



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB4580**

by Rep. William B. Black - Tom Cross

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205  
625 ILCS 5/6-206

from Ch. 95 1/2, par. 6-205  
from Ch. 95 1/2, par. 6-206

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke (rather than may, within 6 months of the date of conviction or one year of the date of the accident, revoke or suspend) the driving privileges of any person who has been convicted of an offense that involved the unlawful operation of a motor vehicle and caused or contributed to an accident resulting in the death of any person.

LRB096 04110 AJT 26824 b

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 and 6-206 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 15. Any offense against any provision in the Illinois  
9 Vehicle Code, or any local ordinance, regulating the  
10 movement of traffic, that has caused or contributed to an  
11 accident resulting in the death of any person.

12 (b) The Secretary of State shall also immediately revoke  
13 the license or permit of any driver in the following  
14 situations:

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

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

23 3. Of any person adjudicated under the Juvenile Court  
24 Act of 1987 based on an offense determined to have been  
25 committed in furtherance of the criminal activities of an  
26 organized gang as provided in Section 5-710 of that Act,

1 and that involved the operation or use of a motor vehicle  
2 or the use of a driver's license or permit. The revocation  
3 shall remain in effect for the period determined by the  
4 court. Upon the direction of the court, the Secretary shall  
5 issue the person a judicial driving permit, also known as a  
6 JDP. The JDP shall be subject to the same terms as a JDP  
7 issued under Section 6-206.1, except that the court may  
8 direct that a JDP issued under this subdivision (b)(3) be  
9 effective immediately.

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

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

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

24 (3) If:

25 (A) a person's license or permit is revoked or  
26 suspended 2 or more times within a 10 year period due

1 to any combination of:

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

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

11 (iii) a suspension pursuant to Section  
12 6-203.1;

13 arising out of separate occurrences; or

14 (B) a person has been convicted of one violation of  
15 Section 6-303 of this Code committed while his or her  
16 driver's license, permit, or privilege was revoked  
17 because of a violation of Section 9-3 of the Criminal  
18 Code of 1961, relating to the offense of reckless  
19 homicide, or a similar provision of a law of another  
20 state; 7

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

24 (4) The person issued a permit conditioned on the use  
25 of an ignition interlock device must pay to the Secretary  
26 of State DUI Administration Fund an amount not to exceed

1           \$30 per month. The Secretary shall establish by rule the  
2 amount and the procedures, terms, and conditions relating  
3 to these fees.

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

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



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

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

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

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

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

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

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

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

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

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

23           (5) If the restricted driving permit is issued for  
24           employment purposes, then the prohibition against driving  
25           a vehicle that is not equipped with an ignition interlock  
26           device does not apply to the operation of an occupational

1 vehicle owned or leased by that person's employer when used  
2 solely for employment purposes.

3 (6) A restricted driving permit issued under this  
4 Section shall be subject to cancellation, revocation, and  
5 suspension by the Secretary of State in like manner and for  
6 like cause as a driver's license issued under this Code may  
7 be 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, suspension, or  
11 cancellation of a restricted driving permit.

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

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

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

1           (g) The Secretary of State shall not issue a restricted  
2 driving permit to a person under the age of 16 years whose  
3 driving privileges have been revoked under any provisions of  
4 this Code.

5           (h) The Secretary of State shall require the use of  
6 ignition interlock devices on all vehicles owned by a person  
7 who has been convicted of a second or subsequent offense under  
8 Section 11-501 of this Code or a similar provision of a local  
9 ordinance. The person must pay to the Secretary of State DUI  
10 Administration Fund an amount not to exceed \$30 for each month  
11 that he or she uses the device. The Secretary shall establish  
12 by rule and regulation the procedures for certification and use  
13 of the interlock system, the amount of the fee, and the  
14 procedures, terms, and conditions relating 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; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08;  
24 revised 9-10-08.)

25           (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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, probationary license to  
6 drive, or a restricted driving permit issued under this  
7 Code;

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

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

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

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

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

25 17. Has refused to submit to a test, or tests, as  
26 required under Section 11-501.1 of this Code and the person



1 has not sought a hearing as provided for in Section  
2 11-501.1;

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

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

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

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

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

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

24 24. Has been convicted by a court-martial or punished  
25 by non-judicial punishment by military authorities of the  
26 United States at a military installation in Illinois of or

1 for a traffic related offense that is the same as or  
2 similar to an offense specified under Section 6-205 or  
3 6-206 of this Code;

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

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

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

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

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

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

25 31. Has refused to submit to a test as required by  
26 Section 11-501.6 or has submitted to a test resulting in an

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

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

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

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

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

23 36. Is under the age of 21 years at the time of arrest  
24 and has been convicted of not less than 2 offenses against  
25 traffic regulations governing the movement of vehicles  
26 committed within any 24 month period. No revocation or

1 suspension shall be entered more than 6 months after the  
2 date of last conviction;

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

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;

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. Is under the age of 21 years at the time of arrest  
25 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  
2           suspended or revoked pursuant to subparagraph 36 of this  
3           Section; or

4           45. Has, in connection with or during the course of a  
5           formal hearing conducted under Section 2-118 of this Code:  
6           (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 the  
6 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 the petitioner to  
2 transport himself or herself, or a family member of the  
3 petitioner's household to a medical facility, to receive  
4 necessary medical care, to allow the petitioner to  
5 transport himself or herself to and from alcohol or drug  
6 remedial or rehabilitative activity recommended by a  
7 licensed service provider, or to allow the petitioner to  
8 transport himself or herself or a family member of the  
9 petitioner's household to classes, as a student, at an  
10 accredited educational institution, or to allow the  
11 petitioner to transport children living in the  
12 petitioner's household to and from daycare. The petitioner  
13 must demonstrate that no alternative means of  
14 transportation is reasonably available and that the  
15 petitioner will not endanger the public safety or welfare.  
16 Those multiple offenders identified in subdivision (b)4 of  
17 Section 6-208 of this Code, however, shall not be eligible  
18 for the issuance of a restricted driving permit.

19 (A) If a person's license or permit is revoked or  
20 suspended due to 2 or more convictions of violating  
21 Section 11-501 of this Code or a similar provision of a  
22 local ordinance or a similar out-of-state offense, or  
23 Section 9-3 of the Criminal Code of 1961, where the use  
24 of alcohol or other drugs is recited as an element of  
25 the offense, or a similar out-of-state offense, or a  
26 combination of these offenses, arising out of separate

1           occurrences, that person, if issued a restricted  
2           driving permit, may not operate a vehicle unless it has  
3           been equipped with an ignition interlock device as  
4           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  
7           to any combination of:

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

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

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

22           (C) The person issued a permit conditioned upon the  
23           use of an ignition interlock device must pay to the  
24           Secretary of State DUI Administration Fund an amount  
25           not to exceed \$30 per month. The Secretary shall  
26           establish by rule the amount and the procedures, terms,

1 and conditions relating to these fees.

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

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

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

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

26 (c-4) In the case of a suspension under paragraph 43 of

1 subsection (a), the Secretary of State shall notify the person  
2 by mail that his or her driving privileges and driver's license  
3 will be suspended one month after the date of the mailing of  
4 the notice.

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

12 (d) This Section is subject to the provisions of the  
13 Drivers License Compact.

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

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

23 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;  
24 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;  
25 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;  
26 95-848, eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09;

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1 revised 9-5-08.)