to the Secretary.

22 (2) Whenever any person is convicted of any offense
23 under this Code or similar offenses under a municipal
24 ordinance, other than regulations governing standing,
25 parking or weights of vehicles, and excepting the following
26 enumerated Sections of this Code: Sections 11-1406

1 (obstruction to driver's view or control), 11-1407
2 (improper opening of door into traffic), 11-1410 (coasting
3 on downgrade), 11-1411 (following fire apparatus),
4 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving
5 vehicle which is in unsafe condition or improperly
6 equipped), 12-201(a) (daytime lights on motorcycles),
7 12-202 (clearance, identification and side marker lamps),
8 12-204 (lamp or flag on projecting load), 12-205 (failure
9 to display the safety lights required), 12-401
10 (restrictions as to tire equipment), 12-502 (mirrors),
11 12-503 (windshields must be unobstructed and equipped with
12 wipers), 12-601 (horns and warning devices), 12-602
13 (mufflers, prevention of noise or smoke), 12-603 (seat
14 safety belts), 12-702 (certain vehicles to carry flares or
15 other warning devices), 12-703 (vehicles for oiling roads
16 operated on highways), 12-710 (splash guards and
17 replacements), 13-101 (safety tests), 15-101 (size, weight
18 and load), 15-102 (width), 15-103 (height), 15-104 (name
19 and address on second division vehicles), 15-107 (length of
20 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),
21 15-112 (weights), 15-301 (weights), 15-316 (weights),
22 15-318 (weights), and also excepting the following
23 enumerated Sections of the Chicago Municipal Code:
24 Sections 27-245 (following fire apparatus), 27-254
25 (obstruction of traffic), 27-258 (driving vehicle which is
26 in unsafe condition), 27-259 (coasting on downgrade),

1 27-264 (use of horns and signal devices), 27-265
2 (obstruction to driver's view or driver mechanism), 27-267
3 (dimming of headlights), 27-268 (unattended motor
4 vehicle), 27-272 (illegal funeral procession), 27-273
5 (funeral procession on boulevard), 27-275 (driving freight
6 hauling vehicles on boulevard), 27-276 (stopping and
7 standing of buses or taxicabs), 27-277 (cruising of public
8 passenger vehicles), 27-305 (parallel parking), 27-306
9 (diagonal parking), 27-307 (parking not to obstruct
10 traffic), 27-308 (stopping, standing or parking
11 regulated), 27-311 (parking regulations), 27-312 (parking
12 regulations), 27-313 (parking regulations), 27-314
13 (parking regulations), 27-315 (parking regulations),
14 27-316 (parking regulations), 27-317 (parking
15 regulations), 27-318 (parking regulations), 27-319
16 (parking regulations), 27-320 (parking regulations),
17 27-321 (parking regulations), 27-322 (parking
18 regulations), 27-324 (loading and unloading at an angle),
19 27-333 (wheel and axle loads), 27-334 (load restrictions in
20 the downtown district), 27-335 (load restrictions in
21 residential areas), 27-338 (width of vehicles), 27-339
22 (height of vehicles), 27-340 (length of vehicles), 27-352
23 (reflectors on trailers), 27-353 (mufflers), 27-354
24 (display of plates), 27-355 (display of city vehicle tax
25 sticker), 27-357 (identification of vehicles), 27-358
26 (projecting of loads), and also excepting the following

1 enumerated paragraphs of Section 2-201 of the Rules and
2 Regulations of the Illinois State Toll Highway Authority:
3 (l) (driving unsafe vehicle on tollway), (m) (vehicles
4 transporting dangerous cargo not properly indicated), it
5 shall be the duty of the clerk of the court in which such
6 conviction is had within 5 days thereafter to forward to
7 the Secretary of State a report of the conviction and the
8 court may recommend the suspension of the driver's license
9 or permit of the person so convicted.

10 The reporting requirements of this subsection shall
11 apply to all violations stated in paragraphs (1) and (2) of
12 this subsection when the individual has been adjudicated
13 under the Juvenile Court Act or the Juvenile Court Act of
14 1987. Such reporting requirements shall also apply to
15 individuals adjudicated under the Juvenile Court Act or the
16 Juvenile Court Act of 1987 who have committed a violation
17 of Section 11-501 of this Code, or similar provision of a
18 local ordinance, or Section 9-3 of the Criminal Code of
19 1961 or the Criminal Code of 2012, relating to the offense
20 of reckless homicide, or Section 5-7 of the Snowmobile
21 Registration and Safety Act or Section 5-16 of the Boat
22 Registration and Safety Act, relating to the offense of
23 operating a snowmobile or a watercraft while under the
24 influence of alcohol, other drug or drugs, intoxicating
25 compound or compounds, or combination thereof. These
26 reporting requirements also apply to individuals

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

1 police officers.

2 The reporting requirements of this subsection (a)
3 apply to all violations listed in paragraphs (1) and (2) of
4 this subsection (a), excluding parking violations, when
5 the driver holds a CLP or CDL, regardless of the type of
6 vehicle in which the violation occurred, or when any driver
7 committed the violation in a commercial motor vehicle as
8 defined in Section 6-500 of this Code.

9 (3) Whenever an order is entered vacating the
10 forfeiture of any bail, security or bond given to secure
11 appearance for any offense under this Code or similar
12 offenses under municipal ordinance, it shall be the duty of
13 the clerk of the court in which such vacation was had or
14 the judge of such court if such court has no clerk, within
15 5 days thereafter to forward to the Secretary of State a
16 report of the vacation.

17 (4) A report of any disposition of court supervision
18 for a violation of Sections 6-303, 11-401, 11-501 or a
19 similar provision of a local ordinance, 11-503, 11-504, and
20 11-506 of this Code, Section 5-7 of the Snowmobile
21 Registration and Safety Act, and Section 5-16 of the Boat
22 Registration and Safety Act shall be forwarded to the
23 Secretary of State. A report of any disposition of court
24 supervision for a violation of an offense defined as a
25 serious traffic violation in this Code or a similar
26 provision of a local ordinance committed by a person under

1 the age of 21 years shall be forwarded to the Secretary of
2 State.

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

24 (b) Whenever a restricted driving permit is forwarded to a
25 court, as a result of confiscation by a police officer pursuant
26 to the authority in Section 6-113(f), it shall be the duty of

1 the clerk, or judge, if the court has no clerk, to forward such
2 restricted driving permit and a facsimile of the officer's
3 citation to the Secretary of State as expeditiously as
4 practicable.

5 (c) For the purposes of this Code, a forfeiture of bail or
6 collateral deposited to secure a defendant's appearance in
7 court when forfeiture has not been vacated, or the failure of a
8 defendant to appear for trial after depositing his driver's
9 license in lieu of other bail, shall be equivalent to a
10 conviction.

11 (d) For the purpose of providing the Secretary of State
12 with records necessary to properly monitor and assess driver
13 performance and assist the courts in the proper disposition of
14 repeat traffic law offenders, the clerk of the court shall
15 forward to the Secretary of State, on a form prescribed by the
16 Secretary, records of a driver's participation in a driver
17 remedial or rehabilitative program which was required, through
18 a court order or court supervision, in relation to the driver's
19 arrest for a violation of Section 11-501 of this Code or a
20 similar provision of a local ordinance. The clerk of the court
21 shall also forward to the Secretary, either on paper or in an
22 electronic format or a computer processable ~~processible~~ medium
23 as required under paragraph (5) of subsection (a) of this
24 Section, any disposition of court supervision for any traffic
25 violation, excluding those offenses listed in paragraph (2) of
26 subsection (a) of this Section. These reports shall be sent

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

20 (Source: P.A. 100-74, eff. 8-11-17.)

21 (625 ILCS 5/6-205)

22 Sec. 6-205. Mandatory revocation of license or permit;
23 hardship cases.

24 (a) Except as provided in this Section, the Secretary of
25 State shall immediately revoke the license, permit, or driving

1 privileges of any driver upon receiving a report of the
2 driver's conviction of any of the following offenses:

3 1. Reckless homicide resulting from the operation of a
4 motor vehicle;

5 2. Violation of Section 11-501 of this Code or a
6 similar provision of a local ordinance relating to the
7 offense of operating or being in physical control of a
8 vehicle while under the influence of alcohol, other drug or
9 drugs, intoxicating compound or compounds, or any
10 combination thereof;

11 3. Any felony under the laws of any State or the
12 federal government in the commission of which a motor
13 vehicle was used;

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

17 5. Perjury or the making of a false affidavit or
18 statement under oath to the Secretary of State under this
19 Code or under any other law relating to the ownership or
20 operation of motor vehicles;

21 6. Conviction upon 3 charges of violation of Section
22 11-503 of this Code relating to the offense of reckless
23 driving committed within a period of 12 months;

24 7. Conviction of any offense defined in Section 4-102
25 of this Code if the person exercised actual physical
26 control over the vehicle during the commission of the

1 offense;

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

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

5 10. Violation of Section 12-5 of the Criminal Code of
6 1961 or the Criminal Code of 2012 arising from the use of a
7 motor vehicle;

8 11. Violation of Section 11-204.1 of this Code relating
9 to aggravated fleeing or attempting to elude a peace
10 officer;

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

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

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

24 15. A second or subsequent conviction of driving while
25 the person's driver's license, permit or privileges was
26 revoked for reckless homicide or a similar out-of-state

1 offense;

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

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

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

26 19. Violation of subsection (a) of Section 11-1414 of

1 this Code, or a similar provision of a local ordinance,
2 relating to the offense of overtaking or passing of a
3 school bus when the driver, in committing the violation, is
4 involved in a motor vehicle accident that results in death
5 to another and the violation is a proximate cause of the
6 death.

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

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

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

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

26 (c) (1) Whenever a person is convicted of any of the

1 offenses enumerated in this Section, the court may recommend
2 and the Secretary of State in his discretion, without regard to
3 whether the recommendation is made by the court may, upon
4 application, issue to the person a restricted driving permit
5 granting the privilege of driving a motor vehicle between the
6 petitioner's residence and petitioner's place of employment or
7 within the scope of the petitioner's employment related duties,
8 or to allow the petitioner to transport himself or herself or a
9 family member of the petitioner's household to a medical
10 facility for the receipt of necessary medical care or to allow
11 the petitioner to transport himself or herself to and from
12 alcohol or drug remedial or rehabilitative activity
13 recommended by a licensed service provider, or to allow the
14 petitioner to transport himself or herself or a family member
15 of the petitioner's household to classes, as a student, at an
16 accredited educational institution, or to allow the petitioner
17 to transport children, elderly persons, or persons with
18 disabilities who do not hold driving privileges and are living
19 in the petitioner's household to and from daycare; if the
20 petitioner is able to demonstrate that no alternative means of
21 transportation is reasonably available and that the petitioner
22 will not endanger the public safety or welfare; provided that
23 the Secretary's discretion shall be limited to cases where
24 undue hardship, as defined by the rules of the Secretary of
25 State, would result from a failure to issue the restricted
26 driving permit.

1 (1.5) A person subject to the provisions of paragraph 4 of
2 subsection (b) of Section 6-208 of this Code may make
3 application for a restricted driving permit at a hearing
4 conducted under Section 2-118 of this Code after the expiration
5 of 5 years from the effective date of the most recent
6 revocation, or after 5 years from the date of release from a
7 period of imprisonment resulting from a conviction of the most
8 recent offense, whichever is later, provided the person, in
9 addition to all other requirements of the Secretary, shows by
10 clear and convincing evidence:

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

18 (B) the successful completion of any rehabilitative
19 treatment and involvement in any ongoing rehabilitative
20 activity that may be recommended by a properly licensed
21 service provider according to an assessment of the person's
22 alcohol or 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, but
26 not limited to, testimony, affidavits, records, and the results

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

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

17 A restricted driving permit issued under this paragraph
18 (1.5) shall be revoked, and the holder barred from applying for
19 or being issued a restricted driving permit in the future, if
20 the holder is subsequently convicted of a violation of Section
21 11-501 of this Code, a similar provision of a local ordinance,
22 or a similar offense in another state.

23 (2) If a person's license or permit is revoked or suspended
24 due to 2 or more convictions of violating Section 11-501 of
25 this Code or a similar provision of a local ordinance or a
26 similar out-of-state offense, or Section 9-3 of the Criminal

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

8 (3) If:

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

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

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

20 (iii) a suspension pursuant to Section 6-203.1;
21 arising out of separate occurrences; or

22 (B) a person has been convicted of one violation of
23 subparagraph (C) or (F) of paragraph (1) of subsection (d)
24 of Section 11-501 of this Code, Section 9-3 of the Criminal
25 Code of 1961 or the Criminal Code of 2012, relating to the
26 offense of reckless homicide where the use of alcohol or

1 other drugs was recited as an element of the offense, or a
2 similar provision of a law of another state;
3 that person, if issued a restricted driving permit, may not
4 operate a vehicle unless it has been equipped with an ignition
5 interlock device as defined in Section 1-129.1.

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

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

26 (6) In each case the Secretary of State may issue a

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

21 (c-5) (Blank).

22 (c-6) If a person is convicted of a second violation of
23 operating a motor vehicle while the person's driver's license,
24 permit or privilege was revoked, where the revocation was for a
25 violation of Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012 relating to the offense of reckless

1 homicide or a similar out-of-state offense, the person's
2 driving privileges shall be revoked pursuant to subdivision
3 (a) (15) of this Section. The person may not make application
4 for a license or permit until the expiration of five years from
5 the effective date of the revocation or the expiration of five
6 years from the date of release from a term of imprisonment,
7 whichever is later.

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

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

1 appropriate reinstatement fee provided under paragraph (b) of
2 Section 6-118, the Secretary of State, in his discretion, may
3 reinstate the petitioner's driver's license and driving
4 privileges, or extend the restricted driving permit as many
5 times as the Secretary of State deems appropriate, by
6 additional periods of not more than 12 months each.

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

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

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

1 a similar out-of-state offense; or

2 (B) a statutory summary suspension or revocation
3 under Section 11-501.1; or

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

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

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

23 (5) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against driving
25 a vehicle that is not equipped with an ignition interlock
26 device does not apply to the operation of an occupational

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

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

22 (d-5) The revocation of the license, permit, or driving
23 privileges of a person convicted of a third or subsequent
24 violation of Section 6-303 of this Code committed while his or
25 her driver's license, permit, or privilege was revoked because
26 of a violation of Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, relating to the offense of reckless
2 homicide, or a similar provision of a law of another state, is
3 permanent. The Secretary may not, at any time, issue a license
4 or permit to that person.

5 (e) This Section is subject to the provisions of the Driver
6 License Compact.

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

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

15 (h) The Secretary of State shall require the use of
16 ignition interlock devices for a period not less than 5 years
17 on all vehicles owned by a person who has been convicted of a
18 second or subsequent offense under Section 11-501 of this Code
19 or a similar provision of a local ordinance. The person must
20 pay to the Secretary of State DUI Administration Fund an amount
21 not to exceed \$30 for each month that he or she uses the
22 device. The Secretary shall establish by rule and regulation
23 the procedures for certification and use of the interlock
24 system, the amount of the fee, and the procedures, terms, and
25 conditions relating to these fees. During the time period in
26 which a person is required to install an ignition interlock

1 device under this subsection (h), that person shall only
2 operate vehicles in which ignition interlock devices have been
3 installed, except as allowed by subdivision (c) (5) or (d) (5) of
4 this Section.

5 (i) (Blank).

6 (j) 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 revoked, suspended,
10 cancelled, or disqualified under any provisions of this Code.

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

16 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;
17 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;
18 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff. 7-28-16;
19 100-223, eff. 8-18-17.)

20 (625 ILCS 5/6-206)

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

23 (a) The Secretary of State is authorized to suspend or
24 revoke the driving privileges of any person without preliminary
25 hearing upon a showing of the person's records or other

1 sufficient evidence that the person:

2 1. Has committed an offense for which mandatory
3 revocation of a driver's license or permit is required upon
4 conviction;

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

10 3. Has been repeatedly involved as a driver in motor
11 vehicle collisions or has been repeatedly convicted of
12 offenses against laws and ordinances regulating the
13 movement of traffic, to a degree that indicates lack of
14 ability to exercise ordinary and reasonable care in the
15 safe operation of a motor vehicle or disrespect for the
16 traffic laws and the safety of other persons upon the
17 highway;

18 4. Has by the unlawful operation of a motor vehicle
19 caused or contributed to an accident resulting in injury
20 requiring immediate professional treatment in a medical
21 facility or doctor's office to any person, except that any
22 suspension or revocation imposed by the Secretary of State
23 under the provisions of this subsection shall start no
24 later than 6 months after being convicted of violating a
25 law or ordinance regulating the movement of traffic, which
26 violation is related to the accident, or shall start not

1 more than one year after the date of the accident,
2 whichever date occurs later;

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

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

9 7. Has refused or failed to submit to an examination
10 provided for by Section 6-207 or has failed to pass the
11 examination;

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

14 9. Has made a false statement or knowingly concealed a
15 material fact or has used false information or
16 identification in any application for a license,
17 identification card, or permit;

18 10. Has possessed, displayed, or attempted to
19 fraudulently use any license, identification card, or
20 permit not issued to the person;

21 11. Has operated a motor vehicle upon a highway of this
22 State when the person's driving privilege or privilege to
23 obtain a driver's license or permit was revoked or
24 suspended unless the operation was authorized by a
25 monitoring device driving permit, judicial driving permit
26 issued prior to January 1, 2009, probationary license to

1 drive, or a restricted driving permit issued under this
2 Code;

3 12. Has submitted to any portion of the application
4 process for another person or has obtained the services of
5 another person to submit to any portion of the application
6 process for the purpose of obtaining a license,
7 identification card, or permit for some other person;

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

11 14. Has committed a violation of Section 6-301,
12 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
13 14B of the Illinois Identification Card Act;

14 15. Has been convicted of violating Section 21-2 of the
15 Criminal Code of 1961 or the Criminal Code of 2012 relating
16 to criminal trespass to vehicles if the person exercised
17 actual physical control over the vehicle during the
18 commission of the offense, in which case~~7~~ the suspension
19 shall be for one year;

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

22 17. Has refused to submit to a test, or tests, as
23 required under Section 11-501.1 of this Code and the person
24 has not sought a hearing as provided for in Section
25 11-501.1;

26 18. (Blank); ~~Has, since issuance of a driver's license~~

1 ~~or permit, been adjudged to be afflicted with or suffering~~
2 ~~from any mental disability or disease;~~

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

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

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

12 22. Has used a motor vehicle in violating paragraph
13 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
14 the Criminal Code of 1961 or the Criminal Code of 2012
15 relating to unlawful use of weapons, in which case the
16 suspension shall be for one year;

17 23. Has, as a driver, been convicted of committing a
18 violation of paragraph (a) of Section 11-502 of this Code
19 for a second or subsequent time within one year of a
20 similar violation;

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

1 25. Has permitted any form of identification to be used
2 by another in the application process in order to obtain or
3 attempt to obtain a license, identification card, or
4 permit;

5 26. Has altered or attempted to alter a license or has
6 possessed an altered license, identification card, or
7 permit;

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

10 28. Has been convicted for a first time of the illegal
11 possession, while operating or in actual physical control,
12 as a driver, of a motor vehicle, of any controlled
13 substance prohibited under the Illinois Controlled
14 Substances Act, any cannabis prohibited under the Cannabis
15 Control Act, or any methamphetamine prohibited under the
16 Methamphetamine Control and Community Protection Act, in
17 which case the person's driving privileges shall be
18 suspended for one year. Any defendant found guilty of this
19 offense while operating a motor vehicle, shall have an
20 entry made in the court record by the presiding judge that
21 this offense did occur while the defendant was operating a
22 motor vehicle and order the clerk of the court to report
23 the violation to the Secretary of State;

24 29. Has been convicted of the following offenses that
25 were committed while the person was operating or in actual
26 physical control, as a driver, of a motor vehicle: criminal

1 sexual assault, predatory criminal sexual assault of a
2 child, aggravated criminal sexual assault, criminal sexual
3 abuse, aggravated criminal sexual abuse, juvenile pimping,
4 soliciting for a juvenile prostitute, promoting juvenile
5 prostitution as described in subdivision (a)(1), (a)(2),
6 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
7 or the Criminal Code of 2012, and the manufacture, sale or
8 delivery of controlled substances or instruments used for
9 illegal drug use or abuse in which case the driver's
10 driving privileges shall be suspended for one year;

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

15 31. Has refused to submit to a test as required by
16 Section 11-501.6 of this Code or Section 5-16c of the Boat
17 Registration and Safety Act or has submitted to a test
18 resulting in an alcohol concentration of 0.08 or more or
19 any amount of a drug, substance, or compound resulting from
20 the unlawful use or consumption of cannabis as listed in
21 the Cannabis Control Act, a controlled substance as listed
22 in the Illinois Controlled Substances Act, an intoxicating
23 compound as listed in the Use of Intoxicating Compounds
24 Act, or methamphetamine as listed in the Methamphetamine
25 Control and Community Protection Act, in which case the
26 penalty shall be as prescribed in Section 6-208.1;

1 32. Has been convicted of Section 24-1.2 of the
2 Criminal Code of 1961 or the Criminal Code of 2012 relating
3 to the aggravated discharge of a firearm if the offender
4 was located in a motor vehicle at the time the firearm was
5 discharged, in which case the suspension shall be for 3
6 years;

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

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

13 35. Has committed a violation of Section 11-1301.6 of
14 this Code or a similar provision of a local ordinance;

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

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

24 38. Has been convicted of a violation of Section 6-20
25 of the Liquor Control Act of 1934 or a similar provision of
26 a local ordinance and the person was an occupant of a motor

1 vehicle at the time of the violation;

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

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

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

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

14 43. Has received a disposition of court supervision for
15 a violation of subsection (a), (d), or (e) of Section 6-20
16 of the Liquor Control Act of 1934 or a similar provision of
17 a local ordinance and the person was an occupant of a motor
18 vehicle at the time of the violation, in which case the
19 suspension shall be for a period of 3 months;

20 44. Is under the age of 21 years at the time of arrest
21 and has been convicted of an offense against traffic
22 regulations governing the movement of vehicles after
23 having previously had his or her driving privileges
24 suspended or revoked pursuant to subparagraph 36 of this
25 Section;

26 45. Has, in connection with or during the course of a

1 formal hearing conducted under Section 2-118 of this Code:
2 (i) committed perjury; (ii) submitted fraudulent or
3 falsified documents; (iii) submitted documents that have
4 been materially altered; or (iv) submitted, as his or her
5 own, documents that were in fact prepared or composed for
6 another person;

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

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

11 48. Has submitted a falsified or altered medical
12 examiner's certificate to the Secretary of State or
13 provided false information to obtain a medical examiner's
14 certificate.

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
16 and 27 of this subsection, license means any driver's license,
17 any traffic ticket issued when the person's driver's license is
18 deposited in lieu of bail, a suspension notice issued by the
19 Secretary of State, a duplicate or corrected driver's license,
20 a probationary driver's license or a temporary driver's
21 license.

22 (b) If any conviction forming the basis of a suspension or
23 revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be, provided
26 that a certified copy of a stay order of a court is filed with

1 the Secretary of State. If the conviction is affirmed on
2 appeal, the date of the conviction shall relate back to the
3 time the original judgment of conviction was entered and the 6
4 month limitation prescribed shall not apply.

5 (c) 1. Upon suspending or revoking the driver's license or
6 permit of any person as authorized in this Section, the
7 Secretary of State shall immediately notify the person in
8 writing of the revocation or suspension. The notice to be
9 deposited in the United States mail, postage prepaid, to the
10 last known address of the person.

11 2. If the Secretary of State suspends the driver's license
12 of a person under subsection 2 of paragraph (a) of this
13 Section, a person's privilege to operate a vehicle as an
14 occupation shall not be suspended, provided an affidavit is
15 properly completed, the appropriate fee received, and a permit
16 issued prior to the effective date of the suspension, unless 5
17 offenses were committed, at least 2 of which occurred while
18 operating a commercial vehicle in connection with the driver's
19 regular occupation. All other driving privileges shall be
20 suspended by the Secretary of State. Any driver prior to
21 operating a vehicle for occupational purposes only must submit
22 the affidavit on forms to be provided by the Secretary of State
23 setting forth the facts of the person's occupation. The
24 affidavit shall also state the number of offenses committed
25 while operating a vehicle in connection with the driver's
26 regular occupation. The affidavit shall be accompanied by the

1 driver's license. Upon receipt of a properly completed
2 affidavit, the Secretary of State shall issue the driver a
3 permit to operate a vehicle in connection with the driver's
4 regular occupation only. Unless the permit is issued by the
5 Secretary of State prior to the date of suspension, the
6 privilege to drive any motor vehicle shall be suspended as set
7 forth in the notice that was mailed under this Section. If an
8 affidavit is received subsequent to the effective date of this
9 suspension, a permit may be issued for the remainder of the
10 suspension period.

11 The provisions of this subparagraph shall not apply to any
12 driver required to possess a CDL for the purpose of operating a
13 commercial motor vehicle.

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

18 3. At the conclusion of a hearing under Section 2-118 of
19 this Code, the Secretary of State shall either rescind or
20 continue an order of revocation or shall substitute an order of
21 suspension; or, good cause appearing therefor, rescind,
22 continue, change, or extend the order of suspension. If the
23 Secretary of State does not rescind the order, the Secretary
24 may upon application, to relieve undue hardship (as defined by
25 the rules of the Secretary of State), issue a restricted
26 driving permit granting the privilege of driving a motor

1 vehicle between the petitioner's residence and petitioner's
2 place of employment or within the scope of the petitioner's
3 employment related duties, or to allow the petitioner to
4 transport himself or herself, or a family member of the
5 petitioner's household to a medical facility, to receive
6 necessary medical care, to allow the petitioner to transport
7 himself or herself to and from alcohol or drug remedial or
8 rehabilitative activity recommended by a licensed service
9 provider, or to allow the petitioner to transport himself or
10 herself or a family member of the petitioner's household to
11 classes, as a student, at an accredited educational
12 institution, or to allow the petitioner to transport children,
13 elderly persons, or persons with disabilities who do not hold
14 driving privileges and are living in the petitioner's household
15 to and from daycare. The petitioner must demonstrate that no
16 alternative means of transportation is reasonably available
17 and that the petitioner will not endanger the public safety or
18 welfare.

19 (A) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense, or Section 9-3
23 of the Criminal Code of 1961 or the Criminal Code of 2012,
24 where the use of alcohol or other drugs is recited as an
25 element of the offense, or a similar out-of-state offense,
26 or a combination of these offenses, arising out of separate

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

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

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

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

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

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

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

1 operate a vehicle unless it has been equipped with an
2 ignition interlock device as defined in Section 1-129.1.

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

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

25 (E) In each case the Secretary may issue a restricted
26 driving permit for a period deemed appropriate, except that

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

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

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

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

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

26 A restricted driving permit issued under this

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

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

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

1 available to the driver licensing administrator of any other
2 state, the U.S. Department of Transportation, and the affected
3 driver or motor carrier or prospective motor carrier upon
4 request.

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

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

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

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

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

1 cancelled, or disqualified under any provisions of this Code.

2 (Source: P.A. 98-103, eff. 1-1-14; 98-122, eff. 1-1-14; 98-726,
3 eff. 1-1-15; 98-756, eff. 7-16-14; 99-143, eff. 7-27-15;
4 99-290, eff. 1-1-16; 99-467, eff. 1-1-16; 99-483, eff. 1-1-16;
5 99-607, eff. 7-22-16; 99-642, eff. 7-28-16.)

6 (625 ILCS 5/6-209.1 new)

7 Sec. 6-209.1. Restoration of driving privileges; right to
8 hearing.

9 (a) The Secretary shall rescind the suspension or
10 cancellation of a person's driver's license that has been
11 suspended or cancelled prior to the effective date of this
12 amendatory Act of the 100th General Assembly due to:

13 (1) the person being convicted of theft of motor fuel
14 under Sections 16-25 or 16K-15 of the Criminal Code of 1961
15 or the Criminal Code of 2012;

16 (2) the person, since the issuance of the driver's
17 license, being adjudged to be afflicted with or suffering
18 from any mental disability or disease;

19 (3) a violation of Section 6-16 of the Liquor Control
20 Act of 1934 or a similar provision of a local ordinance;

21 (4) the person being convicted of a violation of
22 Section 6-20 of the Liquor Control Act of 1934 or a similar
23 provision of a local ordinance, if the person presents a
24 certified copy of a court order that includes a finding
25 that the person was not an occupant of a motor vehicle at

1 the time of the violation;

2 (5) the person receiving a disposition of court
3 supervision for a violation of subsections (a), (d), or (e)
4 of Section 6-20 of the Liquor Control Act of 1934 or a
5 similar provision of a local ordinance, if the person
6 presents a certified copy of a court order that includes a
7 finding that the person was not an occupant of a motor
8 vehicle at the time of the violation;

9 (6) the person failing to satisfy any fine or penalty
10 resulting from a final order issued by the Authority
11 relating directly or indirectly to 5 or more toll
12 violations, toll evasions, or both;

13 (7) the person being convicted of a violation of
14 Section 4-102 of this Code, if the person presents a
15 certified copy of a court order that includes a finding
16 that the person did not exercise actual physical control of
17 the vehicle at the time of the violation; or

18 (8) the person being convicted of criminal trespass to
19 vehicles under Section 21-2 of the Criminal Code of 2012,
20 if the person presents a certified copy of a court order
21 that includes a finding that the person did not exercise
22 actual physical control of the vehicle at the time of the
23 violation.

24 (b) In the case of a license that has been suspended before
25 the effective date of this amendatory Act of the 100th General
26 Assembly due to the person failing to pay any fine or penalty

1 due or owing as a result of 10 or more violations of a
2 municipality's or county's vehicular standing, parking, or
3 compliance regulations established by ordinance under Section
4 11-208.3, the municipality or county shall, within 90 days
5 after the effective date of this amendatory Act of the 100th
6 General Assembly, provide the person with notice that the
7 person has a right to a hearing under Section 11-208.3a. The
8 notice shall be sent by first class United States mail, postage
9 prepaid, to the address of the registered owner or lessee of
10 the cited vehicle as recorded with the Secretary of State or
11 the lessor of the motor vehicle or, if any notice to that
12 address is returned as undeliverable or unclaimed, by first
13 class mail to the last known address recorded in a United
14 States Post Office approved database.

15 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

16 Sec. 6-306.5. Failure to pay fine or penalty for standing,
17 parking, compliance, automated speed enforcement system, or
18 automated traffic law violations; suspension of driving
19 privileges.

20 (a) Upon receipt of a certified report, as prescribed by
21 subsection (c) of this Section, from any municipality or county
22 stating that the owner of a registered vehicle: (1) has failed
23 to pay any fine or penalty due and owing as a result of 10 or
24 more violations of a municipality's or county's vehicular
25 standing, parking, or compliance regulations established by

1 ordinance pursuant to Section 11-208.3 of this Code, (2) has
2 failed to pay any fine or penalty due and owing as a result of 5
3 offenses for automated speed enforcement system violations or
4 automated traffic violations as defined in Sections 11-208.6,
5 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or
6 (3) is more than 14 days in default of a payment plan pursuant
7 to which a suspension had been terminated under subsection (c)
8 of this Section, the Secretary of State shall suspend the
9 driving privileges of such person in accordance with the
10 procedures set forth in this Section. The Secretary shall also
11 suspend the driving privileges of an owner of a registered
12 vehicle upon receipt of a certified report, as prescribed by
13 subsection (f) of this Section, from any municipality or county
14 stating that such person has failed to satisfy any fines or
15 penalties imposed by final judgments for 5 or more automated
16 speed enforcement system or automated traffic law violations,
17 or combination thereof, or 10 or more violations of local
18 standing, parking, or compliance regulations after exhaustion
19 of administrative and judicial review procedures.

20 (b) Following receipt of the certified report of the
21 municipality or county as specified in this Section, the
22 Secretary of State shall notify the person whose name appears
23 on the certified report that the person's driver's ~~drivers~~
24 license will be suspended at the end of a specified period of
25 time unless the Secretary of State is presented with a notice
26 from the municipality or county certifying that the fine or

1 penalty due and owing the municipality or county has been paid
2 or that inclusion of that person's name on the certified report
3 was in error. The Secretary's notice shall state in substance
4 the information contained in the municipality's or county's
5 certified report to the Secretary, and shall be effective as
6 specified by subsection (c) of Section 6-211 of this Code.

7 (c) The report of the appropriate municipal or county
8 official notifying the Secretary of State of unpaid fines or
9 penalties pursuant to this Section shall be certified and shall
10 contain the following:

11 (1) The name, last known address as recorded with the
12 Secretary of State, as provided by the lessor of the cited
13 vehicle at the time of lease, or as recorded in a United
14 States Post Office approved database if any notice sent
15 under Section 11-208.3 of this Code is returned as
16 undeliverable, and driver's ~~drivers~~ license number of the
17 person who failed to pay the fine or penalty or who has
18 defaulted in a payment plan and the registration number of
19 any vehicle known to be registered to such person in this
20 State.

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

23 (3) A statement that the municipality or county sent a
24 notice of impending driver's ~~drivers~~ license suspension as
25 prescribed by ordinance enacted pursuant to Section
26 11-208.3 of this Code or a notice of default in a payment

1 plan, to the person named in the report at the address
2 recorded with the Secretary of State or at the last address
3 known to the lessor of the cited vehicle at the time of
4 lease or, if any notice sent under Section 11-208.3 of this
5 Code is returned as undeliverable, at the last known
6 address recorded in a United States Post Office approved
7 database; the date on which such notice was sent; and the
8 address to which such notice was sent. In a municipality or
9 county with a population of 1,000,000 or more, the report
10 shall also include a statement that the alleged violator's
11 State vehicle registration number and vehicle make, if
12 specified on the automated speed enforcement system
13 violation or automated traffic law violation notice, are
14 correct as they appear on the citations.

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

18 (d) Any municipality or county making a certified report to
19 the Secretary of State pursuant to this Section shall notify
20 the Secretary of State, in a form prescribed by the Secretary,
21 whenever a person named in the certified report has paid the
22 previously reported fine or penalty, whenever a person named in
23 the certified report has entered into a payment plan pursuant
24 to which the municipality or county has agreed to terminate the
25 suspension, or whenever the municipality or county determines
26 that the original report was in error. A certified copy of such

1 notification shall also be given upon request and at no
2 additional charge to the person named therein. Upon receipt of
3 the municipality's or county's notification or presentation of
4 a certified copy of such notification, the Secretary of State
5 shall terminate the suspension.

6 (e) Any municipality or county making a certified report to
7 the Secretary of State pursuant to this Section shall also by
8 ordinance establish procedures for persons to challenge the
9 accuracy of the certified report. The ordinance shall also
10 state the grounds for such a challenge, which may be limited to
11 (1) the person not having been the owner or lessee of the
12 vehicle or vehicles receiving 10 or more standing, parking, or
13 compliance violation notices or a combination of 5 or more
14 automated speed enforcement system or automated traffic law
15 violations on the date or dates such notices were issued; and
16 (2) the person having already paid the fine or penalty for the
17 10 or more standing, parking, or compliance violations or
18 combination of 5 or more automated speed enforcement system or
19 automated traffic law violations indicated on the certified
20 report.

21 (f) Any municipality or county, other than a municipality
22 or county establishing vehicular standing, parking, and
23 compliance regulations pursuant to Section 11-208.3, automated
24 speed enforcement system regulations under Section 11-208.8,
25 or automated traffic law regulations under Section 11-208.6,
26 11-208.9, or 11-1201.1, may also cause a suspension of a

1 person's driver's ~~drivers~~ license pursuant to this Section.
2 Such municipality or county may invoke this sanction by making
3 a certified report to the Secretary of State upon a person's
4 failure to satisfy any fine or penalty imposed by final
5 judgment for 10 or more violations of local standing, parking,
6 or compliance regulations or a combination of 5 or more
7 automated speed enforcement system or automated traffic law
8 violations after exhaustion of judicial review procedures, but
9 only if:

10 (1) the municipality or county complies with the
11 provisions of this Section in all respects except in regard
12 to enacting an ordinance pursuant to Section 11-208.3;

13 (2) the municipality or county has sent a notice of
14 impending driver's ~~drivers~~ license suspension as
15 prescribed by an ordinance enacted pursuant to subsection
16 (g) of this Section; ~~and~~

17 (3) in municipalities or counties with a population of
18 1,000,000 or more, the municipality or county has verified
19 that the alleged violator's State vehicle registration
20 number and vehicle make are correct as they appear on the
21 citations; and

22 (4) in the case of final judgment for 10 or more
23 violations of local standing, parking, or compliance
24 regulations, the municipality or county first conducts a
25 hearing in accordance with Section 11-208.3a.

26 (g) Any municipality or county, other than a municipality

1 or county establishing standing, parking, and compliance
2 regulations pursuant to Section 11-208.3, automated speed
3 enforcement system regulations under Section 11-208.8, or
4 automated traffic law regulations under Section 11-208.6,
5 11-208.9, or 11-1201.1, may provide by ordinance for the
6 sending of a notice of impending driver's ~~drivers~~ license
7 suspension to the person who has failed to satisfy any fine or
8 penalty imposed by final judgment for 10 or more violations of
9 local standing, parking, or compliance regulations or a
10 combination of 5 or more automated speed enforcement system or
11 automated traffic law violations after exhaustion of judicial
12 review procedures. An ordinance so providing shall specify that
13 the notice sent to the person liable for any fine or penalty
14 shall state that failure to pay the fine or penalty owing
15 within 45 days of the notice's date will result in the
16 municipality or county notifying the Secretary of State that
17 the person's driver's ~~drivers~~ license is eligible for
18 suspension pursuant to this Section. The notice of impending
19 driver's ~~drivers~~ license suspension shall be sent by first
20 class United States mail, postage prepaid, to the address
21 recorded with the Secretary of State or at the last address
22 known to the lessor of the cited vehicle at the time of lease
23 or, if any notice sent under Section 11-208.3 of this Code is
24 returned as undeliverable, to the last known address recorded
25 in a United States Post Office approved database.

26 (h) An administrative hearing to contest an impending

1 suspension or a suspension made pursuant to this Section may be
2 had upon filing a written request with the Secretary of State.
3 The filing fee for this hearing shall be \$20, to be paid at the
4 time the request is made. A municipality or county which files
5 a certified report with the Secretary of State pursuant to this
6 Section shall reimburse the Secretary for all reasonable costs
7 incurred by the Secretary as a result of the filing of the
8 report, including but not limited to the costs of providing the
9 notice required pursuant to subsection (b) and the costs
10 incurred by the Secretary in any hearing conducted with respect
11 to the report pursuant to this subsection and any appeal from
12 such a hearing.

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

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

17 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;
18 98-556, eff. 1-1-14.)

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 driver's ~~drivers~~ license
3 for failure to complete a traffic education program or
4 to pay fines or penalties, or both, for 10 or more
5 parking violations under Section 6-306.5, or a
6 combination of 5 or more automated traffic law
7 violations under Section 11-208.6 or 11-208.9 or
8 automated speed enforcement system violations under
9 Section 11-208.8.

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

1 photostatic copy. The notice of impending driver's ~~drivers~~
2 license suspension shall be sent by first class United
3 States mail, postage prepaid, to the address recorded with
4 the Secretary of State or, if any notice to that address is
5 returned as undeliverable, to the last known address
6 recorded in a United States Post Office approved database.

7 (6.5) In the case of a notice of impending driver's
8 license suspension issued under subsection (6) of this
9 Section for failure to pay any fine or penalty due and
10 owing on 10 or more violations of local standing, parking,
11 or compliance regulations, an additional notice that the
12 individual subject to the driver's license suspension has
13 the right to request a hearing under Section 11-208.3a of
14 this Code for the purpose of determining whether the
15 individual cannot pay the fines or penalties because he or
16 she is indigent or has a limited income.

17 (A) The notice shall be in substantially the
18 following form:

19 "NOTICE OF YOUR RIGHT TO A PRE-SUSPENSION HEARING
20 Your driver's license is at risk of being suspended
21 on (date of possible suspension) because you have
22 failed to pay fines and/or penalties due and owing on
23 10 or more violations of local standing, parking, or
24 compliance regulations to (Name of municipality or
25 county). These violations include:

1 [list of all fines or penalties for violations of a
2 municipality's or county's vehicular standing,
3 parking, or compliance regulations leading to the
4 proposed suspension]

5 You have the right to request a hearing to
6 determine whether you are unable to pay the fines or
7 penalties because of a financial hardship. If the
8 hearing officer determines that you are unable to pay
9 because of a financial hardship, then you may be placed
10 on a payment plan based on your income and your
11 driver's license will not be suspended.

12 You can request a hearing by filling out the
13 enclosed form and mailing it to (address and phone
14 number of municipality or county). (Municipality or
15 County) may also accept requests by email at (insert
16 email here, if applicable)."

17 (B) The notice of impending suspension set forth in
18 this subparagraph shall be accompanied by a request for
19 hearing with the relevant information inserted by the
20 municipality or county. The request for hearing shall
21 be in substantially the following form:

22 "REQUEST FOR HEARING

23 Re: [Driver's License number and any other account
24 number used by the municipality or county]:

25 To:

1 Name of Municipality or County.....

2 Mailing Address.....

3 I, (insert name), hereby request a pre-suspension
4 hearing.

5

6 (Signed by) (Date)".

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

21 (8) A petition to set aside a determination of parking,
22 standing, compliance, automated speed enforcement system,
23 or automated traffic law violation liability that may be
24 filed by a person owing an unpaid fine or penalty. A

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

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

26 (10) A schedule of civil fines for violations of

1 vehicular standing, parking, compliance, automated speed
2 enforcement system, or automated traffic law regulations
3 enacted by ordinance pursuant to this Section, and a
4 schedule of penalties for late payment of the fines or
5 failure to complete required traffic education programs,
6 provided, however, that the total amount of the fine and
7 penalty for any one violation shall not exceed \$250, except
8 as provided in subsection (c) of Section 11-1301.3 of this
9 Code.

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

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

23 (1) Criteria for the designation of vehicles eligible
24 for immobilization. A vehicle shall be eligible for
25 immobilization when the registered owner of the vehicle has
26 accumulated the number of incomplete traffic education

1 programs or unpaid final determinations of parking,
2 standing, compliance, automated speed enforcement system,
3 or automated traffic law violation liability, or both, as
4 determined by ordinance.

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

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

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

25 (d) Judicial review of final determinations of parking,
26 standing, compliance, automated speed enforcement system, or

1 automated traffic law violations and final administrative
2 decisions issued after hearings regarding vehicle
3 immobilization and impoundment made under this Section shall be
4 subject to the provisions of the Administrative Review Law.

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

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

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

1 violation, plus costs. The judgment shall have the same effect
2 and may be enforced in the same manner as other judgments for
3 the recovery of money.

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

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

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

15 (625 ILCS 5/11-208.3a new)

16 Sec. 11-208.3a. Hearing to determine ability to satisfy
17 finances or penalties for 10 or more violations of local standing,
18 parking, or compliance regulations.

19 (a) If an individual requests a hearing as provided in
20 subparagraph (6.5) of Section 11-208.3 of this Code, the
21 municipality or county shall provide at least 21 days' written
22 notice of the hearing. The notice shall:

23 (1) include a clear and prominent statement that the
24 hearing will determine whether the individual's driver's
25 license will be suspended for failing to pay fines or

1 penalties for violations of a municipality's or county's
2 vehicular standing, parking, or compliance regulations;

3 (2) include a list of all fines or penalties for
4 violations of a municipality's or county's vehicular
5 standing, parking, or compliance regulations leading to
6 the proposed suspension;

7 (3) clearly inform the individual that:

8 (A) at the hearing, a hearing officer may determine
9 whether the individual failed to pay the fines or
10 penalties due and owing because of financial hardship;

11 (B) if the hearing officer determines that the
12 individual failed to pay the fines or penalties due and
13 owing because of financial hardship, then the hearing
14 officer shall determine an amount, if any, that the
15 individual can afford in a payment plan;

16 (C) at the hearing, the individual may: (I) provide
17 information that he or she is unable to pay the amount
18 due and owing; (II) provide evidence that the
19 municipality or county is relying on inaccurate
20 information; or (III) otherwise provide a defense to
21 the suspension;

22 (D) the individual should bring documents that
23 show the individual's income, including pay stubs, tax
24 returns, and any documents that show that he or she is
25 participating in a program for low-income individuals,
26 such as the Supplemental Nutrition Assistance Program

1 or Medicaid;

2 (4) provide the date, time, and location of the
3 hearing; and

4 (5) include information about how to request a new
5 hearing date if the individual cannot attend the hearing.

6 Except in the case of an emergency, a request by an
7 individual for a new hearing date shall be made no fewer than 3
8 days before the scheduled hearing.

9 Notice shall be served by first class United States mail,
10 postage prepaid, to the address of the registered owner or
11 lessee of the cited vehicle as recorded with the Secretary of
12 State or the lessor of the motor vehicle or, if any notice to
13 that address is returned as undeliverable or unclaimed, by
14 first class mail to the last known address recorded in a United
15 States Post Office approved database.

16 (b) The hearing officer shall make a determination
17 concerning the individual's ability to pay.

18 (1) An individual is indigent if he or she:

19 (A) has a household income of 200% or less than the
20 Federal Poverty Level; or

21 (B) participates in any of the following programs:
22 Supplemental Security Income; Social Security
23 Disability Income; the Special Supplemental Nutrition
24 Program for Women, Infants and Children; Aid to the
25 Aged, Blind, and Disabled; Temporary Assistance for
26 Needy Families; Unemployment Insurance Benefits;

1 Medicaid; Supplemental Nutrition Assistance Program;
2 General Assistance; Transitional Assistance; or State
3 Children and Family Assistance.

4 (2) An individual has a limited income if:

5 (A) his or her household income is more than 200%
6 but less than 400% of Federal Poverty Level; or

7 (B) the hearing officer determines that the
8 individual cannot pay fines or penalties without using
9 money that normally would pay for the common
10 necessities of life of the individual and his or her
11 family.

12 (c) An individual may demonstrate that he or she is
13 indigent or of limited income by providing any of the
14 following:

15 (1) proof of income from a pay stub, bank statement,
16 tax return, rent, or other evidence of earnings;

17 (2) eligibility cards or electronic benefit cards or
18 other documents that show participation in a public
19 benefits programs described in subdivision (c) (1) (B); or

20 (3) an attestation, made under penalty of perjury, of
21 the individual's indigent status.

22 (d) A hearing officer may continue a hearing as needed to
23 allow the individual to present additional information or
24 enable the hearing officer to make additional determinations.

25 (e) In the case of an indigent individual, unless the
26 hearing officer determines that a payment plan of any amount

1 would cause the individual hardship, the hearing officer shall
2 establish a monthly payment plan of the greater of \$1 or 0.5%
3 of the individual's average monthly income. The payment plan
4 shall continue until the earlier of:

5 (1) 60 months of payments on the plan; or

6 (2) the individual has satisfied the amount due and
7 owing.

8 After the earlier of item (1) or (2) of this subsection
9 takes place, the fines or penalties shall be deemed to be
10 satisfied.

11 (f) In the case of a limited income individual, unless the
12 hearing officer determines that a payment plan of any amount
13 would cause the individual hardship, the hearing officer shall
14 establish a monthly payment plan of no more than 5% of the
15 individual's average monthly income. The payment plan shall
16 continue until the earlier of:

17 (1) 60 months of payments on the plan; or

18 (2) the individual has satisfied the amount due and
19 owing.

20 After the earlier of item (1) or (2) of this subsection
21 takes place, the fines or penalties shall be deemed to be
22 satisfied.

23 (g) If the individual makes timely payments on a payment
24 plan ordered under this Section, the municipality or county may
25 not pursue other means to collect on the debt. If the
26 individual misses a payment, the municipality or county may,

1 after providing the individual with 60 days' written notice and
2 an opportunity to come current, pursue collection of the debt.
3 The municipality or county may not cause the suspension of the
4 driver's license of an indigent person as part of the debt
5 collection activities of the municipality or county.

6 (h) If the individual does not appear at the pre-suspension
7 hearing, the municipality or county shall provide written
8 notice of the outcome of the hearing by first class mail,
9 postage prepaid.

10 (i) An individual whose driver's license is suspended
11 because of 10 or more violations of vehicular standing,
12 parking, or compliance regulations may request a hearing under
13 this Section to determine ability to pay and establish a
14 payment plan by submitting a request in writing to the
15 municipal or county authority that collects unpaid fines or
16 penalties for violations of vehicular standing, parking, or
17 compliance regulations. Any notice regarding the suspension of
18 a driver's license issued by the municipality or county shall
19 inform the individual about how to request a hearing under this
20 Section.

21 (j) An individual on a payment plan who has experienced a
22 reduction in income may request a hearing under this Section by
23 submitting a request in writing to the municipal or county
24 authority that collects unpaid fines or penalties for
25 violations of vehicular standing, parking, or compliance
26 regulations.

1 (k) Nothing in this Section prohibits an individual who is
2 not indigent or of limited income from agreeing to a payment
3 plan with the municipality or county in order to satisfy the
4 financial obligations and avoid suspension of the driver's
5 license of the individual.

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

7 (625 ILCS 5/6-306.7 rep.)

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

10 Section 99. Effective date. This Act takes effect July 1,
11 2019."