



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB2396

Introduced 2/14/2008, by Sen. John J. Cullerton

#### SYNOPSIS AS INTRODUCED:

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
625 ILCS 5/11-501.01	

Amends the Illinois Vehicle Code. Provides that a person issued a restricted driving permit may transport children living in the person's household to and from daycare. Provides that a person issued a restricted driving permit conditioned on the use of an ignition interlock device must pay to the Secretary of State DUI Administration Fund an amount not to exceed \$30 (rather than \$20) per month. Provides that the owner of a vehicle who is required to use an ignition interlock device because of a second or subsequent conviction for driving under the influence of alcohol, drugs, or intoxicating compounds must submit to the Secretary of State DUI Administration Fund an amount not exceeding \$30 for each month he or she uses the device, and provides that the Secretary shall adopt rules setting these fees and the procedures, terms, and conditions relating to them.

LRB095 15370 EFG 45386 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 6-205, 6-206, and 11-501.01 and as follows:

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

7 Sec. 6-205. Mandatory revocation of license or permit;  
8 Hardship cases.

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

13 1. Reckless homicide resulting from the operation of a  
14 motor vehicle;

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

21 3. Any felony under the laws of any State or the  
22 federal government in the commission of which a motor  
23 vehicle was used;

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

4           5. Perjury or the making of a false affidavit or  
5 statement under oath to the Secretary of State under this  
6 Code or under any other law relating to the ownership or  
7 operation of motor vehicles;

8           6. Conviction upon 3 charges of violation of Section  
9 11-503 of this Code relating to the offense of reckless  
10 driving committed within a period of 12 months;

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

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

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

16           10. Violation of Section 12-5 of the Criminal Code of  
17 1961 arising from the use of a motor vehicle;

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

21           12. Violation of paragraph (1) of subsection (b) of  
22 Section 6-507, or a similar law of any other state,  
23 relating to the unlawful operation of a commercial motor  
24 vehicle;

25           13. Violation of paragraph (a) of Section 11-502 of  
26 this Code or a similar provision of a local ordinance if

1 the driver has been previously convicted of a violation of  
2 that Section or a similar provision of a local ordinance  
3 and the driver was less than 21 years of age at the time of  
4 the offense;

5 14. Violation of Section 11-506 of this Code or a  
6 similar provision of a local ordinance relating to the  
7 offense of street racing.

8 (b) The Secretary of State shall also immediately revoke  
9 the license or permit of any driver in the following  
10 situations:

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

16 2. Of any person when any other law of this State  
17 requires either the revocation or suspension of a license  
18 or permit;

19 3. Of any person adjudicated under the Juvenile Court  
20 Act of 1987 based on an offense determined to have been  
21 committed in furtherance of the criminal activities of an  
22 organized gang as provided in Section 5-710 of that Act,  
23 and that involved the operation or use of a motor vehicle  
24 or the use of a driver's license or permit. The revocation  
25 shall remain in effect for the period determined by the  
26 court. Upon the direction of the court, the Secretary shall

1 issue the person a judicial driving permit, also known as a  
2 JDP. The JDP shall be subject to the same terms as a JDP  
3 issued under Section 6-206.1, except that the court may  
4 direct that a JDP issued under this subdivision (b) (3) be  
5 effective immediately.

6 (c) (1) Except as provided in subsection (c-5),  
7 whenever a person is convicted of any of the offenses  
8 enumerated in this Section, the court may recommend and the  
9 Secretary of State in his discretion, without regard to  
10 whether the recommendation is made by the court may, upon  
11 application, issue to the person a restricted driving  
12 permit granting the privilege of driving a motor vehicle  
13 between the petitioner's residence and petitioner's place  
14 of employment or within the scope of the petitioner's  
15 employment related duties, or to allow ~~transportation for~~  
16 the petitioner to transport himself or herself or a family  
17 ~~household~~ member of the petitioner's household to a medical  
18 facility ~~family~~ for the receipt of necessary medical care  
19 or to allow, ~~provide transportation for~~ the petitioner to  
20 transport himself or herself to and from alcohol or drug  
21 remedial or rehabilitative activity recommended by a  
22 licensed service provider, or to allow ~~for~~ the petitioner  
23 to transport himself or herself or a family member of the  
24 petitioner's household to attend classes, as a student, at  
25 ~~in~~ an accredited educational institution, or to allow the  
26 petitioner to transport children living in the

1        petitioner's household to and from daycare; if the  
2        petitioner is able to demonstrate that no alternative means  
3        of transportation is reasonably available and that the  
4        petitioner will not endanger the public safety or welfare;  
5        provided that the Secretary's discretion shall be limited  
6        to cases where undue hardship, as defined by the rules of  
7        the Secretary of State, would result from a failure to  
8        issue the restricted driving permit. Those multiple  
9        offenders identified in subdivision (b)4 of Section 6-208  
10       of this Code, however, shall not be eligible for the  
11       issuance of a restricted driving permit.

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

23       (3) If:

24                (A) a person's license or permit is revoked or  
25                suspended 2 or more times within a 10 year period due  
26                to any combination of:

1            (i) ~~(A)~~ a single conviction of violating  
2            Section 11-501 of this Code or a similar provision  
3            of a local ordinance or a similar out-of-state  
4            offense, or Section 9-3 of the Criminal Code of  
5            1961, where the use of alcohol or other drugs is  
6            recited as an element of the offense, or a similar  
7            out-of-state offense; or

8            (ii) ~~(B)~~ a statutory summary suspension under  
9            Section 11-501.1; or

10           (iii) ~~(C)~~ a suspension pursuant to Section  
11           6-203.1;~~;~~

12           arising out of separate occurrences;~~;~~ or

13           (B) ~~if~~ a person has been convicted of one violation  
14           of Section 6-303 of this Code committed while his or  
15           her driver's license, permit, or privilege was revoked  
16           because of a violation of Section 9-3 of the Criminal  
17           Code of 1961, relating to the offense of reckless  
18           homicide, or a similar provision of a law of another  
19           state,

20           that person, if issued a restricted driving permit, may not  
21           operate a vehicle unless it has been equipped with an  
22           ignition interlock device as defined in Section 1-129.1.

23           (4) The person issued a permit conditioned on the use  
24           of an ignition interlock device must pay to the Secretary  
25           of State DUI Administration Fund an amount not to exceed  
26           \$30 ~~\$20~~ per month. The Secretary shall establish by rule

1 the amount and the procedures, terms, and conditions  
2 relating to these fees.

3 (5) If the restricted driving permit is issued for  
4 employment purposes, then the prohibition against  
5 operating a motor vehicle that is not equipped with an  
6 ignition interlock device does not apply to the operation  
7 of an occupational vehicle owned or leased by that person's  
8 employer when used solely for employment purposes.

9 (6) In each case the Secretary of State may issue a  
10 restricted driving permit for a period he deems  
11 appropriate, except that the permit shall expire within one  
12 year from the date of issuance. The Secretary may not,  
13 however, issue a restricted driving permit to any person  
14 whose current revocation is the result of a second or  
15 subsequent conviction for a violation of Section 11-501 of  
16 this Code or a similar provision of a local ordinance or  
17 any similar out-of-state offense, or Section 9-3 of the  
18 Criminal Code of 1961, where the use of alcohol or other  
19 drugs is recited as an element of the offense, or any  
20 similar out-of-state offense, or any combination of these  
21 offenses, until the expiration of at least one year from  
22 the date of the revocation. A restricted driving permit  
23 issued under this Section shall be subject to cancellation,  
24 revocation, and suspension by the Secretary of State in  
25 like manner and for like cause as a driver's license issued  
26 under this Code may be cancelled, revoked, or suspended;



1           except that a conviction upon one or more offenses against  
2           laws or ordinances regulating the movement of traffic shall  
3           be deemed sufficient cause for the revocation, suspension,  
4           or cancellation of a restricted driving permit. The  
5           Secretary of State may, as a condition to the issuance of a  
6           restricted driving permit, require the petitioner to  
7           participate in a designated driver remedial or  
8           rehabilitative program. The Secretary of State is  
9           authorized to cancel a restricted driving permit if the  
10          permit holder does not successfully complete the program.  
11          However, if an individual's driving privileges have been  
12          revoked in accordance with paragraph 13 of subsection (a)  
13          of this Section, no restricted driving permit shall be  
14          issued until the individual has served 6 months of the  
15          revocation period.

16          (c-5) The Secretary may not issue a restricted driving  
17          permit to any person who has been convicted of a second or  
18          subsequent violation of Section 6-303 of this Code committed  
19          while his or her driver's license, permit, or privilege was  
20          revoked because of a violation of Section 9-3 of the Criminal  
21          Code of 1961, relating to the offense of reckless homicide, or  
22          a similar provision of a law of another state.

23          (d) (1) Whenever a person under the age of 21 is convicted  
24          under Section 11-501 of this Code or a similar provision of a  
25          local ordinance, or a similar out-of-state offense, the  
26          Secretary of State shall revoke the driving privileges of that

1 person. One year after the date of revocation, and upon  
2 application, the Secretary of State may, if satisfied that the  
3 person applying will not endanger the public safety or welfare,  
4 issue a restricted driving permit granting the privilege of  
5 driving a motor vehicle only between the hours of 5 a.m. and 9  
6 p.m. or as otherwise provided by this Section for a period of  
7 one year. After this one year period, and upon reapplication  
8 for a license as provided in Section 6-106, upon payment of the  
9 appropriate reinstatement fee provided under paragraph (b) of  
10 Section 6-118, the Secretary of State, in his discretion, may  
11 reinstate the petitioner's driver's license and driving  
12 privileges, or extend the restricted driving permit as many  
13 times as the Secretary of State deems appropriate, by  
14 additional periods of not more than 12 months each.

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

26 (3) If a person's license or permit is revoked or

1 suspended 2 or more times within a 10 year period due to  
2 any combination of:

3 (A) a single conviction of violating Section  
4 11-501 of this Code or a similar provision of a local  
5 ordinance or a similar out-of-state offense, or  
6 Section 9-3 of the Criminal Code of 1961, where the use  
7 of alcohol or other drugs is recited as an element of  
8 the offense, or a similar out-of-state offense; or

9 (B) a statutory summary suspension under Section  
10 11-501.1; or

11 (C) a suspension pursuant to Section 6-203.1~~;~~  
12 arising out of separate occurrences, that person, if issued  
13 a restricted driving permit, may not operate a vehicle  
14 unless it has been equipped with an ignition interlock  
15 device as defined in Section 1-129.1.

16 (4) The person issued a permit conditioned upon the use  
17 of an interlock device must pay to the Secretary of State  
18 DUI Administration Fund an amount not to exceed \$30 ~~\$20~~ per  
19 month. The Secretary shall establish by rule the amount and  
20 the procedures, terms, and conditions relating to these  
21 fees.

22 (5) If the restricted driving permit is issued for  
23 employment purposes, then the prohibition against driving  
24 a vehicle that is not equipped with an ignition interlock  
25 device does not apply to the operation of an occupational  
26 vehicle owned or leased by that person's employer when used

1 solely for employment purposes.

2 (6) A restricted driving permit issued under this  
3 Section shall be subject to cancellation, revocation, and  
4 suspension by the Secretary of State in like manner and for  
5 like cause as a driver's license issued under this Code may  
6 be cancelled, revoked, or suspended; except that a  
7 conviction upon one or more offenses against laws or  
8 ordinances regulating the movement of traffic shall be  
9 deemed sufficient cause for the revocation, suspension, or  
10 cancellation of a restricted driving permit.

11 (d-5) The revocation of the license, permit, or driving  
12 privileges of a person convicted of a third or subsequent  
13 violation of Section 6-303 of this Code committed while his or  
14 her driver's license, permit, or privilege was revoked because  
15 of a violation of Section 9-3 of the Criminal Code of 1961,  
16 relating to the offense of reckless homicide, or a similar  
17 provision of a law of another state, is permanent. The  
18 Secretary may not, at any time, issue a license or permit to  
19 that person.

20 (e) This Section is subject to the provisions of the Driver  
21 License Compact.

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

26 (g) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose  
2 driving privileges have been revoked under any provisions of  
3 this Code.

4 (h) The Secretary of State shall require the use of  
5 ignition interlock devices on all vehicles owned by a person ~~an~~  
6 ~~individual~~ who has been convicted of a second or subsequent  
7 offense under Section 11-501 of this Code or a similar  
8 provision of a local ordinance. The person must pay to the  
9 Secretary of State DUI Administration Fund an amount not to  
10 exceed \$30 for each month that he or she uses the device. The  
11 Secretary shall establish by rule and regulation the procedures  
12 for certification and use of the interlock system, the amount  
13 of the fee, and the procedures, terms, and conditions relating  
14 to these fees.

15 (i) (Blank).

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

21 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;  
22 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;  
23 95-627, eff. 6-1-08; revised 11-16-07.)

24 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

25 (Text of Section after amendment by P.A. 95-400)

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

3           (a) The Secretary of State is authorized to suspend or  
4 revoke the driving privileges of any person without preliminary  
5 hearing upon a showing of the person's records or other  
6 sufficient evidence that the person:

7           1. Has committed an offense for which mandatory  
8 revocation of a driver's license or permit is required upon  
9 conviction;

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

15           3. Has been repeatedly involved as a driver in motor  
16 vehicle collisions or has been repeatedly convicted of  
17 offenses against laws and ordinances regulating the  
18 movement of traffic, to a degree that indicates lack of  
19 ability to exercise ordinary and reasonable care in the  
20 safe operation of a motor vehicle or disrespect for the  
21 traffic laws and the safety of other persons upon the  
22 highway;

23           4. Has by the unlawful operation of a motor vehicle  
24 caused or contributed to an accident resulting in death or  
25 injury requiring immediate professional treatment in a  
26 medical facility or doctor's office to any person, except

1 that any suspension or revocation imposed by the Secretary  
2 of State under the provisions of this subsection shall  
3 start no later than 6 months after being convicted of  
4 violating a law or ordinance regulating the movement of  
5 traffic, which violation is related to the accident, or  
6 shall start not more than one year after the date of the  
7 accident, whichever date occurs later;

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

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

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

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

19 9. Has made a false statement or knowingly concealed a  
20 material fact or has used false information or  
21 identification in any application for a license,  
22 identification card, or permit;

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

26 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to  
2 obtain a driver's license or permit was revoked or  
3 suspended unless the operation was authorized by a  
4 monitoring device driving permit, judicial driving permit  
5 issued prior to January 1, 2009 ~~the effective date of this~~  
6 ~~amendatory Act of the 95th General Assembly~~, probationary  
7 license to drive, or a restricted driving permit issued  
8 under this Code;

9 12. Has submitted to any portion of the application  
10 process for another person or has obtained the services of  
11 another person to submit to any portion of the application  
12 process for the purpose of obtaining a license,  
13 identification card, or permit for some other person;

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

17 14. Has committed a violation of Section 6-301,  
18 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
19 of the Illinois Identification Card Act;

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

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

26 17. Has refused to submit to a test, or tests, as



1 required under Section 11-501.1 of this Code and the person  
2 has not sought a hearing as provided for in Section  
3 11-501.1;

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

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

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

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

16 22. Has used a motor vehicle in violating paragraph  
17 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
18 the Criminal Code of 1961 relating to unlawful use of  
19 weapons, in which case the suspension shall be for one  
20 year;

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

25 24. Has been convicted by a court-martial or punished  
26 by non-judicial punishment by military authorities of the

1 United States at a military installation in Illinois of or  
2 for a traffic related offense that is the same as or  
3 similar to an offense specified under Section 6-205 or  
4 6-206 of this Code;

5 25. Has permitted any form of identification to be used  
6 by another in the application process in order to obtain or  
7 attempt to obtain a license, identification card, or  
8 permit;

9 26. Has altered or attempted to alter a license or has  
10 possessed an altered license, identification card, or  
11 permit;

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

14 28. Has been convicted of the illegal possession, while  
15 operating or in actual physical control, as a driver, of a  
16 motor vehicle, of any controlled substance prohibited  
17 under the Illinois Controlled Substances Act, any cannabis  
18 prohibited under the Cannabis Control Act, or any  
19 methamphetamine prohibited under the Methamphetamine  
20 Control and Community Protection Act, in which case the  
21 person's driving privileges shall be suspended for one  
22 year, and any driver who is convicted of a second or  
23 subsequent offense, within 5 years of a previous  
24 conviction, for the illegal possession, while operating or  
25 in actual physical control, as a driver, of a motor  
26 vehicle, of any controlled substance prohibited under the

1 Illinois Controlled Substances Act, any cannabis  
2 prohibited under the Cannabis Control Act, or any  
3 methamphetamine prohibited under the Methamphetamine  
4 Control and Community Protection Act shall be suspended for  
5 5 years. Any defendant found guilty of this offense while  
6 operating a motor vehicle, shall have an entry made in the  
7 court record by the presiding judge that this offense did  
8 occur while the defendant was operating a motor vehicle and  
9 order the clerk of the court to report the violation to the  
10 Secretary of State;

11 29. Has been convicted of the following offenses that  
12 were committed while the person was operating or in actual  
13 physical control, as a driver, of a motor vehicle: criminal  
14 sexual assault, predatory criminal sexual assault of a  
15 child, aggravated criminal sexual assault, criminal sexual  
16 abuse, aggravated criminal sexual abuse, juvenile pimping,  
17 soliciting for a juvenile prostitute and the manufacture,  
18 sale or delivery of controlled substances or instruments  
19 used for illegal drug use or abuse in which case the  
20 driver's driving privileges shall be suspended for one  
21 year;

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

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 or has submitted to a test resulting in an  
2 alcohol concentration of 0.08 or more or any amount of a  
3 drug, substance, or compound resulting from the unlawful  
4 use or consumption of cannabis as listed in the Cannabis  
5 Control Act, a controlled substance as listed in the  
6 Illinois Controlled Substances Act, an intoxicating  
7 compound as listed in the Use of Intoxicating Compounds  
8 Act, or methamphetamine as listed in the Methamphetamine  
9 Control and Community Protection Act, in which case the  
10 penalty shall be as prescribed in Section 6-208.1;

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

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

20 34. Has committed a violation of Section 11-1301.5 of  
21 this Code;

22 35. Has committed a violation of Section 11-1301.6 of  
23 this Code;

24 36. Is under the age of 21 years at the time of arrest  
25 and has been convicted of not less than 2 offenses against  
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or  
2 suspension shall be entered more than 6 months after the  
3 date of last conviction;

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

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

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

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

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

17 42. Has committed a violation of subsection (a-1) of  
18 Section 11-1301.3 of this Code; ~~or~~

19 43. Has received a disposition of court supervision for  
20 a violation of subsection (a), (d), or (e) of Section 6-20  
21 of the Liquor Control Act of 1934 or a similar provision of  
22 a local ordinance, in which case the suspension shall be  
23 for a period of 3 months; ~~;~~

24 44. ~~43.~~ Is under the age of 21 years at the time of  
25 arrest and has been convicted of an offense against traffic  
26 regulations governing the movement of vehicles after

1           having previously had his or her driving privileges ~~been~~  
2           suspended or revoked pursuant to subparagraph 36 of this  
3           Section; or.

4           45. 43. Has, in connection with or during the course of  
5           a formal hearing conducted under Section 2-118 of this  
6           Code: (i) committed perjury; (ii) submitted fraudulent or  
7           falsified documents; (iii) submitted documents that have  
8           been materially altered; or (iv) submitted, as his or her  
9           own, documents that were in fact prepared or composed for  
10          another person.

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

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

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

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

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

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

11 Any person who falsely states any fact in the affidavit  
12 required herein shall be guilty of perjury under Section  
13 6-302 and upon conviction thereof shall have all driving  
14 privileges revoked without further rights.

15 3. At the conclusion of a hearing under Section 2-118  
16 of this Code, the Secretary of State shall either rescind  
17 or continue an order of revocation or shall substitute an  
18 order of suspension; or, good cause appearing therefor,  
19 rescind, continue, change, or extend the order of  
20 suspension. If the Secretary of State does not rescind the  
21 order, the Secretary may upon application, to relieve undue  
22 hardship (as defined by the rules of the Secretary of  
23 State), issue a restricted driving permit granting the  
24 privilege of driving a motor vehicle between the  
25 petitioner's residence and petitioner's place of  
26 employment or within the scope of the petitioner's



1 employment related duties, or to allow ~~transportation for~~  
2 the petitioner to transport himself or herself, or a family  
3 ~~household~~ member of the petitioner's household to a medical  
4 facility family, to receive necessary medical care, to  
5 allow the petitioner to transport himself or herself  
6 ~~provide transportation~~ to and from alcohol or drug remedial  
7 or rehabilitative activity recommended by a licensed  
8 service provider, or to allow for the petitioner to  
9 transport himself or herself or a family member of the  
10 petitioner's household to attend classes, as a student, at  
11 ~~in~~ an accredited educational institution, or to allow the  
12 petitioner to transport children living in the  
13 petitioner's household to and from daycare. The petitioner  
14 must demonstrate that no alternative means of  
15 transportation is reasonably available and that the  
16 petitioner will not endanger the public safety or welfare.  
17 Those multiple offenders identified in subdivision (b)4 of  
18 Section 6-208 of this Code, however, shall not be eligible  
19 for the issuance of a restricted driving permit.

20 (A) If a person's license or permit is revoked or  
21 suspended due to 2 or more convictions 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 Section 9-3  
24 of the Criminal Code of 1961, where the use of alcohol or  
25 other drugs is recited as an element of the offense, or a  
26 similar out-of-state offense, or a combination of these

1 offenses, arising out of separate occurrences, that  
2 person, if issued a restricted driving permit, may not  
3 operate a vehicle unless it has been equipped with an  
4 ignition interlock device as defined in Section 1-129.1.

5 (B) If a person's license or permit is revoked or  
6 suspended 2 or more times within a 10 year period due to  
7 any combination of:

8 (i) a single conviction of violating Section  
9 11-501 of this Code or a similar provision of a local  
10 ordinance or a similar out-of-state offense or Section  
11 9-3 of the Criminal Code of 1961, where the use of  
12 alcohol or other drugs is recited as an element of the  
13 offense, or a similar out-of-state offense; or

14 (ii) a statutory summary suspension under Section  
15 11-501.1; or

16 (iii) a suspension under Section 6-203.1, arising  
17 out of separate occurrences, that person, if issued a  
18 restricted driving permit, may not operate a vehicle  
19 unless it has been equipped with an ignition interlock  
20 device as defined in Section 1-129.1.

21 (C) The person issued a permit conditioned upon the use  
22 of an ignition interlock device must pay to the Secretary  
23 of State DUI Administration Fund an amount not to exceed  
24 \$20 per month. The Secretary shall establish by rule the  
25 amount and the procedures, terms, and conditions relating  
26 to these fees.

1           (D) If the restricted driving permit is issued for  
2           employment purposes, then the prohibition against  
3           operating a motor vehicle that is not equipped with an  
4           ignition interlock device does not apply to the operation  
5           of an occupational vehicle owned or leased by that person's  
6           employer when used solely for employment purposes.

7           (E) In each case the Secretary may issue a restricted  
8           driving permit for a period deemed appropriate, except that  
9           all permits shall expire within one year from the date of  
10          issuance. The Secretary may not, however, issue a  
11          restricted driving permit to any person whose current  
12          revocation is the result of a second or subsequent  
13          conviction for a violation of Section 11-501 of this Code  
14          or a similar provision of a local ordinance or any similar  
15          out-of-state offense, or Section 9-3 of the Criminal Code  
16          of 1961, where the use of alcohol or other drugs is recited  
17          as an element of the offense, or any similar out-of-state  
18          offense, or any combination of those offenses, until the  
19          expiration of at least one year from the date of the  
20          revocation. A restricted driving permit issued under this  
21          Section shall be subject to cancellation, revocation, and  
22          suspension by the Secretary of State in like manner and for  
23          like cause as a driver's license issued under this Code may  
24          be cancelled, revoked, or suspended; except that a  
25          conviction upon one or more offenses against laws or  
26          ordinances regulating the movement of traffic shall be

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

9           (c-3) In the case of a suspension under paragraph 43 of  
10          subsection (a), reports received by the Secretary of State  
11          under this Section shall, except during the actual time the  
12          suspension is in effect, be privileged information and for use  
13          only by the courts, police officers, prosecuting authorities,  
14          the driver licensing administrator of any other state, or the  
15          Secretary of State. However, beginning January 1, 2008, if the  
16          person is a CDL holder, the suspension shall also be made  
17          available to the driver licensing administrator of any other  
18          state, the U.S. Department of Transportation, and the affected  
19          driver or motor carrier or prospective motor carrier upon  
20          request.

21          (c-4) In the case of a suspension under paragraph 43 of  
22          subsection (a), the Secretary of State shall notify the person  
23          by mail that his or her driving privileges and driver's license  
24          will be suspended one month after the date of the mailing of  
25          the notice.

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, revoked,  
17 cancelled, or disqualified under any provisions of this Code.

18 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;  
19 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;  
20 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;  
21 revised 11-16-07.)

22 (625 ILCS 5/11-501.01)

23 Sec. 11-501.01. Additional administrative sanctions.

24 (a) After a finding of guilt and prior to any final  
25 sentencing or an order for supervision, for an offense based

1 upon an arrest for a violation of Section 11-501 or a similar  
2 provision of a local ordinance, individuals shall be required  
3 to undergo a professional evaluation to determine if an  
4 alcohol, drug, or intoxicating compound abuse problem exists  
5 and the extent of the problem, and undergo the imposition of  
6 treatment as appropriate. Programs conducting these  
7 evaluations shall be licensed by the Department of Human  
8 Services. The cost of any professional evaluation shall be paid  
9 for by the individual required to undergo the professional  
10 evaluation.

11 (b) Any person who is found guilty of or pleads guilty to  
12 violating Section 11-501, including any person receiving a  
13 disposition of court supervision for violating that Section,  
14 may be required by the Court to attend a victim impact panel  
15 offered by, or under contract with, a county State's Attorney's  
16 office, a probation and court services department, Mothers  
17 Against Drunk Driving, or the Alliance Against Intoxicated  
18 Motorists. All costs generated by the victim impact panel shall  
19 be paid from fees collected from the offender or as may be  
20 determined by the court.

21 (c) Every person found guilty of violating Section 11-501,  
22 whose operation of a motor vehicle while in violation of that  
23 Section proximately caused any incident resulting in an  
24 appropriate emergency response, shall be liable for the expense  
25 of an emergency response as provided in subsection (i) of this  
26 Section.

1 (d) The Secretary of State shall revoke the driving  
2 privileges of any person convicted under Section 11-501 or a  
3 similar provision of a local ordinance.

4 (e) The Secretary of State shall require the use of  
5 ignition interlock devices on all vehicles owned by a person ~~an~~  
6 ~~individual~~ who has been convicted of a second or subsequent  
7 offense of Section 11-501 or a similar provision of a local  
8 ordinance. The person must pay to the Secretary of State DUI  
9 Administration Fund an amount not to exceed \$30 for each month  
10 that he or she uses the device. The Secretary shall establish  
11 by rule and regulation the procedures for certification and use  
12 of the interlock system, the amount of the fee, and the  
13 procedures, terms, and conditions relating to these fees.

14 (f) In addition to any other penalties and liabilities, a  
15 person who is found guilty of or pleads guilty to violating  
16 Section 11-501, including any person placed on court  
17 supervision for violating Section 11-501, shall be assessed  
18 \$500, payable to the circuit clerk, who shall distribute the  
19 money as follows: 20% to the law enforcement agency that made  
20 the arrest, and 80% shall be forwarded to the State Treasurer  
21 for deposit into the General Revenue Fund. If the person has  
22 been previously convicted of violating Section 11-501 or a  
23 similar provision of a local ordinance, the fine shall be  
24 \$1,000. In the event that more than one agency is responsible  
25 for the arrest, the amount payable to law enforcement agencies  
26 shall be shared equally. Any moneys received by a law

1 enforcement agency under this subsection (f) shall be used to  
2 purchase law enforcement equipment that will assist in the  
3 prevention of alcohol related criminal violence throughout the  
4 State. This shall include, but is not limited to, in-car video  
5 cameras, radar and laser speed detection devices, and alcohol  
6 breath testers. Any moneys received by the Department of State  
7 Police under this subsection (f) shall be deposited into the  
8 State Police DUI Fund and shall be used to purchase law  
9 enforcement equipment that will assist in the prevention of  
10 alcohol related criminal violence throughout the State.

11 (g) The Secretary of State Police DUI Fund is created as a  
12 special fund in the State treasury. All moneys received by the  
13 Secretary of State Police under subsection (f) of this Section  
14 shall be deposited into the Secretary of State Police DUI Fund  
15 and, subject to appropriation, shall be used to purchase law  
16 enforcement equipment to assist in the prevention of alcohol  
17 related criminal violence throughout the State.

18 (h) Whenever an individual is sentenced for an offense  
19 based upon an arrest for a violation of Section 11-501 or a  
20 similar provision of a local ordinance, and the professional  
21 evaluation recommends remedial or rehabilitative treatment or  
22 education, neither the treatment nor the education shall be the  
23 sole disposition and either or both may be imposed only in  
24 conjunction with another disposition. The court shall monitor  
25 compliance with any remedial education or treatment  
26 recommendations contained in the professional evaluation.



1 Programs conducting alcohol or other drug evaluation or  
2 remedial education must be licensed by the Department of Human  
3 Services. If the individual is not a resident of Illinois,  
4 however, the court may accept an alcohol or other drug  
5 evaluation or remedial education program in the individual's  
6 state of residence. Programs providing treatment must be  
7 licensed under existing applicable alcoholism and drug  
8 treatment licensure standards.

9 (i) In addition to any other fine or penalty required by  
10 law, an individual convicted of a violation of Section 11-501,  
11 Section 5-7 of the Snowmobile Registration and Safety Act,  
12 Section 5-16 of the Boat Registration and Safety Act, or a  
13 similar provision, whose operation of a motor vehicle,  
14 snowmobile, or watercraft while in violation of Section 11-501,  
15 Section 5-7 of the Snowmobile Registration and Safety Act,  
16 Section 5-16 of the Boat Registration and Safety Act, or a  
17 similar provision proximately caused an incident resulting in  
18 an appropriate emergency response, shall be required to make  
19 restitution to a public agency for the costs of that emergency  
20 response. The restitution may not exceed \$1,000 per public  
21 agency for each emergency response. As used in this subsection  
22 (i), "emergency response" means any incident requiring a  
23 response by a police officer, a firefighter carried on the  
24 rolls of a regularly constituted fire department, or an  
25 ambulance.

26 (Source: P.A. 95-578, eff. 6-1-08.)