



**Filed: 03/29/04**

09300HB4337ham002

LRB093 16576 DRH 49081 a

1 AMENDMENT TO HOUSE BILL 4337

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4337, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by  
6 changing Section 6-206 and adding Section 16-110 as follows:

7 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

22 3. Has been repeatedly involved as a driver in motor  
23 vehicle collisions or has been repeatedly convicted of  
24 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of  
2 ability to exercise ordinary and reasonable care in the  
3 safe operation of a motor vehicle or disrespect for the  
4 traffic laws and the safety of other persons upon the  
5 highway;

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

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

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

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

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

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

32 10. Has possessed, displayed, or attempted to  
33 fraudulently use any license, identification card, or  
34 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 peace 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

1 relating to classification of driver's license;

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

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

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

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

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

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

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

30 28. Has been convicted of the illegal possession, while  
31 operating or in actual physical control, as a driver, of a  
32 motor vehicle, of any controlled substance prohibited  
33 under the Illinois Controlled Substances Act or any  
34 cannabis prohibited under the provisions of the Cannabis

1 Control Act, in which case the person's driving privileges  
2 shall be suspended for one year, and any driver who is  
3 convicted of a second or subsequent offense, within 5 years  
4 of a previous conviction, for the illegal possession, while  
5 operating or in actual physical control, as a driver, of a  
6 motor vehicle, of any controlled substance prohibited  
7 under the provisions of the Illinois Controlled Substances  
8 Act or any cannabis prohibited under the Cannabis Control  
9 Act shall be suspended for 5 years. Any defendant found  
10 guilty of this offense while operating a motor vehicle,  
11 shall have an entry made in the court record by the  
12 presiding judge that this offense did occur while the  
13 defendant was operating a motor vehicle and order the clerk  
14 of the court to report the violation to the Secretary of  
15 State;

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

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

31 31. Has refused to submit to a test as required by  
32 Section 11-501.6 or has submitted to a test resulting in an  
33 alcohol concentration of 0.08 or more or any amount of a  
34 drug, substance, or compound resulting from the unlawful

1 use or consumption of cannabis as listed in the Cannabis  
2 Control Act, a controlled substance as listed in the  
3 Illinois Controlled Substances Act, or an intoxicating  
4 compound as listed in the Use of Intoxicating Compounds  
5 Act, in which case the penalty shall be as prescribed in  
6 Section 6-208.1;

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

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

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

18 35. Has committed a violation of Section 11-1301.6 of  
19 this Code;

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

26 37. Has committed a violation of subsection (c) of  
27 Section 11-907 of this Code;

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

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

33 40. Has failed to attend or satisfactorily complete a  
34 defensive driving school program as required under Section

1           16-110 of this Code.

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

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

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

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

1 occupational purposes only must submit the affidavit on  
2 forms to be provided by the Secretary of State setting  
3 forth the facts of the person's occupation. The affidavit  
4 shall also state the number of offenses committed while  
5 operating a vehicle in connection with the driver's regular  
6 occupation. The affidavit shall be accompanied by the  
7 driver's license. Upon receipt of a properly completed  
8 affidavit, the Secretary of State shall issue the driver a  
9 permit to operate a vehicle in connection with the driver's  
10 regular occupation only. Unless the permit is issued by the  
11 Secretary of State prior to the date of suspension, the  
12 privilege to drive any motor vehicle shall be suspended as  
13 set forth in the notice that was mailed under this Section.  
14 If an affidavit is received subsequent to the effective  
15 date of this suspension, a permit may be issued for the  
16 remainder of the suspension period.

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

21 Any person who falsely states any fact in the affidavit  
22 required herein shall be guilty of perjury under Section  
23 6-302 and upon conviction thereof shall have all driving  
24 privileges revoked without further rights.

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



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

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

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

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

32 (c-5) The Secretary of State may, as a condition of the  
33 reissuance of a driver's license or permit to an applicant  
34 whose driver's license or permit has been suspended before he

1 or she reached the age of 18 years pursuant to any of the  
2 provisions of this Section, require the applicant to  
3 participate in a driver remedial education course and be  
4 retested under Section 6-109 of this Code.

5 (d) This Section is subject to the provisions of the  
6 Drivers License Compact.

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

11 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;  
12 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.  
13 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

14 (625 ILCS 5/16-110 new)

15 Sec. 16-110. Defensive driving school program; suspension  
16 of license.

17 (a) The Secretary of State may require any licensed driver  
18 to attend and satisfactorily complete an approved defensive  
19 driving school program, if, during any 12-month period, the  
20 driver:

21 (1) was convicted of at least 2 traffic violation  
22 misdemeanors;

23 (2) had at least 2 traffic violation judgments entered  
24 against him or her;

25 (3) was convicted of at least one traffic violation  
26 misdemeanor and has had at least one traffic judgment  
27 entered against him or her;

28 (4) was convicted of speeding in a work zone or failure  
29 to follow proper procedures in a work zone; or

30 (5) was involved in an accident for which a report is  
31 required to be filed under this Code and was found to have  
32 been at fault in that accident.

33 (b) In addition, the Secretary of State may require any

1 licensed driver who holds a graduated license to attend and  
2 satisfactorily complete a defensive driving school program if  
3 the driver was the operator of a motor vehicle involved in an  
4 accident that involved personal injury for which a report is  
5 required to be filed under this Code.

6 (c) Any individual required by the Department to attend and  
7 satisfactorily complete a defensive driving school program  
8 under this Section shall pay all reasonable fees required by  
9 the Secretary of State.

10 (d) The Secretary of State may suspend the driver's license  
11 of any person who (i) fails to attend a defensive driving  
12 school program or (ii) fails to satisfactorily complete a  
13 defensive driving school program, as required by this Section.

14 (e) As used in this Section, "traffic violation" means a  
15 violation of a statute, an ordinance, or a rule relating to the  
16 operation or use of motor vehicles while the motor vehicle is  
17 in motion.

18 (f) As used in this Section, an "approved defensive driving  
19 program" means a program that utilizes a well established,  
20 nationally recognized defensive driving curriculum, with a  
21 verifiable record of effectiveness. The curriculum must be one  
22 that has been evaluated and used by other states and must  
23 include at least 4 hours of class time.

24 (g) This Section does not apply to a county with a  
25 population of more than 1,000,000 that has its own approved  
26 defensive driving program."