



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1773

Introduced 2/23/2007, by Rep. Robert S. Molaro

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-206

from Ch. 95 1/2, par. 6-206

Amends the Illinois Vehicle Code. Provides that the Secretary of State is authorized to suspend or revoke the driver's license or permit of any person who has used a motor vehicle in the commission of any of the following offenses: unlawful use of weapons by felons or persons in the custody of the Department of Corrections; aggravated discharge of a firearm; aggravated discharge of a machine gun or of a weapon equipped with a silencer; reckless discharge of a firearm; aggravated unlawful use of a weapon; or being an armed habitual criminal (as well as providing for the suspension or revocation of the driving privileges of anyone who has used a motor vehicle in the commission of the offense of unlawful use of a weapon). Provides that the suspension shall be for one year if the violation is a misdemeanor or a Class 3 or Class 4 felony and shall be for 3 years if the violation is a Class X, Class 1, or Class 2 felony (rather than being for one year in all cases). Deletes language providing for the suspension or revocation of the driving privileges of a person who was in a motor vehicle at the time he or she committed the offense of aggravated discharge of a firearm.

LRB095 04989 DRH 25056 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 6-206 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 preliminary
11 hearing upon a showing of the person's records or other
12 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 upon
15 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 motor
22 vehicle collisions or has been repeatedly convicted of
23 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

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a
3 material fact or has used false information or
4 identification in any application for a license,
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to
7 fraudulently use any license, identification card, or
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this
10 State when the person's driving privilege or privilege to
11 obtain a driver's license or permit was revoked or
12 suspended unless the operation was authorized by a judicial
13 driving permit, probationary license to drive, or a
14 restricted driving permit issued under this Code;

15 12. Has submitted to any portion of the application
16 process for another person or has obtained the services of
17 another person to submit to any portion of the application
18 process for the purpose of obtaining a license,
19 identification card, or permit for some other person;

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

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 relating to criminal trespass to
2 vehicles in which case, the suspension shall be for one
3 year;

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

6 17. Has refused to submit to a test, or tests, as
7 required under Section 11-501.1 of this Code and the person
8 has not sought a hearing as provided for in Section
9 11-501.1;

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

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

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

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

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1,
24 24-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-1.6, or 24-1.7 of the
25 Criminal Code of 1961 relating to deadly ~~unlawful use of~~
26 weapons, in which case the suspension shall be for one year

1 if the violation is a misdemeanor or a Class 3 or Class 4
2 felony and shall be for 3 years if the violation is a Class
3 X, Class 1, or Class 2 felony;

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

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

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

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

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

23 28. Has been convicted of the illegal possession, while
24 operating or in actual physical control, as a driver, of a
25 motor vehicle, of any controlled substance prohibited
26 under the Illinois Controlled Substances Act, any cannabis

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

20 29. Has been convicted of the following offenses that
21 were committed while the person was operating or in actual
22 physical control, as a driver, of a motor vehicle: criminal
23 sexual assault, predatory criminal sexual assault of a
24 child, aggravated criminal sexual assault, criminal sexual
25 abuse, aggravated criminal sexual abuse, juvenile pimping,
26 soliciting for a juvenile prostitute and the manufacture,

1 sale or delivery of controlled substances or instruments
2 used for illegal drug use or abuse in which case the
3 driver's driving privileges shall be suspended for one
4 year;

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

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

19 32. (Blank). ~~Has been convicted of Section 24 1.2 of~~
20 ~~the Criminal Code of 1961 relating to the aggravated~~
21 ~~discharge of a firearm if the offender was located in a~~
22 ~~motor vehicle at the time the firearm was discharged, in~~
23 ~~which case the suspension shall be for 3 years;~~

24 33. Has as a driver, who was less than 21 years of age
25 on the date of the offense, been convicted a first time of
26 a violation of paragraph (a) of Section 11-502 of this Code

1 or a similar provision of a local ordinance;

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

4 35. Has committed a violation of Section 11-1301.6 of
5 this Code;

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

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

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

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

19 40. Has committed a violation of subsection (a-1) of
20 Section 11-908 of this Code;

21 41. Has committed a second or subsequent violation of
22 Section 11-605.1 of this Code within 2 years of the date of
23 the previous violation, in which case the suspension shall
24 be for 90 days; or

25 42. Has committed a violation of subsection (a-1) of
26 Section 11-1301.3 of this Code.

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

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

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

23 2. If the Secretary of State suspends the driver's
24 license of a person under subsection 2 of paragraph (a) of
25 this Section, a person's privilege to operate a vehicle as
26 an occupation shall not be suspended, provided an affidavit

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

24 The provisions of this subparagraph shall not apply to
25 any driver required to possess a CDL for the purpose of
26 operating a commercial motor vehicle.

1 Any person who falsely states any fact in the affidavit
2 required herein shall be guilty of perjury under Section
3 6-302 and upon conviction thereof shall have all driving
4 privileges revoked without further rights.

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

26 If a person's license or permit has been revoked or

1 suspended due to 2 or more convictions of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense, arising out of
4 separate occurrences, that person, if issued a restricted
5 driving permit, may not operate a vehicle unless it has
6 been equipped with an ignition interlock device as defined
7 in Section 1-129.1.

8 If a person's license or permit has been revoked or
9 suspended 2 or more times within a 10 year period due to a
10 single conviction of violating Section 11-501 of this Code
11 or a similar provision of a local ordinance or a similar
12 out-of-state offense, and a statutory summary suspension
13 under Section 11-501.1, or 2 or more statutory summary
14 suspensions, or combination of 2 offenses, or of an offense
15 and a statutory summary suspension, arising out of separate
16 occurrences, that person, if issued a restricted driving
17 permit, may not operate a vehicle unless it has been
18 equipped with an ignition interlock device as defined in
19 Section 1-129.1. The person must pay to the Secretary of
20 State DUI Administration Fund an amount not to exceed \$20
21 per month. The Secretary shall establish by rule the amount
22 and the procedures, terms, and conditions relating to these
23 fees. If the restricted driving permit was issued for
24 employment purposes, then this provision does not apply to
25 the operation of an occupational vehicle owned or leased by
26 that person's employer. In each case the Secretary may

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

1 permit holder does not successfully complete the program.

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

9 (d) This Section is subject to the provisions of the
10 Drivers License Compact.

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

15 (f) In accordance with 49 C.F.R. 384, the Secretary of
16 State may not issue a restricted driving permit for the
17 operation of a commercial motor vehicle to a person holding a
18 CDL whose driving privileges have been suspended or revoked
19 under any provisions of this Code.

20 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
21 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
22 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)