



Rep. George Scully Jr.

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09500HB2140ham001

LRB095 01100 DRH 34371 a

1 AMENDMENT TO HOUSE BILL 2140

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2140 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 6-206, 12-610.1, and 12-614 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

1 against traffic regulations governing the movement of  
2 vehicles committed within any 12 month period. No  
3 revocation or suspension shall be entered more than 6  
4 months after the date of last conviction;

5 3. Has been repeatedly involved as a driver in motor  
6 vehicle collisions or has been repeatedly convicted of  
7 offenses against laws and ordinances regulating the  
8 movement of traffic, to a degree that indicates lack of  
9 ability to exercise ordinary and reasonable care in the  
10 safe operation of a motor vehicle or disrespect for the  
11 traffic laws and the safety of other persons upon the  
12 highway;

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

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

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization  
2 contained in Section 6-203.1, which if committed within  
3 this State would be grounds for suspension or revocation;

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

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

9 9. Has made a false statement or knowingly concealed a  
10 material fact or has used false information or  
11 identification in any application for a license,  
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to  
14 fraudulently use any license, identification card, or  
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of this  
17 State when the person's driving privilege or privilege to  
18 obtain a driver's license or permit was revoked or  
19 suspended unless the operation was authorized by a judicial  
20 driving permit, probationary license to drive, or a  
21 restricted driving permit issued under this Code;

22 12. Has submitted to any portion of the application  
23 process for another person or has obtained the services of  
24 another person to submit to any portion of the application  
25 process for the purpose of obtaining a license,  
26 identification card, or permit for some other person;

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

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

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

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

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

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

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

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

25           21. Has been convicted of violating Section 11-402 of  
26 this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in  
2 which case the suspension shall be for one year;

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

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

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

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

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

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

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

24          29. Has been convicted of the following offenses that  
25          were committed while the person was operating or in actual  
26          physical control, as a driver, of a motor vehicle: criminal

1 sexual assault, predatory criminal sexual assault of a  
2 child, aggravated criminal sexual assault, criminal sexual  
3 abuse, aggravated criminal sexual abuse, juvenile pimping,  
4 soliciting for a juvenile prostitute and the manufacture,  
5 sale or delivery of controlled substances or instruments  
6 used for illegal drug use or abuse in which case the  
7 driver's driving privileges shall be suspended for one  
8 year;

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

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

23 32. Has been convicted of Section 24-1.2 of the  
24 Criminal Code of 1961 relating to the aggravated discharge  
25 of a firearm if the offender was located in a motor vehicle  
26 at the time the firearm was discharged, in which case the

1 suspension shall be for 3 years;

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

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

8 35. Has committed a violation of Section 11-1301.6 of  
9 this Code;

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

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

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

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

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

25 41. Has committed a second or subsequent violation of  
26 Section 11-605.1 of this Code within 2 years of the date of



1 the previous violation, in which case the suspension shall  
2 be for 90 days; ~~or~~

3 42. Has committed a violation of subsection (a-1) of  
4 Section 11-1301.3 of this Code; or -

5 43. Has committed a second or subsequent violation of  
6 Section 12-610.1 of this Code within one year of the date  
7 of the previous violation, in which case the suspension  
8 shall be for 90 days.

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

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

25 (c) 1. Upon suspending or revoking the driver's license or  
26 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

1 privilege to drive any motor vehicle shall be suspended as  
2 set forth in the notice that was mailed under this Section.  
3 If an affidavit is received subsequent to the effective  
4 date of this suspension, a permit may be issued for the  
5 remainder of the suspension period.

6 The provisions of this subparagraph shall not apply to  
7 any driver required to possess a CDL for the purpose of  
8 operating a commercial motor vehicle.

9 Any person who falsely states any fact in the affidavit  
10 required herein shall be guilty of perjury under Section  
11 6-302 and upon conviction thereof shall have all driving  
12 privileges revoked without further rights.

13 3. At the conclusion of a hearing under Section 2-118  
14 of this Code, the Secretary of State shall either rescind  
15 or continue an order of revocation or shall substitute an  
16 order of suspension; or, good cause appearing therefor,  
17 rescind, continue, change, or extend the order of  
18 suspension. If the Secretary of State does not rescind the  
19 order, the Secretary may upon application, to relieve undue  
20 hardship, issue a restricted driving permit granting the  
21 privilege of driving a motor vehicle between the  
22 petitioner's residence and petitioner's place of  
23 employment or within the scope of his employment related  
24 duties, or to allow transportation for the petitioner, or a  
25 household member of the petitioner's family, to receive  
26 necessary medical care and if the professional evaluation

1 indicates, provide transportation for alcohol remedial or  
2 rehabilitative activity, or for the petitioner to attend  
3 classes, as a student, in an accredited educational  
4 institution; if the petitioner is able to demonstrate that  
5 no alternative means of transportation is reasonably  
6 available and the petitioner will not endanger the public  
7 safety or welfare.

8 If a person's license or permit has been revoked or  
9 suspended due to 2 or more convictions of violating Section  
10 11-501 of this Code or a similar provision of a local  
11 ordinance or a similar out-of-state offense, arising out of  
12 separate occurrences, that person, if issued a restricted  
13 driving permit, may not operate a vehicle unless it has  
14 been equipped with an ignition interlock device as defined  
15 in Section 1-129.1.

16 If a person's license or permit has been revoked or  
17 suspended 2 or more times within a 10 year period due to a  
18 single conviction of violating Section 11-501 of this Code  
19 or a similar provision of a local ordinance or a similar  
20 out-of-state offense, and a statutory summary suspension  
21 under Section 11-501.1, or 2 or more statutory summary  
22 suspensions, or combination of 2 offenses, or of an offense  
23 and a statutory summary suspension, arising out of separate  
24 occurrences, that person, if issued a restricted driving  
25 permit, may not operate a vehicle unless it has been  
26 equipped with an ignition interlock device as defined in

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

1 more offenses against laws or ordinances regulating the  
2 movement of traffic shall be deemed sufficient cause for  
3 the revocation, suspension, or cancellation of a  
4 restricted driving permit. The Secretary of State may, as a  
5 condition to the issuance of a restricted driving permit,  
6 require the applicant to participate in a designated driver  
7 remedial or rehabilitative program. The Secretary of State  
8 is authorized to cancel a restricted driving permit if the  
9 permit holder does not successfully complete the program.

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

17 (d) This Section is subject to the provisions of the  
18 Drivers License Compact.

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

23 (f) In accordance with 49 C.F.R. 384, the Secretary of  
24 State may not issue a restricted driving permit for the  
25 operation of a commercial motor vehicle to a person holding a  
26 CDL whose driving privileges have been suspended or revoked

1 under any provisions of this Code.

2 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;  
3 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.  
4 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)

5 (625 ILCS 5/12-610.1)

6 Sec. 12-610.1. Wireless telephones.

7 (a) As used in this Section, "wireless telephone" or  
8 "wireless phone" means a device that is capable of transmitting  
9 or receiving telephonic communications without a wire  
10 connecting the device to the telephone network.

11 (b) A person under the age of 18 years who holds an  
12 instruction permit issued under Section 6-105 or 6-107.1, or a  
13 person under the age of 18 years who holds a graduated license  
14 issued under Section 6-107, may not drive a vehicle on a  
15 roadway while using a wireless phone.

16 (c) This Section does not apply to any ~~a~~ person ~~under the~~  
17 ~~age of 18 years~~ using a wireless telephone for emergency  
18 purposes, including, but not limited to, an emergency call to a  
19 law enforcement agency, health care provider, fire department,  
20 or other emergency services agency or entity.

21 (d) A person not subject to subsection (b) of this Section  
22 may not drive a vehicle on a roadway while using a wireless  
23 telephone unless that wireless telephone is specifically  
24 designed and configured to allow hands-free operation, and is  
25 used in that manner while driving.

1       (e) A person who violates this Section shall be fined \$150.

2       (f) A person who violates this Section a second or  
3 subsequent time within one year of the date of a previous  
4 violation of this Section shall have his or her driving  
5 privileges suspended for a period of 90 days, as provided in  
6 Section 6-206 of this Code.

7       (Source: P.A. 94-240, eff. 7-15-05.)

8       (625 ILCS 5/12-614 new)

9       Sec. 12-614. Distracted driving.

10       (a) A person operating or in control of a vehicle may not  
11 engage in any other distracting activity, such as applying  
12 makeup or eating.

13       (b) If a law enforcement officer stops a person for a  
14 traffic violation and observes the person engaged in a  
15 distracting activity, the law enforcement officer shall also  
16 charge the person with a violation of this Section.

17       (c) A law enforcement officer may not stop any vehicle, and  
18 may not search any vehicle or its driver or any passenger,  
19 solely on the basis of a violation or a suspected violation of  
20 this Section.

21       (d) A violation of this Section is a petty offense  
22 punishable by a fine of not more than \$75.

23       Section 90. The State Mandates Act is amended by adding  
24 Section 8.31 as follows:



1 (30 ILCS 805/8.31 new)

2 Sec. 8.31. Exempt mandate. Notwithstanding Sections 6 and 8  
3 of this Act, no reimbursement by the State is required for the  
4 implementation of any mandate created by this amendatory Act of  
5 the 95th General Assembly."