

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-206 as follows:

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

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

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

10 (a) The Secretary of State is authorized to suspend or
11 revoke the driving privileges of any person without preliminary
12 hearing upon a showing of the person's records or other
13 sufficient evidence that the person:

14 1. Has committed an offense for which mandatory
15 revocation of a driver's license or permit is required upon
16 conviction;

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

22 3. Has been repeatedly involved as a driver in motor
23 vehicle collisions or has been repeatedly convicted of

1 offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

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

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

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

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

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

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

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

10 11. Has operated a motor vehicle upon a highway of this
11 State when the person's driving privilege or privilege to
12 obtain a driver's license or permit was revoked or
13 suspended unless the operation was authorized by a
14 monitoring device driving permit, judicial driving permit
15 issued prior to January 1, 2009 ~~the effective date of this~~
16 ~~amendatory Act of the 95th General Assembly~~, probationary
17 license to drive, or a restricted driving permit issued
18 under this Code;

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

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

1 14. Has committed a violation of Section 6-301,
2 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
3 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

26 22. Has used a motor vehicle in violating paragraph

1 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
2 the Criminal Code of 1961 relating to unlawful use of
3 weapons, in which case the suspension shall be for one
4 year;

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

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

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

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

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

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

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

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

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

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

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

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

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of
2 a violation of paragraph (a) of Section 11-502 of this Code
3 or a similar provision of a local ordinance;

4 34. Has committed a violation of Section 11-1301.5 of
5 this Code;

6 35. Has committed a violation of Section 11-1301.6 of
7 this Code;

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

14 37. Has committed a violation of subsection (c) of
15 Section 11-907 of this Code that resulted in damage to the
16 property of another or the death or injury of another;

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

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

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

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code within 2 years of the date of
26 the previous violation, in which case the suspension shall

1 be for 90 days;

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

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

9 44. ~~43.~~ Is under the age of 21 years at the time of
10 arrest and has been convicted of an offense against traffic
11 regulations governing the movement of vehicles after
12 having previously had his or her driving privileges ~~been~~
13 suspended or revoked pursuant to subparagraph 36 of this
14 Section; ~~or~~

15 45. ~~43.~~ Has, in connection with or during the course of
16 a formal hearing conducted under Section 2-118 of this
17 Code: (i) committed perjury; (ii) submitted fraudulent or
18 falsified documents; (iii) submitted documents that have
19 been materially altered; or (iv) ~~or~~ submitted as his or her
20 own, documents that were in fact prepared or composed for
21 another person.

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

1 a probationary driver's license or a temporary driver's
2 license.

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

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

18 2. If the Secretary of State suspends the driver's
19 license of a person under subsection 2 of paragraph (a) of
20 this Section, a person's privilege to operate a vehicle as
21 an occupation shall not be suspended, provided an affidavit
22 is properly completed, the appropriate fee received, and a
23 permit issued prior to the effective date of the
24 suspension, unless 5 offenses were committed, at least 2 of
25 which occurred while operating a commercial vehicle in
26 connection with the driver's regular occupation. All other

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

19 The provisions of this subparagraph shall not apply to
20 any driver required to possess a CDL for the purpose of
21 operating a commercial motor vehicle.

22 Any person who falsely states any fact in the affidavit
23 required herein shall be guilty of perjury under Section
24 6-302 and upon conviction thereof shall have all driving
25 privileges revoked without further rights.

26 3. At the conclusion of a hearing under Section 2-118

1 of this Code, the Secretary of State shall either rescind
2 or continue an order of revocation or shall substitute an
3 order of suspension; or, good cause appearing therefor,
4 rescind, continue, change, or extend the order of
5 suspension. If the Secretary of State does not rescind the
6 order, the Secretary may upon application, to relieve undue
7 hardship (as defined by the rules of the Secretary of
8 State), issue a restricted driving permit granting the
9 privilege of driving a motor vehicle between the
10 petitioner's residence and petitioner's place of
11 employment or within the scope of the petitioner's
12 employment related duties, or to allow transportation for
13 the petitioner, or a household member of the petitioner's
14 family, to receive necessary medical care, provide
15 transportation to and from alcohol or drug remedial or
16 rehabilitative activity recommended by a licensed service
17 provider, or for the petitioner to attend classes, as a
18 student, in an accredited educational institution. The
19 petitioner must demonstrate that no alternative means of
20 transportation is reasonably available and that the
21 petitioner will not endanger the public safety or welfare.
22 Those multiple offenders identified in subdivision (b)4 of
23 Section 6-208 of this Code, however, shall not be eligible
24 for the issuance of a restricted driving permit.

25 (A) If a person's license or permit is revoked or
26 suspended due to 2 or more convictions of violating

1 Section 11-501 of this Code or a similar provision of a
2 local ordinance or a similar out-of-state offense, or
3 Section 9-3 of the Criminal Code of 1961, where the use
4 of alcohol or other drugs is recited as an element of
5 the offense, or a similar out-of-state offense, or a
6 combination of these offenses, arising out of separate
7 occurrences, that person, if issued a restricted
8 driving permit, may not operate a vehicle unless it has
9 been equipped with an ignition interlock device as
10 defined in Section 1-129.1.

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

14 (i) a single conviction of violating Section
15 11-501 of this Code or a similar provision of a
16 local ordinance or a similar out-of-state offense
17 or Section 9-3 of the Criminal Code of 1961, where
18 the use of alcohol or other drugs is recited as an
19 element of the offense, or a similar out-of-state
20 offense; or

21 (ii) a statutory summary suspension under
22 Section 11-501.1; or

23 (iii) a suspension under Section 6-203.1~~;~~
24 arising out of separate occurrences~~;~~ that person, if
25 issued a restricted driving permit, may not operate a
26 vehicle unless it has been equipped with an ignition

1 interlock device as defined in Section 1-129.1.

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

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

14 (E) In each case the Secretary may issue a
15 restricted driving permit for a period deemed
16 appropriate, except that all permits shall expire
17 within one year from the date of issuance. The
18 Secretary may not, however, issue a restricted driving
19 permit to any person whose current revocation is the
20 result of a second or subsequent conviction for a
21 violation of Section 11-501 of this Code or a similar
22 provision of a local ordinance or any similar
23 out-of-state offense, or Section 9-3 of the Criminal
24 Code of 1961, where the use of alcohol or other drugs
25 is recited as an element of the offense, or any similar
26 out-of-state offense, or any combination of those

1 offenses, until the expiration of at least one year
2 from the date of the revocation. A restricted driving
3 permit issued under this Section shall be subject to
4 cancellation, revocation, and suspension by the
5 Secretary of State in like manner and for like cause as
6 a driver's license issued under this Code may be
7 cancelled, revoked, or suspended; except that a
8 conviction upon one or more offenses against laws or
9 ordinances regulating the movement of traffic shall be
10 deemed sufficient cause for the revocation,
11 suspension, or cancellation of a restricted driving
12 permit. The Secretary of State may, as a condition to
13 the issuance of a restricted driving permit, require
14 the applicant to participate in a designated driver
15 remedial or rehabilitative program. The Secretary of
16 State is authorized to cancel a restricted driving
17 permit if the permit holder does not successfully
18 complete the program.

19 (c-3) In the case of a suspension under paragraph 43 of
20 subsection (a), reports received by the Secretary of State
21 under this Section shall, except during the actual time the
22 suspension is in effect, be privileged information and for use
23 only by the courts, police officers, prosecuting authorities,
24 the driver licensing administrator of any other state, or the
25 Secretary of State. However, beginning January 1, 2008, if the
26 person is a CDL holder, the suspension shall also be made

1 available to the driver licensing administrator of any other
2 state, the U.S. Department of Transportation, and the affected
3 driver or motor carrier or prospective motor carrier upon
4 request.

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

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, revoked,

1 cancelled, or disqualified under any provisions of this Code.

2 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;

3 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;

4 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;

5 revised 2-7-08.)