

1 AN ACT in relation to 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 6-206 and adding Section 11-1429 as follows:

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

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

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

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

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

21 3. Has been repeatedly involved as a driver in
22 motor vehicle collisions or has been repeatedly convicted
23 of offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the
26 safe operation of a motor vehicle or disrespect for the
27 traffic laws and the safety of other persons upon the
28 highway;

29 4. Has by the unlawful operation of a motor vehicle
30 caused or contributed to an accident resulting in death
31 or injury requiring immediate professional treatment in a

1 medical facility or doctor's office to any person, except
2 that any suspension or revocation imposed by the
3 Secretary of State under the provisions of this
4 subsection shall start no later than 6 months after being
5 convicted of violating a law or ordinance regulating the
6 movement of traffic, which violation is related to the
7 accident, or shall start not more than one year after the
8 date of the accident, whichever date occurs later;

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

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

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

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

20 9. Has made a false statement or knowingly
21 concealed a material fact or has used false information
22 or identification in any application for a license,
23 identification card, or permit;

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

27 11. Has operated a motor vehicle upon a highway of
28 this State when the person's driving privilege or
29 privilege to obtain a driver's license or permit was
30 revoked or suspended unless the operation was authorized
31 by a judicial driving permit, probationary license to
32 drive, or a restricted driving permit issued under this
33 Code;

34 12. Has submitted to any portion of the application

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

6 13. Has operated a motor vehicle upon a highway of
7 this State when the person's driver's license or permit
8 was invalid under the provisions of Sections 6-107.1 and
9 6-110;

10 14. Has committed a violation of Section 6-301,
11 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
12 14B of the Illinois Identification Card Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 shall be as prescribed in Section 6-208.1;

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

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

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

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

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

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

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

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

28 40. Has committed a second or subsequent violation
29 of Section 11-1429 of this Code.

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

1 driver's license, a probationary driver's license or a
2 temporary driver's license.

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

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

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

1 connection with the driver's regular occupation. The
2 affidavit shall be accompanied by the driver's license.
3 Upon receipt of a properly completed affidavit, the
4 Secretary of State shall issue the driver a permit to
5 operate a vehicle in connection with the driver's regular
6 occupation only. Unless the permit is issued by the
7 Secretary of State prior to the date of suspension, the
8 privilege to drive any motor vehicle shall be suspended
9 as set forth in the notice that was mailed under this
10 Section. If an affidavit is received subsequent to the
11 effective date of this suspension, a permit may be issued
12 for the remainder of the suspension period.

13 The provisions of this subparagraph shall not apply
14 to any driver required to obtain a commercial driver's
15 license under Section 6-507 during the period of a
16 disqualification of commercial driving privileges under
17 Section 6-514.

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

23 3. At the conclusion of a hearing under Section
24 2-118 of this Code, the Secretary of State shall either
25 rescind or continue an order of revocation or shall
26 substitute an order of suspension; or, good cause
27 appearing therefor, rescind, continue, change, or extend
28 the order of suspension. If the Secretary of State does
29 not rescind the order, the Secretary may upon
30 application, to relieve undue hardship, issue a
31 restricted driving permit granting the privilege of
32 driving a motor vehicle between the petitioner's
33 residence and petitioner's place of employment or within
34 the scope of his employment related duties, or to allow

1 transportation for the petitioner, or a household member
2 of the petitioner's family, to receive necessary medical
3 care and if the professional evaluation indicates,
4 provide transportation for alcohol remedial or
5 rehabilitative activity, or for the petitioner to attend
6 classes, as a student, in an accredited educational
7 institution; if the petitioner is able to demonstrate
8 that no alternative means of transportation is reasonably
9 available and the petitioner will not endanger the public
10 safety or welfare.

11 If a person's license or permit has been revoked or
12 suspended due to 2 or more convictions of violating
13 Section 11-501 of this Code or a similar provision of a
14 local ordinance or a similar out-of-state offense,
15 arising out of separate occurrences, that person, if
16 issued a restricted driving permit, may not operate a
17 vehicle unless it has been equipped with an ignition
18 interlock device as defined in Section 1-129.1.

19 If a person's license or permit has been revoked or
20 suspended 2 or more times within a 10 year period due to
21 a single conviction of violating Section 11-501 of this
22 Code or a similar provision of a local ordinance or a
23 similar out-of-state offense, and a statutory summary
24 suspension under Section 11-501.1, or 2 or more statutory
25 summary suspensions, or combination of 2 offenses, or of
26 an offense and a statutory summary suspension, arising
27 out of separate occurrences, that person, if issued a
28 restricted driving permit, may not operate a vehicle
29 unless it has been equipped with an ignition interlock
30 device as defined in Section 1-129.1. The person must
31 pay to the Secretary of State DUI Administration Fund an
32 amount not to exceed \$20 per month. The Secretary shall
33 establish by rule the amount and the procedures, terms,
34 and conditions relating to these fees. If the restricted

1 driving permit was issued for employment purposes, then
2 this provision does not apply to the operation of an
3 occupational vehicle owned or leased by that person's
4 employer. In each case the Secretary may issue a
5 restricted driving permit for a period deemed
6 appropriate, except that all permits shall expire within
7 one year from the date of issuance. The Secretary may
8 not, however, issue a restricted driving permit to any
9 person whose current revocation is the result of a second
10 or subsequent conviction for a violation of Section
11 11-501 of this Code or a similar provision of a local
12 ordinance relating to the offense of operating or being
13 in physical control of a motor vehicle while under the
14 influence of alcohol, other drug or drugs, intoxicating
15 compound or compounds, or any similar out-of-state
16 offense, or any combination of those offenses, until the
17 expiration of at least one year from the date of the
18 revocation. A restricted driving permit issued under
19 this Section shall be subject to cancellation,
20 revocation, and suspension by the Secretary of State in
21 like manner and for like cause as a driver's license
22 issued under this Code may be cancelled, revoked, or
23 suspended; except that a conviction upon one or more
24 offenses against laws or ordinances regulating the
25 movement of traffic shall be deemed sufficient cause for
26 the revocation, suspension, or cancellation of a
27 restricted driving permit. The Secretary of State may,
28 as a condition to the issuance of a restricted driving
29 permit, require the applicant to participate in a
30 designated driver remedial or rehabilitative program.
31 The Secretary of State is authorized to cancel a
32 restricted driving permit if the permit holder does not
33 successfully complete the program.

34 (c-5) The Secretary of State may, as a condition of the

1 reissuance of a driver's license or permit to an applicant
2 whose driver's license or permit has been suspended before he
3 or she reached the age of 18 years pursuant to any of the
4 provisions of this Section, require the applicant to
5 participate in a driver remedial education course and be
6 retested under Section 6-109 of this Code.

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

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

13 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
14 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
15 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

16 (625 ILCS 5/11-1429 new)

17 Sec. 11-1429. Theft of motor fuel.

18 (a) No person may knowingly operate a vehicle so as to
19 cause it to leave the premises of an establishment at which
20 motor fuel offered for retail sale was dispensed into the
21 fuel tank of the vehicle unless that person or some other
22 person has paid for or charged the price of the dispensed
23 motor fuel.

24 (b) Violation of this Section is a Class A misdemeanor
25 punishable by a minimum fine of \$250 or 30 hours of community
26 service.

27 (c) A second violation of this Section shall cause the
28 person's driver's license to be suspended for 6 months. A
29 third or subsequent violation of this Section shall result in
30 a one-year suspension.