

**SB3679**



**101ST GENERAL ASSEMBLY**

**State of Illinois**

**2019 and 2020**

**SB3679**

Introduced 2/14/2020, by Sen. Scott M. Bennett

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/6-205

Amends the Illinois Vehicle Code. Changes the circumstances under which a vehicle is required to be equipped with an ignition interlock device. Requires the use of an ignition interlock device by a person issued a restricted driving permit after having been convicted of driving under the influence or involuntary manslaughter or reckless homicide where the use of alcohol or other drugs is recited as an element of the offense. Provides that notwithstanding certain exemptions granted for employment-related driving, every person whose driver's license was revoked due to a second or subsequent offense of driving while under the influence shall install an ignition interlock device and maintain the ignition interlock device for 5 years before being considered for reinstatement.

LRB101 16334 HEP 69133 b

**A BILL FOR**

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 5. The Illinois Vehicle Code is amended by changing  
5 Section 6-205 as follows:

6 (625 ILCS 5/6-205)

7 (Text of Section before amendment by P.A. 101-623)

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

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

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

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

22 3. Any felony under the laws of any State or the  
23 federal government in the commission of which a motor

1 vehicle was used;

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

5 5. Perjury or the making of a false affidavit or  
6 statement under oath to the Secretary of State under this  
7 Code or under any other law relating to the ownership or  
8 operation of motor vehicles;

9 6. Conviction upon 3 charges of violation of Section  
10 11-503 of this Code relating to the offense of reckless  
11 driving committed within a period of 12 months;

12 7. Conviction of any offense defined in Section 4-102  
13 of this Code;

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

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

17 10. Violation of Section 12-5 of the Criminal Code of  
18 1961 or the Criminal Code of 2012 arising from the use of a  
19 motor vehicle;

20 11. Violation of Section 11-204.1 of this Code relating  
21 to aggravated fleeing or attempting to elude a peace  
22 officer;

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

1           13. Violation of paragraph (a) of Section 11-502 of  
2 this Code or a similar provision of a local ordinance if  
3 the driver has been previously convicted of a violation of  
4 that Section or a similar provision of a local ordinance  
5 and the driver was less than 21 years of age at the time of  
6 the offense;

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

10           15. A second or subsequent conviction of driving while  
11 the person's driver's license, permit or privileges was  
12 revoked for reckless homicide or a similar out-of-state  
13 offense;

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

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

25           18. A second or subsequent conviction of 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. A  
6 defendant found guilty of this offense while operating a  
7 motor vehicle shall have an entry made in the court record  
8 by the presiding judge that this offense did occur while  
9 the defendant was operating a motor vehicle and order the  
10 clerk of the court to report the violation to the Secretary  
11 of State;

12 19. Violation of subsection (a) of Section 11-1414 of  
13 this Code, or a similar provision of a local ordinance,  
14 relating to the offense of overtaking or passing of a  
15 school bus when the driver, in committing the violation, is  
16 involved in a motor vehicle accident that results in death  
17 to another and the violation is a proximate cause of the  
18 death.

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

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

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

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

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

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

13 (1.5) A person subject to the provisions of paragraph 4 of  
14 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 expiration  
17 of 5 years from the effective date of the most recent  
18 revocation, or after 5 years from the date of release from a  
19 period of imprisonment resulting from a conviction of the most  
20 recent offense, whichever is later, provided the person, in  
21 addition to all other requirements of the Secretary, shows by  
22 clear and convincing evidence:

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

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

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

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

19          A restricted driving permit issued under this paragraph  
20          (1.5) shall provide that the holder may only operate motor  
21          vehicles equipped with an ignition interlock device as required  
22          under paragraph (2) of subsection (c) of this Section and  
23          subparagraph (A) of paragraph 3 of subsection (c) of Section  
24          6-206 of this Code. The Secretary may revoke a restricted  
25          driving permit or amend the conditions of a restricted driving  
26          permit issued under this paragraph (1.5) if the holder operates



1 a vehicle that is not equipped with an ignition interlock  
2 device, or for any other reason authorized under this Code.

3 A restricted driving permit issued under this paragraph  
4 (1.5) shall be revoked, and the holder barred from applying for  
5 or being issued a restricted driving permit in the future, if  
6 the holder is subsequently convicted of a violation of Section  
7 11-501 of this Code, a similar provision of a local ordinance,  
8 or a similar offense in another state.

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

20 (3) If:

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

23 (i) a single conviction of violating Section  
24 11-501 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense, or  
26 Section 9-3 of the Criminal Code of 1961 or the

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

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

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

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

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

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

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

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

1 cancel a restricted driving permit if the permit holder does  
2 not successfully complete the program. However, if an  
3 individual's driving privileges have been revoked in  
4 accordance with paragraph 13 of subsection (a) of this Section,  
5 no restricted driving permit shall be issued until the  
6 individual has served 6 months of the revocation period.

7 (c-5) (Blank).

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

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

1 (d) (1) Whenever a person under the age of 21 is convicted  
2 under Section 11-501 of this Code or a similar provision of a  
3 local ordinance or a similar out-of-state offense, the  
4 Secretary of State shall revoke the driving privileges of that  
5 person. One year after the date of revocation, and upon  
6 application, the Secretary of State may, if satisfied that the  
7 person applying will not endanger the public safety or welfare,  
8 issue a restricted driving permit granting the privilege of  
9 driving a motor vehicle only between the hours of 5 a.m. and 9  
10 p.m. or as otherwise provided by this Section for a period of  
11 one year. After this one-year period, and upon reapplication  
12 for a license as provided in Section 6-106, upon payment of the  
13 appropriate reinstatement fee provided under paragraph (b) of  
14 Section 6-118, the Secretary of State, in his discretion, may  
15 reinstate the petitioner's driver's license and driving  
16 privileges, or extend the restricted driving permit as many  
17 times as the Secretary of State deems appropriate, by  
18 additional periods of not more than 24 months each.

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

7            (A) 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  
10       Section 9-3 of the Criminal Code of 1961 or the  
11       Criminal Code of 2012, where the use of alcohol or  
12       other drugs is recited as an element of the offense, or  
13       a similar out-of-state offense; or

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

16           (C) a suspension pursuant to 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           (3.5) 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 (4) The person issued a permit conditioned upon the use  
4 of an interlock device must pay to the Secretary of State  
5 DUI Administration Fund an amount not to exceed \$30 per  
6 month. The Secretary shall establish by rule the amount and  
7 the procedures, terms, and conditions relating to these  
8 fees.

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

25 (6) A restricted driving permit issued under this  
26 Section shall be subject to cancellation, revocation, and

1 suspension by the Secretary of State in like manner and for  
2 like cause as a driver's license issued under this Code may  
3 be cancelled, revoked, or suspended; except that a  
4 conviction upon one or more offenses against laws or  
5 ordinances regulating the movement of traffic shall be  
6 deemed sufficient cause for the revocation, suspension, or  
7 cancellation of a restricted driving permit.

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

17 (e) This Section is subject to the provisions of the Driver  
18 License Compact.

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

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



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

17           (i) (Blank).

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

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

1 the date of the mailing of the notice.

2 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;  
3 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;  
4 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff. 7-28-16;  
5 100-223, eff. 8-18-17; 100-803, eff. 1-1-19.)

6 (Text of Section after amendment by P.A. 101-623)

7 Sec. 6-205. Mandatory revocation of license or permit;  
8 hardship cases.

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

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

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

21 3. Any felony under the laws of any State or the  
22 federal government in the commission of which a motor  
23 vehicle was used;

24 4. Violation of Section 11-401 of this Code relating to  
25 the offense of leaving the scene of a traffic accident

1 involving death or personal injury;

2 5. Perjury or the making of a false affidavit or  
3 statement under oath to the Secretary of State under this  
4 Code or under any other law relating to the ownership or  
5 operation of motor vehicles;

6 6. Conviction upon 3 charges of violation of Section  
7 11-503 of this Code relating to the offense of reckless  
8 driving committed within a period of 12 months;

9 7. Conviction of any offense defined in Section 4-102  
10 of this Code if the person exercised actual physical  
11 control over the vehicle during the commission of the  
12 offense;

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

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

16 10. Violation of Section 12-5 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 arising from the use of a  
18 motor vehicle;

19 11. Violation of Section 11-204.1 of this Code relating  
20 to aggravated fleeing or attempting to elude a peace  
21 officer;

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

26 13. Violation of paragraph (a) of Section 11-502 of

1           this Code or a similar provision of a local ordinance if  
2           the driver has been previously convicted of a violation of  
3           that Section or a similar provision of a local ordinance  
4           and the driver was less than 21 years of age at the time of  
5           the offense;

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

9           15. A second or subsequent conviction of driving while  
10          the person's driver's license, permit or privileges was  
11          revoked for reckless homicide or a similar out-of-state  
12          offense;

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

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

24          18. A second or subsequent conviction of illegal  
25          possession, while operating or in actual physical control,  
26          as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled  
2 Substances Act, any cannabis prohibited under the Cannabis  
3 Control Act, or any methamphetamine prohibited under the  
4 Methamphetamine Control and Community Protection Act. A  
5 defendant found guilty of this offense while operating a  
6 motor vehicle shall have an entry made in the court record  
7 by the presiding judge that this offense did occur while  
8 the defendant was operating a motor vehicle and order the  
9 clerk of the court to report the violation to the Secretary  
10 of State;

11 19. Violation of subsection (a) of Section 11-1414 of  
12 this Code, or a similar provision of a local ordinance,  
13 relating to the offense of overtaking or passing of a  
14 school bus when the driver, in committing the violation, is  
15 involved in a motor vehicle accident that results in death  
16 to another and the violation is a proximate cause of the  
17 death.

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

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

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license  
2 or permit;

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

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

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

12 (1.5) A person subject to the provisions of paragraph 4 of  
13 subsection (b) of Section 6-208 of this Code may make  
14 application for a restricted driving permit at a hearing  
15 conducted under Section 2-118 of this Code after the expiration  
16 of 5 years from the effective date of the most recent  
17 revocation, or after 5 years from the date of release from a  
18 period of imprisonment resulting from a conviction of the most  
19 recent offense, whichever is later, provided the person, in  
20 addition to all other requirements of the Secretary, shows by  
21 clear and convincing evidence:

22 (A) a minimum of 3 years of uninterrupted abstinence  
23 from alcohol and the unlawful use or consumption of  
24 cannabis under the Cannabis Control Act, a controlled  
25 substance under the Illinois Controlled Substances Act, an  
26 intoxicating compound under the Use of Intoxicating

1           Compounds     Act,     or     methamphetamine     under     the  
2           Methamphetamine Control and Community Protection Act; and

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

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

18          A restricted driving permit issued under this paragraph  
19          (1.5) shall provide that the holder may only operate motor  
20          vehicles equipped with an ignition interlock device as required  
21          under paragraph (2) of subsection (c) of this Section and  
22          subparagraph (A) of paragraph 3 of subsection (c) of Section  
23          6-206 of this Code. The Secretary may revoke a restricted  
24          driving permit or amend the conditions of a restricted driving  
25          permit issued under this paragraph (1.5) if the holder operates  
26          a vehicle that is not equipped with an ignition interlock



1 device, or for any other reason authorized under this Code.

2 A restricted driving permit issued under this paragraph  
3 (1.5) shall be revoked, and the holder barred from applying for  
4 or being issued a restricted driving permit in the future, if  
5 the holder is subsequently convicted of a violation of Section  
6 11-501 of this Code, a similar provision of a local ordinance,  
7 or a similar offense in another state.

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

19 (3) If:

20 (A) a person's license or permit is revoked or  
21 suspended 2 or more times due to any combination of the  
22 following, arising out of separate occurrences:

23 (i) a single conviction of violating Section  
24 11-501 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense, or  
26 Section 9-3 of the Criminal Code of 1961 or the

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

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

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

8 (iv) any combination of paragraph (i), (ii),  
9 (iii), and court supervision for a violation of Section  
10 11-501 or a similar provision of a local ordinance or  
11 similar out-of-state offense, or Section 9-3 of the  
12 Criminal Code of 1961 or the Criminal Code of 2012,  
13 where the use of alcohol or other drugs is recited as  
14 an element of the offense, or a similar out-of-state  
15 offense; or

16 (B) a person has been convicted of one violation of  
17 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
18 of Section 11-501 of this Code, Section 9-3 of the Criminal  
19 Code of 1961 or the Criminal Code of 2012, relating to the  
20 offense of reckless homicide where the use of alcohol or  
21 other drugs was recited as an element of the offense, or a  
22 similar provision of a law of another state;  
23 that person, if issued a restricted driving permit, may not  
24 operate a vehicle unless it has been equipped with an ignition  
25 interlock device as defined in Section 1-129.1.

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

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

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

20 (6) In each case the Secretary of State may issue a  
21 restricted driving permit for a period he deems appropriate,  
22 except that the permit shall expire no later than 2 years from  
23 the date of issuance. A restricted driving permit issued under  
24 this Section shall be subject to cancellation, revocation, and  
25 suspension by the Secretary of State in like manner and for  
26 like cause as a driver's license issued under this Code may be

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

15 (c-5) (Blank).

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

1       whichever is later.

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

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

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

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

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

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

24                (C) a suspension pursuant to Section 6-203.1;  
25          arising out of separate occurrences, that person, if issued  
26          a restricted driving permit, may not operate a vehicle

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

3 (3.5) If a person's license or permit is revoked or  
4 suspended due to a conviction for a violation of  
5 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
6 of Section 11-501 of this Code, or a similar provision of a  
7 local ordinance or similar out-of-state offense, that  
8 person, if issued a restricted driving permit, may not  
9 operate a vehicle unless it has been equipped with an  
10 ignition interlock device as defined in Section 1-129.1.

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

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

1           either a one-year period has elapsed during which that  
2           person had his or her driving privileges revoked or a  
3           one-year period has elapsed during which that person had a  
4           restricted driving permit which required the use of an  
5           ignition interlock device on every motor vehicle owned or  
6           operated by that person.

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

16          (d-5) The revocation of the license, permit, or driving  
17          privileges of a person convicted of a third or subsequent  
18          violation of Section 6-303 of this Code committed while his or  
19          her driver's license, permit, or privilege was revoked because  
20          of a violation of Section 9-3 of the Criminal Code of 1961 or  
21          the Criminal Code of 2012, relating to the offense of reckless  
22          homicide, or a similar provision of a law of another state, is  
23          permanent. The Secretary may not, at any time, issue a license  
24          or permit to that person.

25          (e) This Section is subject to the provisions of the Driver  
26          License Compact.



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

5           (g) The Secretary of State shall not issue a restricted  
6 driving permit to a person under the age of 16 years whose  
7 driving privileges have been revoked under any provisions of  
8 this Code.

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

1 maintain the ignition interlock device for 5 years before being  
2 considered for reinstatement.

3 (i) (Blank).

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

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

14 (Source: P.A. 100-223, eff. 8-18-17; 100-803, eff. 1-1-19;  
15 101-623, eff. 7-1-20.)

16 Section 95. No acceleration or delay. Where this Act makes  
17 changes in a statute that is represented in this Act by text  
18 that is not yet or no longer in effect (for example, a Section  
19 represented by multiple versions), the use of that text does  
20 not accelerate or delay the taking effect of (i) the changes  
21 made by this Act or (ii) provisions derived from any other  
22 Public Act.