



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0572

Introduced 2/8/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-201	from Ch. 95 1/2, par. 6-201
625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206

Amends the Illinois Vehicle Code. Provides that an offender's eligibility for a restricted driving permit depends on whether denial of all driving privileges would cause undue hardship, as defined by rules adopted by the Secretary of State. Provides that a person convicted of 4 or more offenses of driving under the influence, leaving the scene of an accident involving death or personal injury, or reckless homicide, or a combination of those offenses, is not eligible for a restricted driving permit. Provides that the Secretary shall revoke the driving privileges of any person under the age of 21 convicted of an out-of-state offense similar to DUI. Provides that a second suspension of a person's driving privileges for an out-of-state offense similar to DUI, or a single suspension of that type, if coupled with a summary suspension under the Code or a DUI or reckless homicide conviction, shall result in the person's being prohibited from driving a vehicle that is not equipped with an ignition interlock device. Provides that a conviction of reckless homicide (as well as a conviction of DUI) increases the limitations that shall be imposed on a person's driving privileges.

LRB095 04708 DRH 24767 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections 6-201, 6-205, and 6-206 as follows:

6 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

7 Sec. 6-201. Authority to cancel licenses and permits.

8 (a) The Secretary of State is authorized to cancel any
9 license or permit upon determining that the holder thereof:

10 1. was not entitled to the issuance thereof hereunder;

11 or

12 2. failed to give the required or correct information
13 in his application; or

14 3. failed to pay any fees, civil penalties owed to the
15 Illinois Commerce Commission, or taxes due under this Act
16 and upon reasonable notice and demand; or

17 4. committed any fraud in the making of such
18 application; or

19 5. is ineligible therefor under the provisions of
20 Section 6-103 of this Act, as amended; or

21 6. has refused or neglected to submit an alcohol, drug,
22 and intoxicating compound evaluation or to submit to
23 examination or re-examination as required under this Act;

1 or

2 7. has been convicted of violating the Cannabis Control
3 Act, the Illinois Controlled Substances Act, the
4 Methamphetamine Control and Community Protection Act, or
5 the Use of Intoxicating Compounds Act while that individual
6 was in actual physical control of a motor vehicle. For
7 purposes of this Section, any person placed on probation
8 under Section 10 of the Cannabis Control Act, Section 410
9 of the Illinois Controlled Substances Act, or Section 70 of
10 the Methamphetamine Control and Community Protection Act
11 shall not be considered convicted. Any person found guilty
12 of this offense, while in actual physical control of a
13 motor vehicle, shall have an entry made in the court record
14 by the judge that this offense did occur while the person
15 was in actual physical control of a motor vehicle and order
16 the clerk of the court to report the violation to the
17 Secretary of State as such. After the cancellation, the
18 Secretary of State shall not issue a new license or permit
19 for a period of one year after the date of cancellation.
20 However, upon application, the Secretary of State may, if
21 satisfied that the person applying will not endanger the
22 public safety, or welfare, issue a restricted driving
23 permit granting the privilege of driving a motor vehicle
24 between the petitioner's ~~person's~~ residence and
25 petitioner's ~~person's~~ place of employment or within the
26 scope of the petitioner's ~~person's~~ employment related

1 duties, or to allow transportation for the petitioner
2 ~~person~~ or a household member of the petitioner's person's
3 family for the receipt of necessary medical care or, ~~if the~~
4 ~~professional evaluation indicates,~~ provide transportation
5 for the petitioner to and from ~~for~~ alcohol or drug remedial
6 or rehabilitative activity recommended by a licensed
7 service provider, or for the petitioner ~~person~~ to attend
8 classes, as a student, in an accredited educational
9 institution. The petitioner must, ~~if the person is able to~~
10 demonstrate that no alternative means of transportation is
11 reasonably available; provided that the Secretary's
12 discretion shall be limited to cases where undue hardship,
13 as defined by the rules of the Secretary of State, would
14 result from a failure to issue such restricted driving
15 permit. In each case the Secretary of State may issue such
16 restricted driving permit for such period as he deems
17 appropriate, except that such permit shall expire within
18 one year from the date of issuance. A restricted driving
19 permit issued hereunder shall be subject to cancellation,
20 revocation and suspension by the Secretary of State in like
21 manner and for like cause as a driver's license issued
22 hereunder may be cancelled, revoked or suspended; except
23 that a conviction upon one or more offenses against laws or
24 ordinances regulating the movement of traffic shall be
25 deemed sufficient cause for the revocation, suspension or
26 cancellation of a restricted driving permit. The Secretary

1 of State may, as a condition to the issuance of a
2 restricted driving permit, require the applicant to
3 participate in a driver remedial or rehabilitative
4 program; or

5 8. failed to submit a report as required by Section
6 6-116.5 of this Code; or

7 9. has been convicted of a sex offense as defined in
8 the Sex Offender Registration Act. The driver's license
9 shall remain cancelled until the driver registers as a sex
10 offender as required by the Sex Offender Registration Act,
11 proof of the registration is furnished to the Secretary of
12 State and the sex offender provides proof of current
13 address to the Secretary; or

14 10. ~~9.~~ is ineligible for a license or permit under
15 Section 6-107, 6-107.1, or 6-108 of this Code.

16 (b) Upon such cancellation the licensee or permittee must
17 surrender the license or permit so cancelled to the Secretary
18 of State.

19 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
20 Secretary of State shall have exclusive authority to grant,
21 issue, deny, cancel, suspend and revoke driving privileges,
22 drivers' licenses and restricted driving permits.

23 (d) The Secretary of State may adopt rules to implement
24 this Section.

25 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
26 94-993, eff. 1-1-07; revised 8-3-06.)

1 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

2 Sec. 6-205. Mandatory revocation of license or permit;
3 Hardship cases.

4 (a) Except as provided in this Section, the Secretary of
5 State shall immediately revoke the license, permit, or driving
6 privileges of any driver upon receiving a report of the
7 driver's conviction of any of the following offenses:

8 1. Reckless homicide resulting from the operation of a
9 motor vehicle;

10 2. Violation of Section 11-501 of this Code or a
11 similar provision of a local ordinance relating to the
12 offense of operating or being in physical control of a
13 vehicle while under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds, or any
15 combination thereof;

16 3. Any felony under the laws of any State or the
17 federal government in the commission of which a motor
18 vehicle was used;

19 4. Violation of Section 11-401 of this Code relating to
20 the offense of leaving the scene of a traffic accident
21 involving death or personal injury;

22 5. Perjury or the making of a false affidavit or
23 statement under oath to the Secretary of State under this
24 Code or under any other law relating to the ownership or
25 operation of motor vehicles;

1 6. Conviction upon 3 charges of violation of Section
2 11-503 of this Code relating to the offense of reckless
3 driving committed within a period of 12 months;

4 7. Conviction of any offense defined in Section 4-102
5 of this Code;

6 8. Violation of Section 11-504 of this Code relating to
7 the offense of drag racing;

8 9. Violation of Chapters 8 and 9 of this Code;

9 10. Violation of Section 12-5 of the Criminal Code of
10 1961 arising from the use of a motor vehicle;

11 11. Violation of Section 11-204.1 of this Code relating
12 to aggravated fleeing or attempting to elude a peace
13 officer;

14 12. Violation of paragraph (1) of subsection (b) of
15 Section 6-507, or a similar law of any other state,
16 relating to the unlawful operation of a commercial motor
17 vehicle;

18 13. Violation of paragraph (a) of Section 11-502 of
19 this Code or a similar provision of a local ordinance if
20 the driver has been previously convicted of a violation of
21 that Section or a similar provision of a local ordinance
22 and the driver was less than 21 years of age at the time of
23 the offense.

24 (b) The Secretary of State shall also immediately revoke
25 the license or permit of any driver in the following
26 situations:

1 1. Of any minor upon receiving the notice provided for
2 in Section 5-901 of the Juvenile Court Act of 1987 that the
3 minor has been adjudicated under that Act as having
4 committed an offense relating to motor vehicles prescribed
5 in Section 4-103 of this Code;

6 2. Of any person when any other law of this State
7 requires either the revocation or suspension of a license
8 or permit.

9 (c) (1) Whenever a person is convicted of any of the
10 offenses enumerated in this Section, the court may
11 recommend and the Secretary of State in his discretion,
12 without regard to whether the recommendation is made by the
13 court may, upon application, issue to the person a
14 restricted driving permit granting the privilege of
15 driving a motor vehicle between the petitioner's residence
16 and petitioner's place of employment or within the scope of
17 the petitioner's employment related duties, or to allow
18 transportation for the petitioner or a household member of
19 the petitioner's family for the receipt of necessary
20 medical care or, ~~if the professional evaluation indicates,~~
21 provide transportation for the petitioner to and from ~~for~~
22 alcohol or drug remedial or rehabilitative activity
23 recommended by a licensed service provider, or for the
24 petitioner to attend classes, as a student, in an
25 accredited educational institution; if the petitioner is
26 able to demonstrate that no alternative means of

1 transportation is reasonably available and that the
2 petitioner will not endanger the public safety or welfare;
3 provided that the Secretary's discretion shall be limited
4 to cases where undue hardship, as defined by the rules of
5 the Secretary of State, would result from a failure to
6 issue the restricted driving permit. Those multiple
7 offenders identified in subdivision (b)4 of Section 6-208
8 of this Code, however, shall not be eligible for the
9 issuance of a restricted driving permit.

10 (2) If a person's license or permit is ~~has been~~ revoked
11 or suspended due to 2 or more convictions of violating
12 Section 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense, or
14 Section 9-3 of the Criminal Code of 1961, where the use of
15 alcohol or other drugs is recited as an element of the
16 offense, or a similar out-of-state offense, or a
17 combination of these offenses, arising out of separate
18 occurrences, that person, if issued a restricted driving
19 permit, may not operate a vehicle unless it has been
20 equipped with an ignition interlock device as defined in
21 Section 1-129.1.

22 (3) If a person's license or permit is ~~has been~~ revoked
23 or suspended 2 or more times within a 10 year period due to
24 any combination of:

25 (A) a single conviction of violating Section
26 11-501 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense, or
2 Section 9-3 of the Criminal Code of 1961, where the use
3 of alcohol or other drugs is recited as an element of
4 the offense, or a similar out-of-state offense; or, ~~and~~

5 (B) a statutory summary suspension under Section
6 11-501.1; ~~or~~

7 (C) a suspension pursuant to Section 6-203.1, ~~2 or~~
8 more statutory summary suspensions, or combination of
9 2 offenses, or of an offense and a statutory summary
10 suspension, arising out of separate occurrences, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section
14 1-129.1.

15 (4) The person must pay to the Secretary of State DUI
16 Administration Fund an amount not to exceed \$20 per month.
17 The Secretary shall establish by rule the amount and the
18 procedures, terms, and conditions relating to these fees.

19 (5) If the restricted driving permit ~~is was~~ issued for
20 employment purposes, then the prohibition against
21 operating a motor vehicle that is not equipped with an
22 ignition interlock device ~~this provision~~ does not apply to
23 the operation of an occupational vehicle owned or leased by
24 that person's employer when used solely for employment
25 purposes.

26 (6) In each case the Secretary of State may issue a

1 restricted driving permit for a period he deems
2 appropriate, except that the permit shall expire within one
3 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 Section
12 9-3 of the Criminal Code of 1961, where the use of alcohol
13 or other drugs is recited as an element of the offense, or
14 any similar out-of-state offense, or any combination of
15 these offenses, ~~or any combination thereof,~~ until the
16 expiration of at least one year from the date of the
17 revocation. A restricted driving permit issued under this
18 Section shall be subject to cancellation, revocation, and
19 suspension by the Secretary of State in like manner and for
20 like cause as a driver's license issued under this Code may
21 be cancelled, revoked, or suspended; except that a
22 conviction upon one or more offenses against laws or
23 ordinances regulating the movement of traffic shall be
24 deemed sufficient cause for the revocation, suspension, or
25 cancellation of a restricted driving permit. The Secretary
26 of State may, as a condition to the issuance of a

1 restricted driving permit, require the petitioner
2 ~~applicant~~ to participate in a designated driver remedial or
3 rehabilitative program. The Secretary of State is
4 authorized to cancel a restricted driving permit if the
5 permit holder does not successfully complete the program.
6 However, if an individual's driving privileges have been
7 revoked in accordance with paragraph 13 of subsection (a)
8 of this Section, no restricted driving permit shall be
9 issued until the individual has served 6 months of the
10 revocation period.

11 (d) (1) Whenever a person under the age of 21 is
12 convicted under Section 11-501 of this Code or a similar
13 provision of a local ordinance, or a similar out-of-state
14 offense, the Secretary of State shall revoke the driving
15 privileges of that person. One year after the date of
16 revocation, and upon application, the Secretary of State
17 may, if satisfied that the person applying will not
18 endanger the public safety or welfare, issue a restricted
19 driving permit granting the privilege of driving a motor
20 vehicle only between the hours of 5 a.m. and 9 p.m. or as
21 otherwise provided by this Section for a period of one
22 year. After this one year period, and upon reapplication
23 for a license as provided in Section 6-106, upon payment of
24 the appropriate reinstatement fee provided under paragraph
25 (b) of Section 6-118, the Secretary of State, in his
26 discretion, may reinstate the petitioner's driver's

1 license and driving privileges ~~issue the applicant a~~
2 ~~license,~~ or extend the restricted driving permit as many
3 times as the Secretary of State deems appropriate, by
4 additional periods of not more than 12 months each, ~~until~~
5 ~~the applicant attains 21 years of age.~~

6 (2) If a person's license or permit is ~~has been~~ revoked
7 or suspended due to 2 or more convictions of violating
8 Section 11-501 of this Code or a similar provision of a
9 local ordinance or a similar out-of-state offense, or
10 Section 9-3 of the Criminal Code of 1961, where the use of
11 alcohol or other drugs is recited as an element of the
12 offense, or a similar out-of-state offense, or a
13 combination of these offenses, arising out of separate
14 occurrences, that person, if issued a restricted driving
15 permit, may not operate a vehicle unless it has been
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1.

18 (3) If a person's license or permit is ~~has been~~ revoked
19 or suspended 2 or more times within a 10 year period due to
20 any combination of:

21 (A) a single conviction of violating Section
22 11-501 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense, or
24 Section 9-3 of the Criminal Code of 1961, where the use
25 of alcohol or other drugs is recited as an element of
26 the offense, or a similar out-of-state offense; or, and

1 (B) a statutory summary suspension under Section
2 11-501.1;~~7~~ or

3 (C) a suspension pursuant to Section 6-203.1, ~~2 or~~
4 ~~more statutory summary suspensions, or combination of~~
5 ~~2 offenses, or of an offense and a statutory summary~~
6 ~~suspension,~~ arising out of separate occurrences, that
7 person, if issued a restricted driving permit, may not
8 operate a vehicle unless it has been equipped with an
9 ignition interlock device as defined in Section
10 1-129.1.

11 (4) The person must pay to the Secretary of State DUI
12 Administration Fund an amount not to exceed \$20 per month.
13 The Secretary shall establish by rule the amount and the
14 procedures, terms, and conditions relating to these fees.

15 (5) If the restricted driving permit is ~~was~~ issued for
16 employment purposes, then the prohibition against driving
17 a vehicle that is not equipped with an ignition interlock
18 device ~~this provision~~ does not apply to the operation of an
19 occupational vehicle owned or leased by that person's
20 employer when used solely for employment purposes.

21 (6) A restricted driving permit issued under this
22 Section shall be subject to cancellation, revocation, and
23 suspension by the Secretary of State in like manner and for
24 like cause as a driver's license issued under this Code may
25 be cancelled, revoked, or suspended; except that a
26 conviction upon one or more offenses against laws or

1 ordinances regulating the movement of traffic shall be
2 deemed sufficient cause for the revocation, suspension, or
3 cancellation of a restricted driving permit. ~~The~~
4 ~~revocation periods contained in this subparagraph shall~~
5 ~~apply to similar out of state convictions.~~

6 (e) This Section is subject to the provisions of the Driver
7 License Compact.

8 (f) Any revocation imposed upon any person under
9 subsections 2 and 3 of paragraph (b) that is in effect on
10 December 31, 1988 shall be converted to a suspension for a like
11 period of time.

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

16 (h) The Secretary of State shall require the use of
17 ignition interlock devices on all vehicles owned by an
18 individual who has been convicted of a second or subsequent
19 offense under Section 11-501 of this Code or a similar
20 provision of a local ordinance. The Secretary shall establish
21 by rule and regulation the procedures for certification and use
22 of the interlock system.

23 (i) The Secretary of State may not issue a restricted
24 driving permit for a period of one year after a second or
25 subsequent revocation of driving privileges under clause
26 (a) (2) of this Section; however, one year after the date of a

1 second or subsequent revocation of driving privileges under
2 clause (a) (2) of this Section, the Secretary of State may, upon
3 application, issue a restricted driving permit under the terms
4 and conditions of subsection (c).

5 (j) In accordance with 49 C.F.R. 384, the Secretary of
6 State may not issue a restricted driving permit for the
7 operation of a commercial motor vehicle to a person holding a
8 CDL whose driving privileges have been revoked under any
9 provisions of this Code.

10 (Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

11 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

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

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

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

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

26 7. Has refused or failed to submit to an examination

1 provided for by Section 6-207 or has failed to pass the
2 examination;

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

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

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

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

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

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

26 14. Has committed a violation of Section 6-301,

1 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
2 of the Illinois Identification Card Act;

3 15. Has been convicted of violating Section 21-2 of the
4 Criminal Code of 1961 relating to criminal trespass to
5 vehicles in which case, the suspension shall be for one
6 year;

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

9 17. Has refused to submit to a test, or tests, as
10 required under Section 11-501.1 of this Code and the person
11 has not sought a hearing as provided for in Section
12 11-501.1;

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

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

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

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

25 22. Has used a motor vehicle in violating paragraph
26 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of

1 the Criminal Code of 1961 relating to unlawful use of
2 weapons, in which case the suspension shall be for one
3 year;

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. Has been convicted of Section 24-1.2 of the
20 Criminal Code of 1961 relating to the aggravated discharge
21 of a firearm if the offender was located in a motor vehicle
22 at the time the firearm was discharged, in which case the
23 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 (as defined by the rules of the Secretary of
13 State), issue a restricted driving permit granting the
14 privilege of driving a motor vehicle between the
15 petitioner's residence and petitioner's place of
16 employment or within the scope of the petitioner's ~~his~~
17 employment related duties, or to allow transportation for
18 the petitioner, or a household member of the petitioner's
19 family, to receive necessary medical care ~~and if the~~
20 ~~professional evaluation indicates,~~ provide transportation
21 to and from ~~for~~ alcohol or drug remedial or rehabilitative
22 activity recommended by a licensed service provider, or for
23 the petitioner to attend classes, as a student, in an
24 accredited educational institution. ~~The, if the~~ petitioner
25 must ~~is able to~~ demonstrate that no alternative means of
26 transportation is reasonably available and that the

1 petitioner will not endanger the public safety or welfare.
2 Those multiple offenders identified in subdivision (b)4 of
3 Section 6-208 of this Code, however, shall not be eligible
4 for the issuance of a restricted driving permit.

5 (A) If a person's license or permit is ~~has been~~ revoked
6 or suspended due to 2 or more convictions of violating
7 Section 11-501 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense, or
9 Section 9-3 of the Criminal Code of 1961, where the use of
10 alcohol or other drugs is recited as an element of the
11 offense, or a similar out-of-state offense, or a
12 combination of these offenses, arising out of separate
13 occurrences, that person, if issued a restricted driving
14 permit, may not operate a vehicle unless it has been
15 equipped with an ignition interlock device as defined in
16 Section 1-129.1.

17 (B) If a person's license or permit is ~~has been~~ revoked
18 or suspended 2 or more times within a 10 year period due to
19 any combination of:

20 (i) a single conviction of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense or Section
23 9-3 of the Criminal Code of 1961, where the use of
24 alcohol or other drugs is recited as an element of the
25 offense, or a similar out-of-state offense; or, ~~and~~

26 (ii) a statutory summary suspension under Section

1 11-501.1; ~~7~~ or
2 (iii) a suspension under Section 6-203.1, 2 or more
3 ~~statutory summary suspensions, or combination of 2~~
4 ~~offenses, or of an offense and a statutory summary~~
5 ~~suspension,~~ arising out of separate occurrences, that
6 person, if issued a restricted driving permit, may not
7 operate a vehicle unless it has been equipped with an
8 ignition interlock device as defined in Section
9 1-129.1.

10 (C) The person must pay to the Secretary of State DUI
11 Administration Fund an amount not to exceed \$20 per month.
12 The Secretary shall establish by rule the amount and the
13 procedures, terms, and conditions relating to these fees.

14 (D) If the restricted driving permit is ~~was~~ issued for
15 employment purposes, then the prohibition against
16 operating a motor vehicle that is not equipped with an
17 ignition interlock device ~~this provision~~ does not apply to
18 the operation of an occupational vehicle owned or leased by
19 that person's employer when used solely for employment
20 purposes.

21 (E) In each case the Secretary may issue a restricted
22 driving permit for a period deemed appropriate, except that
23 all permits shall expire within one year from the date of
24 issuance. The Secretary may not, however, issue a
25 restricted driving permit to any person whose current
26 revocation is the result of a second or subsequent

1 conviction for a violation of Section 11-501 of this Code
2 or a similar provision of a local ordinance ~~relating to the~~
3 ~~offense of operating or being in physical control of a~~
4 ~~motor vehicle while under the influence of alcohol, other~~
5 ~~drug or drugs, intoxicating compound or compounds,~~ or any
6 similar out-of-state offense, or Section 9-3 of the
7 Criminal Code of 1961, where the use of alcohol or other
8 drugs is recited as an element of the offense, or any
9 similar out-of-state offense, or any combination of those
10 offenses, until the expiration of at least one year from
11 the date of the revocation. A restricted driving permit
12 issued under this Section shall be subject to cancellation,
13 revocation, and suspension by the Secretary of State in
14 like manner and for like cause as a driver's license issued
15 under this Code may be cancelled, revoked, or suspended;
16 except that a conviction upon one or more offenses against
17 laws or ordinances regulating the movement of traffic shall
18 be deemed sufficient cause for the revocation, suspension,
19 or cancellation of a restricted driving permit. The
20 Secretary of State may, as a condition to the issuance of a
21 restricted driving permit, require the applicant to
22 participate in a designated driver remedial or
23 rehabilitative program. The Secretary of State is
24 authorized to cancel a restricted driving permit if the
25 permit holder does not successfully complete the program.

26 (c-5) The Secretary of State may, as a condition of the

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

7 (d) This Section is subject to the provisions of the
8 Drivers License Compact.

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

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

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