



Sen. John J. Cullerton

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09600HB3677sam001

LRB096 04579 AJT 40522 a

1 AMENDMENT TO HOUSE BILL 3677

2 AMENDMENT NO. _____. Amend House Bill 3677 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-205 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~~ the Secretary
10 of State shall immediately revoke the license, permit, or
11 driving 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

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof;

5 3. Any felony under the laws of any State or the
6 federal government in the commission of which a motor
7 vehicle was used;

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

11 5. Perjury or the making of a false affidavit or
12 statement under oath to the Secretary of State under this
13 Code or under any other law relating to the ownership or
14 operation of motor vehicles;

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

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

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

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

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 arising from the use of a motor vehicle;

25 11. Violation of Section 11-204.1 of this Code relating
26 to aggravated fleeing or attempting to elude a peace

1 officer;

2 12. Violation of paragraph (1) of subsection (b) of
3 Section 6-507, or a similar law of any other state,
4 relating to the unlawful operation of a commercial motor
5 vehicle;

6 13. Violation of paragraph (a) of Section 11-502 of
7 this Code or a similar provision of a local ordinance if
8 the driver has been previously convicted of a violation of
9 that Section or a similar provision of a local ordinance
10 and the driver was less than 21 years of age at the time of
11 the offense;

12 14. Violation of paragraph (a) of Section 11-506 of
13 this Code or a similar provision of a local ordinance
14 relating to the offense of street racing;

15 15. A second or subsequent conviction of driving while
16 the person's driver's license, permit or privileges was
17 revoked for reckless homicide or a similar out-of-state
18 offense.

19 (b) The Secretary of State shall also immediately revoke
20 the license or permit of any driver in the following
21 situations:

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

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

4 3. Of any person adjudicated under the Juvenile Court
5 Act of 1987 based on an offense determined to have been
6 committed in furtherance of the criminal activities of an
7 organized gang as provided in Section 5-710 of that Act,
8 and that involved the operation or use of a motor vehicle
9 or the use of a driver's license or permit. The revocation
10 shall remain in effect for the period determined by the
11 court. Upon the direction of the court, the Secretary shall
12 issue the person a judicial driving permit, also known as a
13 JDP. The JDP shall be subject to the same terms as a JDP
14 issued under Section 6-206.1, except that the court may
15 direct that a JDP issued under this subdivision (b)(3) be
16 effective immediately.

17 (c)(1) Except as provided in subsection (c-5), whenever a
18 person is convicted of any of the offenses enumerated in this
19 Section, the court may recommend and the Secretary of State in
20 his discretion, without regard to whether the recommendation is
21 made by the court may, upon application, issue to the person a
22 restricted driving permit granting the privilege of driving a
23 motor vehicle between the petitioner's residence and
24 petitioner's place of employment or within the scope of the
25 petitioner's employment related duties, or to allow the
26 petitioner to transport himself or herself or a family member

1 of the petitioner's household to a medical facility for the
2 receipt of necessary medical care or to allow the petitioner to
3 transport himself or herself to and from alcohol or drug
4 remedial or rehabilitative activity recommended by a licensed
5 service provider, or to allow the petitioner to transport
6 himself or herself or a family member of the petitioner's
7 household to classes, as a student, at an accredited
8 educational institution, or to allow the petitioner to
9 transport children living in the petitioner's household to and
10 from daycare; if the petitioner is able to demonstrate that no
11 alternative means of transportation is reasonably available
12 and that the petitioner will not endanger the public safety or
13 welfare; provided that the Secretary's discretion shall be
14 limited to cases where undue hardship, as defined by the rules
15 of the Secretary of State, would result from a failure to issue
16 the restricted driving permit. Those multiple offenders
17 identified in subdivision (b)4 of Section 6-208 of this Code,
18 however, shall not be eligible for the issuance of a restricted
19 driving permit.

20 (2) 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 (3) If:

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

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

16 (ii) a statutory summary suspension under
17 Section 11-501.1; or

18 (iii) a suspension pursuant to Section
19 6-203.1;

20 arising out of separate occurrences; or

21 (B) a person has been convicted of one violation of
22 Section 6-303 of this Code committed while his or her
23 driver's license, permit, or privilege was revoked
24 because of a violation of Section 9-3 of the Criminal
25 Code of 1961, relating to the offense of reckless
26 homicide where the use of alcohol or other drugs was

1 recited as an element of the offense, or a similar
2 provision of a law of another state;
3 that person, if issued a restricted driving permit, may not
4 operate a vehicle unless it has been equipped with an
5 ignition interlock device as defined in Section 1-129.1.

6 (4) The person issued a permit conditioned on the use
7 of an ignition interlock device must pay to the Secretary
8 of State DUI Administration Fund an amount not to exceed
9 \$30 per month. The Secretary shall establish by rule the
10 amount and the procedures, terms, and conditions relating
11 to these fees.

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

18 (6) In each case the Secretary of State may issue a
19 restricted driving permit for a period he deems
20 appropriate, except that the permit shall expire within one
21 year from the date of issuance. The Secretary may not,
22 however, issue a restricted driving permit to any person
23 whose current revocation is the result of a second or
24 subsequent conviction for a violation of Section 11-501 of
25 this Code or a similar provision of a local ordinance or
26 any similar out-of-state offense, or Section 9-3 of the

1 Criminal Code of 1961, where the use of alcohol or other
2 drugs is recited as an element of the offense, or any
3 similar out-of-state offense, or any combination of these
4 offenses, until the expiration of at least one year from
5 the date of the revocation. A restricted driving permit
6 issued under this Section shall be subject to cancellation,
7 revocation, and suspension by the Secretary of State in
8 like manner and for like cause as a driver's license issued
9 under this Code may be cancelled, revoked, or suspended;
10 except that a conviction upon one or more offenses against
11 laws or ordinances regulating the movement of traffic shall
12 be deemed sufficient cause for the revocation, suspension,
13 or cancellation of a restricted driving permit. The
14 Secretary of State may, as a condition to the issuance of a
15 restricted driving permit, require the petitioner to
16 participate in a designated driver remedial or
17 rehabilitative program. The Secretary of State is
18 authorized to cancel a restricted driving permit if the
19 permit holder does not successfully complete the program.
20 However, if an individual's driving privileges have been
21 revoked in accordance with paragraph 13 of subsection (a)
22 of this Section, no restricted driving permit shall be
23 issued until the individual has served 6 months of the
24 revocation period.

25 (c-5) (Blank).

26 (c-6) If a person is convicted of a second violation of

1 operating a motor vehicle while the person's driver's license,
2 permit or privilege was revoked, where the revocation was for a
3 violation of Section 9-3 of the Criminal Code of 1961 relating
4 to the offense of reckless homicide or a similar out-of-state
5 offense, the person's driving privileges shall be revoked
6 pursuant to subdivision (a) (15) of this Section. The person may
7 not make application for a license or permit until the
8 expiration of five years from the effective date of the
9 revocation or the expiration of five years from the date of
10 release from a term of imprisonment, whichever is later.

11 (c-7) If a person is convicted of a third or subsequent
12 violation of operating a motor vehicle while the person's
13 driver's license, permit or privilege was revoked, where the
14 revocation was for a violation of Section 9-3 of the Criminal
15 Code of 1961 relating to the offense of reckless homicide or a
16 similar out-of-state offense, the person may never apply for a
17 license or permit.

18 (d) (1) Whenever a person under the age of 21 is convicted
19 under Section 11-501 of this Code or a similar provision of a
20 local ordinance or a similar out-of-state offense, the
21 Secretary of State shall revoke the driving privileges of that
22 person. One year after the date of revocation, and upon
23 application, the Secretary of State may, if satisfied that the
24 person applying will not endanger the public safety or welfare,
25 issue a restricted driving permit granting the privilege of
26 driving a motor vehicle only between the hours of 5 a.m. and 9

1 p.m. or as otherwise provided by this Section for a period of
2 one year. After this one year period, and upon reapplication
3 for a license as provided in Section 6-106, upon payment of the
4 appropriate reinstatement fee provided under paragraph (b) of
5 Section 6-118, the Secretary of State, in his discretion, may
6 reinstate the petitioner's driver's license and driving
7 privileges, or extend the restricted driving permit as many
8 times as the Secretary of State deems appropriate, by
9 additional periods of not more than 12 months each.

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

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

24 (A) a single conviction of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense, or

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

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

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

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

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

23 (6) A restricted driving permit issued under this
24 Section shall be subject to cancellation, revocation, and
25 suspension by the Secretary of State in like manner and for
26 like cause as a driver's license issued under this Code may

1 be cancelled, revoked, or suspended; except that a
2 conviction upon one or more offenses against laws or
3 ordinances regulating the movement of traffic shall be
4 deemed sufficient cause for the revocation, suspension, or
5 cancellation of a restricted driving permit.

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

15 (e) This Section is subject to the provisions of the Driver
16 License Compact.

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

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

25 (h) The Secretary of State shall require the use of
26 ignition interlock devices on all vehicles owned by a person

1 who has been convicted of a second or subsequent offense under
2 Section 11-501 of this Code or a similar provision of a local
3 ordinance. The person must pay to the Secretary of State DUI
4 Administration Fund an amount not to exceed \$30 for each month
5 that he or she uses the device. The Secretary shall establish
6 by rule and regulation the procedures for certification and use
7 of the interlock system, the amount of the fee, and the
8 procedures, terms, and conditions relating to these fees.

9 (i) (Blank).

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

15 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
16 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
17 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
18 96-607, eff. 8-24-09.)".