

1 AN ACT concerning the Secretary of State.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 14 as follows:

6 (15 ILCS 335/14) (from Ch. 124, par. 34)

7 Sec. 14. Unlawful use of identification card.

8 (a) It is a violation of this Section for any person:

9 1. To possess, display, or cause to be displayed any
10 cancelled or revoked identification card;

11 2. To display or represent as the person's own any
12 identification card issued to another;

13 3. To allow any unlawful use of an identification card
14 issued to the person;

15 4. To lend an identification card to another or
16 knowingly allow the use thereof by another;

17 5. To fail or refuse to surrender to the Secretary of
18 State, the Secretary's agent or any peace officer upon
19 lawful demand, any identification card which has been
20 revoked or cancelled;

21 6. To possess, use, or allow to be used any materials,
22 hardware, or software specifically designed for or
23 primarily used in the manufacture, assembly, issuance, or
24 authentication of an official Illinois Identification Card
25 or Illinois Disabled Person Identification Card issued by
26 the Secretary of State.

27 (a-5) As used in this Section "identification card" means
28 any document made or issued by or under the authority of the
29 United States Government, the State of Illinois or any other
30 State or political subdivision thereof, or any governmental or
31 quasi-governmental organization that, when completed with
32 information concerning the individual, is of a type intended or

1 commonly accepted for the purpose of identifying the
2 individual.

3 (b) Sentence.

4 1. Any person convicted of a violation of this Section
5 shall be guilty of a Class A misdemeanor and shall be
6 sentenced to a minimum fine of \$500 or 50 hours of
7 community service, preferably at an alcohol abuse
8 prevention program, if available.

9 2. A person convicted of a second or subsequent
10 violation of this Section shall be guilty of a Class 4
11 felony.

12 (c) This Section does not prohibit any lawfully authorized
13 investigative, protective, law enforcement or other activity
14 of any agency of the United States, State of Illinois or any
15 other state or political subdivision thereof.

16 (Source: P.A. 88-210; 89-283, eff. 1-1-96.)

17 Section 10. The Illinois Vehicle Code is amended by
18 changing Sections 6-206, 6-301.2, and 6-521 as follows:

19 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

26 1. Has committed an offense for which mandatory
27 revocation of a driver's license or permit is required upon
28 conviction;

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

34 3. Has been repeatedly involved as a driver in motor

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

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

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

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

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

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

30 9. Has made a false statement or knowingly concealed a
31 material fact or has used false information or
32 identification in any application for a license,
33 identification card, or permit;

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

1 11. Has operated a motor vehicle upon a highway of this
2 State when the person's driving privilege or privilege to
3 obtain a driver's license or permit was revoked or
4 suspended unless the operation was authorized by a judicial
5 driving permit, probationary license to drive, or a
6 restricted driving permit issued under this Code;

7 12. Has submitted to any portion of the application
8 process for another person or has obtained the services of
9 another person to submit to any portion of the application
10 process for the purpose of obtaining a license,
11 identification card, or permit for some other person;

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

15 14. Has committed a violation of Section 6-301,
16 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
17 of the Illinois Identification Card Act;

18 15. Has been convicted of violating Section 21-2 of the
19 Criminal Code of 1961 relating to criminal trespass to
20 vehicles in which case, the suspension shall be for one
21 year;

22 16. Has been convicted of violating Section 11-204 of
23 this Code relating to fleeing from a police officer;

24 17. Has refused to submit to a test, or tests, as
25 required under Section 11-501.1 of this Code and the person
26 has not sought a hearing as provided for in Section
27 11-501.1;

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

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

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

36 21. Has been convicted of violating Section 11-402 of

1 this Code relating to leaving the scene of an accident
2 resulting in damage to a vehicle in excess of \$1,000, in
3 which case the suspension shall be for one year;

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

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

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

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

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

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

28 28. Has been convicted of the illegal possession, while
29 operating or in actual physical control, as a driver, of a
30 motor vehicle, of any controlled substance prohibited
31 under the Illinois Controlled Substances Act or any
32 cannabis prohibited under the provisions of the Cannabis
33 Control Act, in which case the person's driving privileges
34 shall be suspended for one year, and any driver who is
35 convicted of a second or subsequent offense, within 5 years
36 of a previous conviction, for the illegal possession, while

1 operating or in actual physical control, as a driver, of a
2 motor vehicle, of any controlled substance prohibited
3 under the provisions of the Illinois Controlled Substances
4 Act or any cannabis prohibited under the Cannabis Control
5 Act shall be suspended for 5 years. Any defendant found
6 guilty of this offense while operating a motor vehicle,
7 shall have an entry made in the court record by the
8 presiding judge that this offense did occur while the
9 defendant was operating a motor vehicle and order the clerk
10 of the court to report the violation to the Secretary of
11 State;

12 29. Has been convicted of the following offenses that
13 were committed while the person was operating or in actual
14 physical control, as a driver, of a motor vehicle: criminal
15 sexual assault, predatory criminal sexual assault of a
16 child, aggravated criminal sexual assault, criminal sexual
17 abuse, aggravated criminal sexual abuse, juvenile pimping,
18 soliciting for a juvenile prostitute and the manufacture,
19 sale or delivery of controlled substances or instruments
20 used for illegal drug use or abuse in which case the
21 driver's driving privileges shall be suspended for one
22 year;

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

27 31. Has refused to submit to a test as required by
28 Section 11-501.6 or has submitted to a test resulting in an
29 alcohol concentration of 0.08 or more or any amount of a
30 drug, substance, or compound resulting from the unlawful
31 use or consumption of cannabis as listed in the Cannabis
32 Control Act, a controlled substance as listed in the
33 Illinois Controlled Substances Act, or an intoxicating
34 compound as listed in the Use of Intoxicating Compounds
35 Act, in which case the penalty shall be as prescribed in
36 Section 6-208.1;

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

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

10 34. Has committed a violation of Section 11-1301.5 of
11 this Code;

12 35. Has committed a violation of Section 11-1301.6 of
13 this Code;

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

20 37. Has committed a violation of subsection (c) of
21 Section 11-907 of this Code; ~~or~~

22 38. Has been convicted of a violation of Section 6-20
23 of the Liquor Control Act of 1934 or a similar provision of
24 a local ordinance; ~~or~~.

25 39. ~~38.~~ Has committed a second or subsequent violation
26 of Section 11-1201 of this Code; or

27 40. Has committed a violation of subsection (a-1) of
28 Section 11-908 of this Code.

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

36 (b) If any conviction forming the basis of a suspension or

1 revocation authorized under this Section is appealed, the
2 Secretary of State may rescind or withhold the entry of the
3 order of suspension or revocation, as the case may be, provided
4 that a certified copy of a stay order of a court is filed with
5 the Secretary of State. If the conviction is affirmed on
6 appeal, the date of the conviction shall relate back to the
7 time the original judgment of conviction was entered and the 6
8 month limitation prescribed shall not apply.

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

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

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

6 The provisions of this subparagraph shall not apply to
7 any driver required to obtain a commercial driver's license
8 under Section 6-507 during the period of a disqualification
9 of commercial driving privileges under Section 6-514.

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

14 3. At the conclusion of a hearing under Section 2-118
15 of this Code, the Secretary of State shall either rescind
16 or continue an order of revocation or shall substitute an
17 order of suspension; or, good cause appearing therefor,
18 rescind, continue, change, or extend the order of
19 suspension. If the Secretary of State does not rescind the
20 order, the Secretary may upon application, to relieve undue
21 hardship, issue a restricted driving permit granting the
22 privilege of driving a motor vehicle between the
23 petitioner's residence and petitioner's place of
24 employment or within the scope of his employment related
25 duties, or to allow transportation for the petitioner, or a
26 household member of the petitioner's family, to receive
27 necessary medical care and if the professional evaluation
28 indicates, provide transportation for alcohol remedial or
29 rehabilitative activity, or for the petitioner to attend
30 classes, as a student, in an accredited educational
31 institution; if the petitioner is able to demonstrate that
32 no alternative means of transportation is reasonably
33 available and the petitioner will not endanger the public
34 safety or welfare.

35 If a person's license or permit has been revoked or
36 suspended due to 2 or more convictions of violating Section

1 11-501 of this Code or a similar provision of a local
2 ordinance or a similar out-of-state offense, arising out of
3 separate occurrences, that person, if issued a restricted
4 driving permit, may not operate a vehicle unless it has
5 been equipped with an ignition interlock device as defined
6 in Section 1-129.1.

7 If a person's license or permit has been revoked or
8 suspended 2 or more times within a 10 year period due to a
9 single conviction of violating Section 11-501 of this Code
10 or a similar provision of a local ordinance or a similar
11 out-of-state offense, and a statutory summary suspension
12 under Section 11-501.1, or 2 or more statutory summary
13 suspensions, or combination of 2 offenses, or of an offense
14 and a statutory summary suspension, arising out of separate
15 occurrences, that person, if issued a restricted driving
16 permit, may not operate a vehicle unless it has been
17 equipped with an ignition interlock device as defined in
18 Section 1-129.1. The person must pay to the Secretary of
19 State DUI Administration Fund an amount not to exceed \$20
20 per month. The Secretary shall establish by rule the amount
21 and the procedures, terms, and conditions relating to these
22 fees. If the restricted driving permit was issued for
23 employment purposes, then this provision does not apply to
24 the operation of an occupational vehicle owned or leased by
25 that person's employer. In each case the Secretary may
26 issue a restricted driving permit for a period deemed
27 appropriate, except that all permits shall expire within
28 one year from the date of issuance. The Secretary may not,
29 however, issue a restricted driving permit to any person
30 whose current revocation is the result of a second or
31 subsequent conviction for a violation of Section 11-501 of
32 this Code or a similar provision of a local ordinance
33 relating to the offense of operating or being in physical
34 control of a motor vehicle while under the influence of
35 alcohol, other drug or drugs, intoxicating compound or
36 compounds, or any similar out-of-state offense, or any

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

17 (c-5) The Secretary of State may, as a condition of the
18 reissuance of a driver's license or permit to an applicant
19 whose driver's license or permit has been suspended before he
20 or she reached the age of 18 years pursuant to any of the
21 provisions of this Section, require the applicant to
22 participate in a driver remedial education course and be
23 retested under Section 6-109 of this Code.

24 (d) This Section is subject to the provisions of the
25 Drivers License Compact.

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

30 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
31 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
32 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

33 (625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)

34 Sec. 6-301.2. Fraudulent driver's license or permit.

35 (a) (Blank).

1 (b) It is a violation of this Section for any person:

2 1. To knowingly possess any fraudulent driver's
3 license or permit;

4 2. To knowingly possess, display or cause to be
5 displayed any fraudulent driver's license or permit for the
6 purpose of obtaining any account, credit, credit card or
7 debit card from a bank, financial institution or retail
8 mercantile establishment;

9 3. To knowingly possess any fraudulent driver's
10 license or permit with the intent to commit a theft,
11 deception or credit or debit card fraud in violation of any
12 law of this State or any law of any other jurisdiction;

13 4. To knowingly possess any fraudulent driver's
14 license or permit with the intent to commit any other
15 violation of any laws of this State or any law of any other
16 jurisdiction for which a sentence to a term of imprisonment
17 in a penitentiary for one year or more is provided;

18 5. To knowingly possess any fraudulent driver's
19 license or permit while in unauthorized possession of any
20 document, instrument or device capable of defrauding
21 another;

22 6. To knowingly possess any fraudulent driver's
23 license or permit with the intent to use the license or
24 permit to acquire any other identification document;

25 7. To knowingly possess without authority any driver's
26 license-making or permit-making implement;

27 8. To knowingly possess any stolen driver's
28 license-making or permit-making implement or to possess,
29 use, or allow to be used any materials, hardware, or
30 software specifically designed for or primarily used in the
31 manufacture, assembly, issuance, or authentication of an
32 official driver's license or permit issued by the Secretary
33 of State;

34 9. To knowingly duplicate, manufacture, sell or
35 transfer any fraudulent driver's license or permit;

36 10. To advertise or distribute any information or

1 materials that promote the selling, giving, or furnishing
2 of a fraudulent driver's license or permit;

3 11. To knowingly use any fraudulent driver's license or
4 permit to purchase or attempt to purchase any ticket for a
5 common carrier or to board or attempt to board any common
6 carrier. As used in this Section, "common carrier" means
7 any public or private provider of transportation, whether
8 by land, air, or water;

9 12. To knowingly possess any fraudulent driver's
10 license or permit if the person has at the time a different
11 driver's license issued by the Secretary of State or
12 another official driver's license agency in another
13 jurisdiction that is suspended or revoked.

14 (c) Sentence.

15 1. Any person convicted of a violation of paragraph 1
16 of subsection (b) of this Section shall be guilty of a
17 Class 4 felony and shall be sentenced to a minimum fine of
18 \$500 or 50 hours of community service, preferably at an
19 alcohol abuse prevention program, if available.

20 2. Any person convicted of a violation of any of
21 paragraphs 2 through 9 or paragraph 11 or 12 of subsection
22 (b) of this Section shall be guilty of a Class 4 felony. A
23 person convicted of a second or subsequent violation shall
24 be guilty of a Class 3 felony.

25 3. Any person convicted of a violation of paragraph 10
26 of subsection (b) of this Section shall be guilty of a
27 Class B misdemeanor.

28 (d) This Section does not prohibit any lawfully authorized
29 investigative, protective, law enforcement or other activity
30 of any agency of the United States, State of Illinois or any
31 other state or political subdivision thereof.

32 (e) The Secretary may request the Attorney General to seek
33 a restraining order in the circuit court against any person who
34 violates this Section by advertising fraudulent driver's
35 licenses or permits.

36 (Source: P.A. 92-673, eff. 1-1-03.)

1 (625 ILCS 5/6-521) (from Ch. 95 1/2, par. 6-521)

2 Sec. 6-521. Rulemaking Authority.

3 (a) The Secretary of State, using the authority to license
4 motor vehicle operators under this Code, may adopt such rules
5 and regulations as may be necessary to establish standards,
6 policies and procedures for the licensing and sanctioning of
7 commercial motor vehicle drivers in order to meet the
8 requirements of the Commercial Motor Vehicle Act of 1986
9 (CMVSA); subsequent federal rulemaking under 49 C.F.R. Part 383
10 or Part 1572; and administrative and policy decisions of the
11 U.S. Secretary of Transportation and the Federal Highway
12 Administration. The Secretary may, as provided in the CMVSA,
13 establish stricter requirements for the licensing of
14 commercial motor vehicle drivers than those established by the
15 federal government.

16 (b) By January 1, 1994, the Secretary of State shall
17 establish rules and regulations for the issuance of a
18 restricted commercial driver's license for farm-related
19 service industries consistent with federal guidelines. The
20 restricted license shall be available for a seasonal period or
21 periods not to exceed a total of 180 days in any 12 month
22 period.

23 (c) By July 1, 1995, the Secretary of State shall establish
24 rules and regulations, to be consistent with federal
25 guidelines, for the issuance and cancellation or withdrawal of
26 a restricted commercial driver's license that is limited to the
27 operation of a school bus. A driver whose restricted commercial
28 driver's license has been cancelled or withdrawn may contest
29 the sanction by requesting a hearing pursuant to Section 2-118
30 of this Code. The cancellation or withdrawal of the restricted
31 commercial driver's license shall remain in effect pending the
32 outcome of that hearing.

33 (d) By July 1, 1995, the Secretary of State shall establish
34 rules and regulations for the issuance and cancellation of a
35 School Bus Driver's Permit. The permit shall be required for

1 the operation of a school bus as provided in subsection (c), a
2 non-restricted CDL with passenger endorsement, or a properly
3 classified driver's license. The permit will establish that the
4 school bus driver has met all the requirements of the
5 application and screening process established by Section
6 6-106.1 of this Code.

7 (Source: P.A. 88-450; 88-612, eff. 7-1-95.)

8 Section 99. Effective date. This Act takes effect June 1,
9 2003.