

1 AN ACT concerning transportation.

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

4 Section 1. References to Act. This Act may be referred to
5 as Mason's Law.

6 Section 5. The Illinois Vehicle Code is amended by changing
7 Section 6-206 as follows:

8 (625 ILCS 5/6-206)

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

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

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

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

1 3. Has been repeatedly involved as a driver in motor
2 vehicle collisions or has been repeatedly convicted of
3 offenses against laws and ordinances regulating the
4 movement of traffic, to a degree that indicates lack of
5 ability to exercise ordinary and reasonable care in the
6 safe operation of a motor vehicle or disrespect for the
7 traffic laws and the safety of other persons upon the
8 highway;

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

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

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

26 7. Has refused or failed to submit to an examination

1 provided for by Section 6-207 or has failed to pass the
2 examination;

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

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

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

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

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

25 13. Has operated a motor vehicle upon a highway of this
26 State when the person's driver's license or permit was

1 invalid under the provisions of Sections 6-107.1 and 6-110;

2 14. Has committed a violation of Section 6-301,
3 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
4 14B of the Illinois Identification Card Act;

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

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

11 17. Has refused to submit to a test, or tests, as
12 required under Section 11-501.1 of this Code and the person
13 has not sought a hearing as provided for in Section
14 11-501.1;

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

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

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

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

1 22. Has used a motor vehicle in violating paragraph
2 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
3 the Criminal Code of 1961 or the Criminal Code of 2012
4 relating to unlawful use of weapons, in which case the
5 suspension shall be for one year;

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

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

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

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

23 27. Has violated Section 6-16 of the Liquor Control Act
24 of 1934;

25 28. Has been convicted for a first time of the illegal
26 possession, while operating or in actual physical control,

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

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

26 30. Has been convicted a second or subsequent time for

1 any combination of the offenses named in paragraph 29 of
2 this subsection, in which case the person's driving
3 privileges shall be suspended for 5 years;

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

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

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

26 34. Has committed a violation of Section 11-1301.5 of

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

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

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

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

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

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

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

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

25 42. Has committed a violation of subsection (a-1) of
26 Section 11-1301.3 of this Code or a similar provision of a

1 local ordinance;

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

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

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

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

22 47. Has committed a violation of Section 11-502.1 of
23 this Code; or

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

1 certificate.

2 49. Has been convicted of a violation of Section
3 11-1002 or 11-1002.5 that resulted in a Type A injury to
4 another, in which case the person's driving privileges
5 shall be suspended for 12 months.

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

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

22 (c) 1. Upon suspending or revoking the driver's license or
23 permit of any person as authorized in this Section, the
24 Secretary of State shall immediately notify the person in
25 writing of the revocation or suspension. The notice to be
26 deposited in the United States mail, postage prepaid, to the

1 last known address of the person.

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

1 suspension period.

2 The provisions of this subparagraph shall not apply to any
3 driver required to possess a CDL for the purpose of operating a
4 commercial motor vehicle.

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

9 3. At the conclusion of a hearing under Section 2-118 of
10 this Code, the Secretary of State shall either rescind or
11 continue an order of revocation or shall substitute an order of
12 suspension; or, good cause appearing therefor, rescind,
13 continue, change, or extend the order of suspension. If the
14 Secretary of State does not rescind the order, the Secretary
15 may upon application, to relieve undue hardship (as defined by
16 the rules of the Secretary of State), issue a restricted
17 driving permit granting the privilege of driving a motor
18 vehicle between the petitioner's residence and petitioner's
19 place of employment or within the scope of the petitioner's
20 employment related duties, or to allow the petitioner to
21 transport himself or herself, or a family member of the
22 petitioner's household to a medical facility, to receive
23 necessary medical care, to allow the petitioner to transport
24 himself or herself to and from alcohol or drug remedial or
25 rehabilitative activity recommended by a licensed service
26 provider, or to allow the petitioner to transport himself or

1 herself or a family member of the petitioner's household to
2 classes, as a student, at an accredited educational
3 institution, or to allow the petitioner to transport children,
4 elderly persons, or persons with disabilities who do not hold
5 driving privileges and are living in the petitioner's household
6 to and from daycare. The petitioner must demonstrate that no
7 alternative means of transportation is reasonably available
8 and that the petitioner will not endanger the public safety or
9 welfare.

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

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

24 (i) a single conviction of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense or Section

1 9-3 of the Criminal Code of 1961 or the Criminal Code
2 of 2012, where the use of alcohol or other drugs is
3 recited as an element of the offense, or a similar
4 out-of-state offense; or

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

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

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

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

20 (C) The person issued a permit conditioned upon the use
21 of an ignition interlock device must pay to the Secretary
22 of State DUI Administration Fund an amount not to exceed
23 \$30 per month. The Secretary shall establish by rule the
24 amount and the procedures, terms, and conditions relating
25 to these fees.

26 (D) If the restricted driving permit is issued for

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

16 (E) In each case the Secretary may issue a restricted
17 driving permit for a period deemed appropriate, except that
18 all permits shall expire no later than 2 years from the
19 date of issuance. A restricted driving permit issued under
20 this Section shall be subject to cancellation, revocation,
21 and suspension by the Secretary of State in like manner and
22 for like cause as a driver's license issued under this Code
23 may be cancelled, revoked, or suspended; except that a
24 conviction upon one or more offenses against laws or
25 ordinances regulating the movement of traffic shall be
26 deemed sufficient cause for the revocation, suspension, or

1 cancellation of a restricted driving permit. The Secretary
2 of State may, as a condition to the issuance of a
3 restricted driving permit, require the applicant to
4 participate in a designated driver remedial or
5 rehabilitative program. The Secretary of State is
6 authorized to cancel a restricted driving permit if the
7 permit holder does not successfully complete the program.

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

18 (i) a minimum of 3 years of uninterrupted
19 abstinence from alcohol and the unlawful use or
20 consumption of cannabis under the Cannabis Control
21 Act, a controlled substance under the Illinois
22 Controlled Substances Act, an intoxicating compound
23 under the Use of Intoxicating Compounds Act, or
24 methamphetamine under the Methamphetamine Control and
25 Community Protection Act; and

26 (ii) the successful completion of any

1 rehabilitative treatment and involvement in any
2 ongoing rehabilitative activity that may be
3 recommended by a properly licensed service provider
4 according to an assessment of the person's alcohol or
5 drug use under Section 11-501.01 of this Code.

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

17 A restricted driving permit issued under this
18 subparagraph (F) shall provide that the holder may only
19 operate motor vehicles equipped with an ignition interlock
20 device as required under paragraph (2) of subsection (c) of
21 Section 6-205 of this Code and subparagraph (A) of
22 paragraph 3 of subsection (c) of this Section. The
23 Secretary may revoke a restricted driving permit or amend
24 the conditions of a restricted driving permit issued under
25 this subparagraph (F) if the holder operates a vehicle that
26 is not equipped with an ignition interlock device, or for

1 any other reason authorized under this Code.

2 A restricted driving permit issued under this
3 subparagraph (F) shall be revoked, and the holder barred
4 from applying for or being issued a restricted driving
5 permit in the future, if the holder is convicted of a
6 violation of Section 11-501 of this Code, a similar
7 provision of a local ordinance, or a similar offense in
8 another state.

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

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

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

8 (d) This Section is subject to the provisions of the
9 Drivers License Compact.

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

14 (f) 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 a
17 CDL whose driving privileges have been suspended, revoked,
18 cancelled, or disqualified under any provisions of this Code.

19 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;
20 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;
21 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

22 Section 99. Effective date. This Act takes effect July 1,
23 2020.