



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4403

Introduced 02/03/04, by Charles E. Jefferson

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-157.5 new	
625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
625 ILCS 5/6-118	from Ch. 95 1/2, par. 6-118
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-208	from Ch. 95 1/2, par. 6-208

Amends the Illinois Vehicle Code. Provides that a person shall not be granted and shall not be able to retain his or her driving privileges if convicted of aggravated driving under the influence of alcohol, drugs, or intoxicating compounds in a case in which the offense was the proximate cause of a death. Provides that if the person's driving privileges have been revoked, he or she may not apply for a driver's license until 2 years from the effective date of the revocation. Provides that the Secretary shall not issue a license to a person sentence to prison for the offense until 24 months after the date of the person's release. Provides that a graduated driver's license may not be issued to a person under the age of 16. Provides that the Secretary of State is authorized to suspend or revoke without a preliminary hearing the driving privileges of person who has failed to follow proper procedures while driving in a construction or maintenance zone when workers were present. Makes other changes.

LRB093 15068 DRH 44356 b

1 AN ACT concerning 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 changing
5 Sections 6-103, 6-107, 6-118, 6-206, and 6-208 and by adding
6 Section 1-157.5 as follows:

7 (625 ILCS 5/1-157.5 new)

8 Sec. 1-157.5. Peace officer. Any person who by virtue of
9 his or her public employment is vested by law with a duty to
10 maintain public order or to make arrests for offenses, whether
11 that duty extends to all offenses or is limited to specific
12 offenses.

13 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

14 Sec. 6-103. What persons shall not be licensed as drivers
15 or granted permits. The Secretary of State shall not issue,
16 renew, or allow the retention of any driver's license nor issue
17 any permit under this Code:

18 1. To any person, as a driver, who is under the age of
19 18 years except as provided in Section 6-107, and except
20 that an instruction permit may be issued under Section
21 6-107.1 paragraphs (a) and (b) of Section 6-105 to a child
22 who is not less than 15 years of age if the child is
23 enrolled in an approved driver education course as defined
24 in Section 1-103 of this Code and requires an instruction
25 permit to participate therein, except that an instruction
26 permit may be issued under the provisions of Section
27 6-107.1 to a child who is 17 years and 9 months of age
28 without the child having enrolled in an approved driver
29 education course and except that an instruction permit may
30 be issued to a child who is at least 15 years and 6 months
31 of age, is enrolled in school, meets the educational

1 requirements of the Driver Education Act, and has passed
2 examinations the Secretary of State in his or her
3 discretion may prescribe;

4 2. To any person who is under the age of 18 as an
5 operator of a motorcycle other than a motor driven cycle
6 unless the person has, in addition to meeting the
7 provisions of Section 6-107 of this Code, successfully
8 completed a motorcycle training course approved by the
9 Illinois Department of Transportation and successfully
10 completes the required Secretary of State's motorcycle
11 driver's examination;

12 3. To any person, as a driver, whose driver's license
13 or permit has been suspended, during the suspension, nor to
14 any person whose driver's license or permit has been
15 revoked, except as provided in Sections 6-205, 6-206, and
16 6-208;

17 4. To any person, as a driver, who is a user of alcohol
18 or any other drug to a degree that renders the person
19 incapable of safely driving a motor vehicle;

20 5. To any person, as a driver, who has previously been
21 adjudged to be afflicted with or suffering from any mental
22 or physical disability or disease and who has not at the
23 time of application been restored to competency by the
24 methods provided by law;

25 6. To any person, as a driver, who is required by the
26 Secretary of State to submit an alcohol and drug evaluation
27 or take an examination provided for in this Code unless the
28 person has successfully passed the examination and
29 submitted any required evaluation;

30 7. To any person who is required under the provisions
31 of the laws of this State to deposit security or proof of
32 financial responsibility and who has not deposited the
33 security or proof;

34 8. To any person when the Secretary of State has good
35 cause to believe that the person by reason of physical or
36 mental disability would not be able to safely operate a

1 motor vehicle upon the highways, unless the person shall
2 furnish to the Secretary of State a verified written
3 statement, acceptable to the Secretary of State, from a
4 competent medical specialist to the effect that the
5 operation of a motor vehicle by the person would not be
6 inimical to the public safety;

7 9. To any person, as a driver, who is 69 years of age
8 or older, unless the person has successfully complied with
9 the provisions of Section 6-109;

10 10. To any person convicted, within 12 months of
11 application for a license, of any of the sexual offenses
12 enumerated in paragraph 2 of subsection (b) of Section
13 6-205;

14 11. To any person who is under the age of 21 years with
15 a classification prohibited in paragraph (b) of Section
16 6-104 and to any person who is under the age of 18 years
17 with a classification prohibited in paragraph (c) of
18 Section 6-104;

19 12. To any person who has been either convicted of or
20 adjudicated under the Juvenile Court Act of 1987 based upon
21 a violation of the Cannabis Control Act or the Illinois
22 Controlled Substances Act while that person was in actual
23 physical control of a motor vehicle. For purposes of this
24 Section, any person placed on probation under Section 10 of
25 the Cannabis Control Act or Section 410 of the Illinois
26 Controlled Substances Act shall not be considered
27 convicted. Any person found guilty of this offense, while
28 in actual physical control of a motor vehicle, shall have
29 an entry made in the court record by the judge that this
30 offense did occur while the person was in actual physical
31 control of a motor vehicle and order the clerk of the court
32 to report the violation to the Secretary of State as such.
33 The Secretary of State shall not issue a new license or
34 permit for a period of one year;

35 13. To any person who is under the age of 18 years and
36 who has committed the offense of operating a motor vehicle

1 without a valid license or permit in violation of Section
2 6-101;

3 14. To any person who is 90 days or more delinquent in
4 court ordered child support payments or has been
5 adjudicated in arrears in an amount equal to 90 days'
6 obligation or more and who has been found in contempt of
7 court for failure to pay the support, subject to the
8 requirements and procedures of Article VII of Chapter 7 of
9 the Illinois Vehicle Code; or

10 15. To any person released from a term of imprisonment
11 for violating Section 9-3 of the Criminal Code of 1961
12 relating to reckless homicide or for violating
13 subparagraph (F) of paragraph (1) of subsection (d) of
14 Section 11-501 of this Code relating to aggravated driving
15 under the influence of alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any combination
17 thereof, if the violation was the proximate cause of a
18 death, within 24 months of release from a term of
19 imprisonment.

20 The Secretary of State shall retain all conviction
21 information, if the information is required to be held
22 confidential under the Juvenile Court Act of 1987.

23 (Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04.)

24 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

25 Sec. 6-107. Graduated license.

26 (a) The purpose of the Graduated Licensing Program is to
27 develop safe and mature driving habits in young, inexperienced
28 drivers and reduce or prevent motor vehicle accidents,
29 fatalities, and injuries by:

30 (1) providing for an increase in the time of practice
31 period before granting permission to obtain a driver's
32 license;

33 (2) strengthening driver licensing and testing
34 standards for persons under the age of 21 years;

35 (3) sanctioning driving privileges of drivers under

1 age 21 who have committed serious traffic violations or
2 other specified offenses; and

3 (4) setting stricter standards to promote the public's
4 health and safety.

5 (b) The application of any person under the age of 18
6 years, and not legally emancipated by marriage, for a drivers
7 license or permit to operate a motor vehicle issued under the
8 laws of this State, shall be accompanied by the written consent
9 of either parent of the applicant; otherwise by the guardian
10 having custody of the applicant, or in the event there is no
11 parent or guardian, then by another responsible adult.

12 No graduated driver's license shall be issued to any
13 applicant under 18 years of age, unless the applicant is at
14 least 16 years of age and has:

15 (1) Held a valid instruction permit for a minimum of 3
16 months.

17 (2) Passed an approved driver education course and
18 submits proof of having passed the course as may be
19 required.

20 (3) certification by the parent, legal guardian, or
21 responsible adult that the applicant has had a minimum of
22 25 hours of behind-the-wheel practice time and is
23 sufficiently prepared and able to safely operate a motor
24 vehicle.

25 (c) No graduated driver's license or permit shall be issued
26 to any applicant under 18 years of age who has committed the
27 offense of operating a motor vehicle without a valid license or
28 permit in violation of Section 6-101 of this Code and no
29 graduated driver's license or permit shall be issued to any
30 applicant under 18 years of age who has committed an offense
31 that would otherwise result in a mandatory revocation of a
32 license or permit as provided in Section 6-205 of this Code or
33 who has been either convicted of or adjudicated a delinquent
34 based upon a violation of the Cannabis Control Act or the
35 Illinois Controlled Substances Act, while that individual was
36 in actual physical control of a motor vehicle. For purposes of

1 this Section, any person placed on probation under Section 10
2 of the Cannabis Control Act or Section 410 of the Illinois
3 Controlled Substances Act shall not be considered convicted.
4 Any person found guilty of this offense, while in actual
5 physical control of a motor vehicle, shall have an entry made
6 in the court record by the judge that this offense did occur
7 while the person was in actual physical control of a motor
8 vehicle and order the clerk of the court to report the
9 violation to the Secretary of State as such.

10 (d) No graduated driver's license shall be issued for 6
11 months to any applicant under the age of 18 years who has been
12 convicted of any offense defined as a serious traffic violation
13 in this Code or a similar provision of a local ordinance.

14 (e) No graduated driver's license holder under the age of
15 18 years shall operate any motor vehicle, except a motor driven
16 cycle or motorcycle, with more than one passenger in the front
17 seat of the motor vehicle and no more passengers in the back
18 seats than the number of available seat safety belts as set
19 forth in Section 12-603 of this Code.

20 (f) No graduated driver's license holder under the age of
21 18 shall operate a motor vehicle unless each driver and front
22 or back seat passenger under the age of 18 is wearing a
23 properly adjusted and fastened seat safety belt.

24 (g) If a graduated driver's license holder is under the age
25 of 18 when he or she receives the license, for the first 6
26 months he or she holds the license or until he or she reaches
27 the age of 18, whichever occurs sooner, the graduated license
28 holder may not operate a motor vehicle with more than one
29 passenger in the vehicle who is under the age of 20, unless any
30 additional passenger or passengers are siblings,
31 step-siblings, children, or stepchildren of the driver.

32 (Source: P.A. 93-101, eff. 1-1-04.)

33 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

34 Sec. 6-118. Fees.

35 (a) The fee for licenses and permits under this Article is

1 as follows:

2 Original driver's license \$10

3 Original or renewal driver's license

4 issued to 18, 19 and 20 year olds 5

5 All driver's licenses for persons

6 age 69 through age 80 5

7 All driver's licenses for persons

8 age 81 through age 86 2

9 All driver's licenses for persons

10 age 87 or older 0

11 Renewal driver's license (except for

12 applicants ages 18, 19 and 20 or

13 age 69 and older)10

14 Original instruction permit issued to

15 persons (except those age 69 and older)

16 who do not hold or have not previously

17 held an Illinois instruction permit or

18 driver's license20

19 Instruction permit issued to any person

20 holding an Illinois driver's license

21 who wishes a change in classifications,

22 other than at the time of renewal 5

23 Any instruction permit issued to a person

24 age 69 and older 5

25 Instruction permit issued to any person,

26 under age 69, not currently holding a

27 valid Illinois driver's license or

28 instruction permit but who has

29 previously been issued either document

30 in Illinois10

31 Restricted driving permit 8

32 Duplicate or corrected driver's license

33 or permit 5

34 Duplicate or corrected restricted

35 driving permit 5

36 Original or renewal M or L endorsement..... 5

1 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

2 The fees for commercial driver licenses and permits
3 under Article V shall be as follows:

4 Commercial driver's license:

5 \$6 for the CDLIS/AAMVAnet Fund
6 (Commercial Driver's License Information
7 System/American Association of Motor Vehicle
8 Administrators network Trust Fund);
9 \$20 for the Motor Carrier Safety Inspection Fund;
10 \$10 for the driver's license;
11 and \$24 for the CDL: \$60

12 Renewal commercial driver's license:

13 \$6 for the CDLIS/AAMVAnet Trust Fund;
14 \$20 for the Motor Carrier Safety Inspection Fund;
15 \$10 for the driver's license; and
16 \$24 for the CDL: \$60

17 Commercial driver instruction permit

18 issued to any person holding a valid
19 Illinois driver's license for the
20 purpose of changing to a
21 CDL classification: \$6 for the
22 CDLIS/AAMVAnet Trust Fund;
23 \$20 for the Motor Carrier
24 Safety Inspection Fund; and
25 \$24 for the CDL classification \$50

26 Commercial driver instruction permit

27 issued to any person holding a valid
28 Illinois CDL for the purpose of
29 making a change in a classification,
30 endorsement or restriction\$5

31 CDL duplicate or corrected license\$5

32 In order to ensure the proper implementation of the Uniform
33 Commercial Driver License Act, Article V of this Chapter, the
34 Secretary of State is empowered to pro-rate the \$24 fee for the
35 commercial driver's license proportionate to the expiration
36 date of the applicant's Illinois driver's license.

1 The fee for any duplicate license or permit shall be waived
2 for any person age 60 or older who presents the Secretary of
3 State's office with a police report showing that his license or
4 permit was stolen.

5 No additional fee shall be charged for a driver's license,
6 or for a commercial driver's license, when issued to the holder
7 of an instruction permit for the same classification or type of
8 license who becomes eligible for such license.

9 (b) Any person whose license or privilege to operate a
10 motor vehicle in this State has been suspended or revoked under
11 any provision of Chapter 6, Chapter 11, or Section 7-205,
12 7-303, or 7-702 of the Family Financial Responsibility Law of
13 this Code, shall in addition to any other fees required by this
14 Code, pay a reinstatement fee as follows:

15	Summary suspension under Section 11-501.1 ...\$250	Other
16	suspension	\$70
17	Revocation	\$500

18 However, any person whose license or privilege to operate a
19 motor vehicle in this State has been suspended or revoked for a
20 second or subsequent time for a violation of Section 11-501 or
21 11-501.1 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense or Section 9-3 of
23 the Criminal Code of 1961 and each suspension or revocation was
24 for a violation of Section 11-501 or 11-501.1 of this Code or a
25 similar provision of a local ordinance or a similar
26 out-of-state offense or Section 9-3 of the Criminal Code of
27 1961 shall pay, in addition to any other fees required by this
28 Code, a reinstatement fee as follows:

29	Summary suspension under Section 11-501.1	\$500
30	Revocation	\$500

31 (c) All fees collected under the provisions of this Chapter
32 shall be paid into the Road Fund in the State Treasury except
33 as follows:

34 1. The following amounts shall be paid into the Driver
35 Education Fund:

36 (A) \$16 of the \$20 fee for an original driver's

1 instruction permit;

2 (B) \$5 of the \$10 ~~\$20~~ fee for an original driver's
3 license;

4 (C) \$5 of the \$10 ~~\$20~~ fee for a 4 year renewal
5 driver's license; and

6 (D) \$4 of the \$8 fee for a restricted driving
7 permit.

8 2. \$30 of the \$250 fee for reinstatement of a license
9 summarily suspended under Section 11-501.1 shall be
10 deposited into the Drunk and Drugged Driving Prevention
11 Fund. However, for a person whose license or privilege to
12 operate a motor vehicle in this State has been suspended or
13 revoked for a second or subsequent time for a violation of
14 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
15 the Criminal Code of 1961, \$190 of the \$500 fee for
16 reinstatement of a license summarily suspended under
17 Section 11-501.1, and \$190 of the \$500 fee for
18 reinstatement of a revoked license shall be deposited into
19 the Drunk and Drugged Driving Prevention Fund.

20 3. \$6 of such original or renewal fee for a commercial
21 driver's license and \$6 of the commercial driver
22 instruction permit fee when such permit is issued to any
23 person holding a valid Illinois driver's license, shall be
24 paid into the CDLIS/AAMVAnet Trust Fund.

25 4. \$30 of the \$70 fee for reinstatement of a license
26 suspended under the Family Financial Responsibility Law
27 shall be paid into the Family Responsibility Fund.

28 5. The \$5 fee for each original or renewal M or L
29 endorsement shall be deposited into the Cycle Rider Safety
30 Training Fund.

31 6. \$20 of any original or renewal fee for a commercial
32 driver's license or commercial driver instruction permit
33 shall be paid into the Motor Carrier Safety Inspection
34 Fund.

35 7. The following amounts shall be paid into the General
36 Revenue Fund:

1 (A) \$190 of the \$250 reinstatement fee for a
2 summary suspension under Section 11-501.1;

3 (B) \$40 of the \$70 reinstatement fee for any other
4 suspension provided in subsection (b) of this Section;
5 and

6 (C) \$440 of the \$500 reinstatement fee for a first
7 offense revocation and \$310 of the \$500 reinstatement
8 fee for a second or subsequent revocation.

9 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04.)

10 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

17 1. Has committed an offense for which mandatory
18 revocation of a driver's license or permit is required upon
19 conviction;

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

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

33 4. Has by the unlawful operation of a motor vehicle
34 caused or contributed to an accident resulting in death or
35 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 Secretary
3 of State under the provisions of this subsection shall
4 start no later than 6 months after being convicted of
5 violating a law or ordinance regulating the movement of
6 traffic, which violation is related to the accident, or
7 shall start not more than one year after the date of the
8 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 examination
16 provided for by Section 6-207 or has failed to pass the
17 examination;

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

20 9. Has made a false statement or knowingly concealed a
21 material fact or has used false information or
22 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 this
28 State when the person's driving privilege or privilege to
29 obtain a driver's license or permit was revoked or
30 suspended unless the operation was authorized by a judicial
31 driving permit, probationary license to drive, or a
32 restricted driving permit issued under this Code;

33 12. Has submitted to any portion of the application
34 process for another person or has obtained the services of
35 another person to submit to any portion of the application
36 process for the purpose of obtaining a license,

1 identification card, or permit for some other person;

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

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

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

12 16. Has been convicted of violating Section 11-204 of
13 this Code relating to fleeing from a peace officer;

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

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

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

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

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

30 22. Has used a motor vehicle in violating paragraph
31 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
32 the Criminal Code of 1961 relating to unlawful use of
33 weapons, in which case the suspension shall be for one
34 year;

35 23. Has, as a driver, been convicted of committing a
36 violation of paragraph (a) of Section 11-502 of this Code

1 for a second or subsequent time within one year of a
2 similar violation;

3 24. Has been convicted by a court-martial or punished
4 by non-judicial punishment by military authorities of the
5 United States at a military installation in Illinois of or
6 for a traffic related offense that is the same as or
7 similar to an offense specified under Section 6-205 or
8 6-206 of this Code;

9 25. Has permitted any form of identification to be used
10 by another in the application process in order to obtain or
11 attempt to obtain a license, identification card, or
12 permit;

13 26. Has altered or attempted to alter a license or has
14 possessed an altered license, identification card, or
15 permit;

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

18 28. Has been convicted of the illegal possession, while
19 operating or in actual physical control, as a driver, of a
20 motor vehicle, of any controlled substance prohibited
21 under the Illinois Controlled Substances Act or any
22 cannabis prohibited under the provisions of the Cannabis
23 Control Act, in which case the person's driving privileges
24 shall be suspended for one year, and any driver who is
25 convicted of a second or subsequent offense, within 5 years
26 of a previous conviction, for the illegal possession, while
27 operating or in actual physical control, as a driver, of a
28 motor vehicle, of any controlled substance prohibited
29 under the provisions of the Illinois Controlled Substances
30 Act or any cannabis prohibited under the Cannabis Control
31 Act shall be suspended for 5 years. Any defendant found
32 guilty of this offense while operating a motor vehicle,
33 shall have an entry made in the court record by the
34 presiding judge that this offense did occur while the
35 defendant was operating a motor vehicle and order the clerk
36 of the court to report the violation to the Secretary of

1 State;

2 29. Has been convicted of the following offenses that
3 were committed while the person was operating or in actual
4 physical control, as a driver, of a motor vehicle: criminal
5 sexual assault, predatory criminal sexual assault of a
6 child, aggravated criminal sexual assault, criminal sexual
7 abuse, aggravated criminal sexual abuse, juvenile pimping,
8 soliciting for a juvenile prostitute and the manufacture,
9 sale or delivery of controlled substances or instruments
10 used for illegal drug use or abuse in which case the
11 driver's driving privileges shall be suspended for one
12 year;

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

17 31. Has refused to submit to a test as required by
18 Section 11-501.6 or has submitted to a test resulting in an
19 alcohol concentration of 0.08 or more or any amount of a
20 drug, substance, or compound resulting from the unlawful
21 use or consumption of cannabis as listed in the Cannabis
22 Control Act, a controlled substance as listed in the
23 Illinois Controlled Substances Act, or an intoxicating
24 compound as listed in the Use of Intoxicating Compounds
25 Act, in which case the penalty shall be as prescribed in
26 Section 6-208.1;

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

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

36 34. Has committed a violation of Section 11-1301.5 of

1 this Code;

2 35. Has committed a violation of Section 11-1301.6 of
3 this Code;

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

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

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

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

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

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

26 (b) If any conviction forming the basis of a suspension or
27 revocation authorized under this Section is appealed, the
28 Secretary of State may rescind or withhold the entry of the
29 order of suspension or revocation, as the case may be, provided
30 that a certified copy of a stay order of a court is filed with
31 the Secretary of State. If the conviction is affirmed on
32 appeal, the date of the conviction shall relate back to the
33 time the original judgment of conviction was entered and the 6
34 month limitation prescribed shall not apply.

35 (c) 1. Upon suspending or revoking the driver's license or
36 permit of any person as authorized in this Section, the

1 Secretary of State shall immediately notify the person in
2 writing of the revocation or suspension. The notice to be
3 deposited in the United States mail, postage prepaid, to
4 the last known address of the person.

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

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

36 Any person who falsely states any fact in the affidavit

1 required herein shall be guilty of perjury under Section
2 6-302 and upon conviction thereof shall have all driving
3 privileges revoked without further rights.

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

25 If a person's license or permit has been revoked or
26 suspended due to 2 or more convictions of violating Section
27 11-501 of this Code or a similar provision of a local
28 ordinance or a similar out-of-state offense, arising out of
29 separate occurrences, that person, if issued a restricted
30 driving permit, may not operate a vehicle unless it has
31 been equipped with an ignition interlock device as defined
32 in Section 1-129.1.

33 If a person's license or permit has been revoked or
34 suspended 2 or more times within a 10 year period due to a
35 single conviction of violating Section 11-501 of this Code
36 or a similar provision of a local ordinance or a similar

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

1 restricted driving permit. The Secretary of State may, as a
2 condition to the issuance of a restricted driving permit,
3 require the applicant to participate in a designated driver
4 remedial or rehabilitative program. The Secretary of State
5 is authorized to cancel a restricted driving permit if the
6 permit holder does not successfully complete the program.

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

14 (d) This Section is subject to the provisions of the
15 Drivers License Compact.

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

20 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
21 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
22 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04.)

23 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

24 Sec. 6-208. Period of Suspension - Application After
25 Revocation.

26 (a) Except as otherwise provided by this Code or any other
27 law of this State, the Secretary of State shall not suspend a
28 driver's license, permit or privilege to drive a motor vehicle
29 on the highways for a period of more than one year.

30 (b) Any person whose license, permit or privilege to drive
31 a motor vehicle on the highways has been revoked shall not be
32 entitled to have such license, permit or privilege renewed or
33 restored. However, such person may, except as provided under
34 subsection (d) of Section 6-205, make application for a license
35 pursuant to Section 6-106 (i) if the revocation was for a cause

1 which has been removed or (ii) as provided in the following
2 subparagraphs:

3 1. Except as provided in subparagraphs 2, 3, and 4, the
4 person may make application for a license after the
5 expiration of one year from the effective date of the
6 revocation or, in the case of a violation of paragraph (b)
7 of Section 11-401 of this Code or a similar provision of a
8 local ordinance, after the expiration of 3 years from the
9 effective date of the revocation or, in the case of a
10 violation of Section 9-3 of the Criminal Code of 1961
11 relating to the offense of reckless homicide or a violation
12 of subparagraph (F) of paragraph 1 of subsection (d) of
13 Section 11-501 of this Code relating to aggravated driving
14 under the influence of alcohol, other drug or drugs,
15 intoxicating compound or compounds, or any combination
16 thereof, if the violation was the proximate cause of a
17 death, after the expiration of 2 years from the effective
18 date of the revocation or after the expiration of 24 months
19 from the date of release from a period of imprisonment as
20 provided in Section 6-103 of this Code, whichever is later.

21 2. If such person is convicted of committing a second
22 violation within a 20 year period of:

23 (A) Section 11-501 of this Code, or a similar
24 provision of a local ordinance; or

25 (B) Paragraph (b) of Section 11-401 of this Code,
26 or a similar provision of a local ordinance; or

27 (C) Section 9-3 of the Criminal Code of 1961, as
28 amended, relating to the offense of reckless homicide;
29 or

30 (D) any combination of the above offenses
31 committed at different instances;

32 then such person may not make application for a license
33 until after the expiration of 5 years from the effective
34 date of the most recent revocation. The 20 year period
35 shall be computed by using the dates the offenses were
36 committed and shall also include similar out-of-state

1 offenses.

2 3. However, except as provided in subparagraph 4, if
3 such person is convicted of committing a third, or
4 subsequent, violation or any combination of the above
5 offenses, including similar out-of-state offenses,
6 contained in subparagraph 2, then such person may not make
7 application for a license until after the expiration of 10
8 years from the effective date of the most recent
9 revocation.

10 4. The person may not make application for a license if
11 the person is convicted of committing a fourth or
12 subsequent violation of Section 11-501 of this Code or a
13 similar provision of a local ordinance, Section 11-401 of
14 this Code, Section 9-3 of the Criminal Code of 1961, or a
15 combination of these offenses or similar provisions of
16 local ordinances or similar out-of-state offenses.

17 Notwithstanding any other provision of this Code, all
18 persons referred to in this paragraph (b) may not have their
19 privileges restored until the Secretary receives payment of the
20 required reinstatement fee pursuant to subsection (b) of
21 Section 6-118.

22 In no event shall the Secretary issue such license unless
23 and until such person has had a hearing pursuant to this Code
24 and the appropriate administrative rules and the Secretary is
25 satisfied, after a review or investigation of such person, that
26 to grant the privilege of driving a motor vehicle on the
27 highways will not endanger the public safety or welfare.

28 (c) If a person prohibited under paragraph (2) or paragraph
29 (3) of subsection (c-4) of Section 11-501 from driving any
30 vehicle not equipped with an ignition interlock device
31 nevertheless is convicted of driving a vehicle that is not
32 equipped with the device, that person is prohibited from
33 driving any vehicle not equipped with an ignition interlock
34 device for an additional period of time equal to the initial
35 time period that the person was required to use an ignition
36 interlock device.

1 (Source: P.A. 91-357, eff. 7-29-99; 92-343, eff. 1-1-02;
2 92-418, eff. 8-17-01; 92-458, eff. 8-22-01; 92-651, eff.
3 7-11-02.)