

1 AN ACT concerning the operation of motor vehicles.

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  
5 changing Section 6-303 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or  
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Any person who drives or is in actual physical  
10 control of a motor vehicle on any highway of the ~~this~~ State  
11 of Illinois at a time when such person's driver's license,  
12 permit or privilege to do so or the privilege to obtain a  
13 driver's license or permit is revoked or suspended as  
14 provided by this Code or the law of another state, except as  
15 may be specifically allowed by a judicial driving permit,  
16 family financial responsibility driving permit, probationary  
17 license to drive, or a restricted driving permit issued  
18 pursuant to this Code or under the law of another state,  
19 shall be guilty of a Class A misdemeanor.

20 (b) The Secretary of State upon receiving a report of  
21 the conviction of any violation indicating a person was  
22 operating a motor vehicle during the time when said person's  
23 driver's license, permit or privilege was suspended by the  
24 Secretary, by the appropriate authority of another state, or  
25 pursuant to Section 11-501.1; except as may be specifically  
26 allowed by a probationary license to drive, judicial driving  
27 permit or restricted driving permit issued pursuant to this  
28 Code or the law of another state; shall extend the suspension  
29 for the same period of time as the originally imposed  
30 suspension; however, if the period of suspension has then  
31 expired, the Secretary shall be authorized to suspend said

1 person's driving privileges for the same period of time as  
2 the originally imposed suspension; and if the conviction was  
3 upon a charge which indicated that a vehicle was operated  
4 during the time when the person's driver's license, permit or  
5 privilege was revoked; except as may be allowed by a  
6 restricted driving permit issued pursuant to this Code or the  
7 law of another state; the Secretary shall not issue a  
8 driver's license for an additional period of one year from  
9 the date of such conviction indicating such person was  
10 operating a vehicle during such period of revocation.

11 (c) Any person convicted of violating this Section shall  
12 serve a minimum term of imprisonment of 10 consecutive days  
13 or 30 days of community service when the person's driving  
14 privilege was revoked or suspended as a result of:

15 (1) a 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, any other  
19 drug or any combination thereof; or

20 (2) a violation of paragraph (b) of Section 11-401  
21 of this Code or a similar provision of a local ordinance  
22 relating to the offense of leaving the scene of a motor  
23 vehicle accident involving personal injury or death; or

24 (3) a violation of Section 9-3 of the Criminal Code  
25 of 1961, as amended, relating to the offense of reckless  
26 homicide; or

27 (4) a statutory summary suspension under Section  
28 11-501.1 of this Code.

29 Such sentence of imprisonment or community service shall  
30 not be subject to suspension in order to reduce such  
31 sentence.

32 (c-1) Except as provided in subsection (d), any person  
33 convicted of a second violation of this Section shall be  
34 ordered by the court to serve a minimum of 100 hours of

1 community service.

2 (c-2) In addition to other penalties imposed under this  
3 Section, the court may impose on any person convicted a  
4 fourth time of violating this Section any of the following:

5 (1) Seizure of the license plates of the person's  
6 vehicle.

7 (2) Immobilization of the person's vehicle for a  
8 period of time to be determined by the court.

9 (d) Any person convicted of a second violation of this  
10 Section shall be guilty of a Class 4 felony and shall serve a  
11 minimum term of imprisonment of 30 days or 300 hours of  
12 community service, as determined by the court, if the  
13 revocation or suspension was for a violation of Section  
14 11-401 or 11-501 of this Code, or a similar out-of-state  
15 offense, or a similar provision of a local ordinance, a  
16 violation of Section 9-3 of the Criminal Code of 1961,  
17 relating to the offense of reckless homicide, or a similar  
18 out-of-state offense, or a statutory summary suspension under  
19 Section 11-501.1 of this Code.

20 (d-1) Except as provided in subsection (d-2) and  
21 subsection (d-3), any person convicted of a third or  
22 subsequent violation of this Section shall serve a minimum  
23 term of imprisonment of 30 days or 300 hours of community  
24 service, as determined by the court.

25 (d-2) Any person convicted of a third violation of this  
26 Section is guilty of a Class 4 felony and must serve a  
27 minimum term of imprisonment of 30 days if the revocation or  
28 suspension was for a violation of Section 11-401 or 11-501 of  
29 this Code, or a similar out-of-state offense, or a similar  
30 provision of a local ordinance, a violation of Section 9-3 of  
31 the Criminal Code of 1961, relating to the offense of  
32 reckless homicide, or a similar out-of-state offense, or a  
33 statutory summary suspension under Section 11-501.1 of this  
34 Code.

1           (d-3) Any person convicted of a fourth or subsequent  
2 violation of this Section is guilty of a Class 4 felony and  
3 must serve a minimum term of imprisonment of 180 days if the  
4 revocation or suspension was for a violation of Section  
5 11-401 or 11-501 of this Code, or a similar out-of-state  
6 offense, or a similar provision of a local ordinance, a  
7 violation of Section 9-3 of the Criminal Code of 1961,  
8 relating to the offense of reckless homicide, or a similar  
9 out-of-state offense, or a statutory summary suspension under  
10 Section 11-501.1 of this Code.

11           (e) Any person in violation of this Section who is also  
12 in violation of Section 7-601 of this Code relating to  
13 mandatory insurance requirements, in addition to other  
14 penalties imposed under this Section, shall have his or her  
15 motor vehicle immediately impounded by the arresting law  
16 enforcement officer. The motor vehicle may be released to any  
17 licensed driver upon a showing of proof of insurance for the  
18 vehicle that was impounded and the notarized written consent  
19 for the release by the vehicle owner.

20           (f) For any prosecution under this Section, a certified  
21 copy of the driving abstract of the defendant shall be  
22 admitted as proof of any prior conviction.

23           (g) The motor vehicle used in a violation of this  
24 Section is subject to seizure and forfeiture as provided in  
25 Sections 36-1 and 36-2 of the Criminal Code of 1961 if the  
26 person's driving privilege was revoked or suspended as a  
27 result of a violation listed in paragraph (1), (2), or (3) of  
28 subsection (c) of this Section or as a result of a summary  
29 suspension as provided in paragraph (4) of subsection (c) of  
30 this Section.

31 (Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01;  
32 92-688, eff. 7-16-02.)