



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0657

Introduced 2/6/2007, by Rep. Eddie Washington - Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Provides that a person convicted a first time of driving while his or her driving privileges are suspended or revoked is guilty of a petty offense (rather than a Class A misdemeanor) if: (i) at the time of the violation, the person's driving privileges under a graduated driver's were suspended because of 2 or more offenses against traffic regulations governing the movement of vehicles within a 24 month period; and (ii) the person successfully completes a driver safety course approved by the Secretary of State of State. Provides that the Secretary shall adopt rules for implementing the new provision.

LRB095 04789 DRH 24849 b

1 AN ACT concerning transportation.

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 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) Except as provided in subsection (a-5), any ~~Any~~ person
10 who drives or is in actual physical control of a motor vehicle
11 on any highway of this State at a time when such person's
12 driver's license, permit or privilege to do so or the privilege
13 to obtain a driver's license or permit is revoked or suspended
14 as 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, shall
19 be guilty of a Class A misdemeanor.

20 (a-5) A person convicted a first time of violating this
21 Section is guilty of a petty offense if: (i) at the time of the
22 violation, the person's driving privileges were suspended
23 under subdivision (a)36 of Section 6-206 of this Code; and (ii)

1 the person successfully completes a driver safety course
2 approved by the Secretary. The Secretary shall adopt rules for
3 implementing this subsection (a-5).

4 (b) The Secretary of State upon receiving a report of the
5 conviction of any violation indicating a person was operating a
6 motor vehicle during the time when said person's driver's
7 license, permit or privilege was suspended by the Secretary, by
8 the appropriate authority of another state, or pursuant to
9 Section 11-501.1; except as may be specifically allowed by a
10 probationary license to drive, judicial driving permit or
11 restricted driving permit issued pursuant to this Code or the
12 law of another state; shall extend the suspension for the same
13 period of time as the originally imposed suspension; however,
14 if the period of suspension has then expired, the Secretary
15 shall be authorized to suspend said person's driving privileges
16 for the same period of time as the originally imposed
17 suspension; and if the conviction was upon a charge which
18 indicated that a vehicle was operated during the time when the
19 person's driver's license, permit or privilege was revoked;
20 except as may be allowed by a restricted driving permit issued
21 pursuant to this Code or the law of another state; the
22 Secretary shall not issue a driver's license for an additional
23 period of one year from the date of such conviction indicating
24 such person was operating a vehicle during such period of
25 revocation.

26 (c) Any person convicted of violating this Section shall

1 serve a minimum term of imprisonment of 10 consecutive days or
2 30 days of community service when the person's driving
3 privilege was revoked or suspended as a result of:

4 (1) a violation of Section 11-501 of this Code or a
5 similar provision of a local ordinance relating to the
6 offense of operating or being in physical control of a
7 vehicle while under the influence of alcohol, any other
8 drug or any combination thereof; or

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

13 (3) a violation of Section 9-3 of the Criminal Code of
14 1961, as amended, relating to the offense of reckless
15 homicide; or

16 (4) a statutory summary suspension under Section
17 11-501.1 of this Code.

18 Such sentence of imprisonment or community service shall
19 not be subject to suspension in order to reduce such sentence.

20 (c-1) Except as provided in subsection (d), any person
21 convicted of a second violation of this Section shall be
22 ordered by the court to serve a minimum of 100 hours of
23 community service.

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

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

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

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

16 (d-1) Except as provided in subsection (d-2) and subsection
17 (d-3), any person convicted of a third or subsequent violation
18 of this Section shall serve a minimum term of imprisonment of
19 30 days or 300 hours of community service, as determined by the
20 court.

21 (d-2) Any person convicted of a third violation of this
22 Section is guilty of a Class 4 felony and must serve a minimum
23 term of imprisonment of 30 days if the revocation or suspension
24 was for a violation of Section 11-401 or 11-501 of this Code,
25 or a similar out-of-state offense, or a similar provision of a
26 local ordinance, a violation of Section 9-3 of the Criminal

1 Code of 1961, relating to the offense of reckless homicide, or
2 a similar out-of-state offense, or a statutory summary
3 suspension under Section 11-501.1 of this Code.

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

14 (d-4) Any person convicted of a tenth, eleventh, twelfth,
15 thirteenth, or fourteenth violation of this Section is guilty
16 of a Class 3 felony, and is not eligible for probation or
17 conditional discharge, if the revocation or suspension was for
18 a violation of Section 11-401 or 11-501 of this Code, or a
19 similar out-of-state offense, or a similar provision of a local
20 ordinance, a violation of Section 9-3 of the Criminal Code of
21 1961, relating to the offense of reckless homicide, or a
22 similar out-of-state offense, or a statutory summary
23 suspension under Section 11-501.1 of this Code.

24 (d-5) Any person convicted of a fifteenth or subsequent
25 violation of this Section is guilty of a Class 2 felony, and is
26 not eligible for probation or conditional discharge, if the

1 revocation or suspension was for a violation of Section 11-401
2 or 11-501 of this Code, or a similar out-of-state offense, or a
3 similar provision of a local ordinance, a violation of Section
4 9-3 of the Criminal Code of 1961, relating to the offense of
5 reckless homicide, or a similar out-of-state offense, or a
6 statutory summary suspension under Section 11-501.1 of this
7 Code.

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

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

20 (g) The motor vehicle used in a violation of this Section
21 is subject to seizure and forfeiture as provided in Sections
22 36-1 and 36-2 of the Criminal Code of 1961 if the person's
23 driving privilege was revoked or suspended as a result of a
24 violation listed in paragraph (1), (2), or (3) of subsection
25 (c) of this Section or as a result of a summary suspension as
26 provided in paragraph (4) of subsection (c) of this Section.

1 (Source: P.A. 94-112, eff. 1-1-06.)