



Rep. Norine K. Hammond

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1 AMENDMENT TO HOUSE BILL 2386

2 AMENDMENT NO. _____. Amend House Bill 2386 on page 1, line
3 5, by replacing "Section 12-610.2" with "Sections 6-206 and
4 12-610.2"; and

5 on page 1, immediately below line 5, by inserting the
6 following:

7 "(625 ILCS 5/6-206)

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

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

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

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

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

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

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

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

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

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

10 9. Has made a false statement or knowingly concealed a
11 material fact or has used false information or
12 identification in any application for a license,
13 identification card, or permit;

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

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

25 12. Has submitted to any portion of the application
26 process for another person or has obtained the services of

1 another person to submit to any portion of the application
2 process for the purpose of obtaining a license,
3 identification card, or permit for some other person;

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

7 14. Has committed a violation of Section 6-301,
8 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
9 14B of the Illinois Identification Card Act;

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

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

16 17. Has refused to submit to a test, or tests, as
17 required under Section 11-501.1 of this Code and the person
18 has not sought a hearing as provided for in Section
19 11-501.1;

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

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

26 20. Has been convicted of violating Section 6-104

1 relating to classification of driver's license;

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

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

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

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

21 25. Has permitted any form of identification to be used
22 by another in the application process in order to obtain or
23 attempt to obtain a license, identification card, or
24 permit;

25 26. Has altered or attempted to alter a license or has
26 possessed an altered license, identification card, or

1 permit;

2 27. Has violated Section 6-16 of the Liquor Control Act
3 of 1934;

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

18 29. Has been convicted of the following offenses that
19 were committed while the person was operating or in actual
20 physical control, as a driver, of a motor vehicle: criminal
21 sexual assault, predatory criminal sexual assault of a
22 child, aggravated criminal sexual assault, criminal sexual
23 abuse, aggravated criminal sexual abuse, juvenile pimping,
24 soliciting for a juvenile prostitute, promoting juvenile
25 prostitution as described in subdivision (a)(1), (a)(2),
26 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961

1 or the Criminal Code of 2012, and the manufacture, sale or
2 delivery of controlled substances or instruments used for
3 illegal drug use or abuse in which case the driver's
4 driving privileges shall be suspended for one year;

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

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

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

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

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

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

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

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

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

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

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

25 41. Has committed a second or subsequent violation of
26 Section 11-605.1 of this Code, a similar provision of a

1 local ordinance, or a similar violation in any other state
2 within 2 years of the date of the previous violation, in
3 which case the suspension shall be for 90 days;

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

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

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

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

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

1 47. Has committed a violation of Section 11-502.1 of
2 this Code; ~~or~~

3 48. Has submitted a falsified or altered medical
4 examiner's certificate to the Secretary of State or
5 provided false information to obtain a medical examiner's
6 certificate; or -

7 49. Has committed a violation of subsection (b-5) of
8 Section 12-610.2 that resulted in great bodily harm,
9 permanent disability, or disfigurement, in which case the
10 driving privileges shall be suspended for 12 months.

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

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

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

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

1 Secretary of State prior to the date of suspension, the
2 privilege to drive any motor vehicle shall be suspended as set
3 forth in the notice that was mailed under this Section. If an
4 affidavit is received subsequent to the effective date of this
5 suspension, a permit may be issued for the remainder of the
6 suspension period.

7 The provisions of this subparagraph shall not apply to any
8 driver required to possess a CDL for the purpose of operating a
9 commercial motor vehicle.

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

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

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

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

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

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

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

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

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

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

25 (C) The person issued a permit conditioned upon the use
26 of an ignition interlock device must pay to the Secretary

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

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

21 (E) In each case the Secretary may issue a restricted
22 driving permit for a period deemed appropriate, except that
23 all permits shall expire no later than 2 years from the
24 date of issuance. A restricted driving permit issued under
25 this Section shall be subject to cancellation, revocation,
26 and suspension by the Secretary of State in like manner and

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

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

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

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

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

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

22 A restricted driving permit issued under this
23 subparagraph (F) shall provide that the holder may only
24 operate motor vehicles equipped with an ignition interlock
25 device as required under paragraph (2) of subsection (c) of
26 Section 6-205 of this Code and subparagraph (A) of

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

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

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

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

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

13 (d) This Section is subject to the provisions of the
14 Drivers License Compact.

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

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

24 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;
25 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;
26 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)"; and

1 on page 2, by replacing lines 7 and 8 with the following:

2 "shall be assessed a minimum fine of \$1,000."; and

3 on page 5, lines 4 through 6, by replacing "shall have his or
4 her driver's license suspended for a period of one year and
5 shall be assessed a" with "shall be assessed a minimum"; and

6 on page 7, lines 13 and 14, by changing "upon becoming law" to
7 "July 1, 2020".