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LRB096 04110 AJT 37584 a

1 AMENDMENT TO HOUSE BILL 4580

2 AMENDMENT NO. _____. Amend House Bill 4580 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

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 16. Any offense against any provision in the Illinois
20 Vehicle Code, or any local ordinance, regulating the
21 movement of traffic, that has caused or contributed to an
22 accident resulting in the death of any person. Any person
23 whose driving privileges have been revoked pursuant to this
24 paragraph may seek to have the revocation terminated or to
25 have the length of revocation reduced, by requesting an
26 administrative hearing with the Secretary of State prior to

1 the projected driver's license application eligibility
2 date.

3 (b) The Secretary of State shall also immediately revoke
4 the license or permit of any driver in the following
5 situations:

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

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

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

1 (c) (1) Except as provided in subsection (c-5), whenever a
2 person is convicted of any of the offenses enumerated in this
3 Section, the court may recommend and the Secretary of State in
4 his discretion, without regard to whether the recommendation is
5 made by the court may, upon application, issue to the person a
6 restricted driving permit granting the privilege of driving a
7 motor vehicle between the petitioner's residence and
8 petitioner's place of employment or within the scope of the
9 petitioner's employment related duties, or to allow the
10 petitioner to transport himself or herself or a family member
11 of the petitioner's household to a medical facility for the
12 receipt of necessary medical care or to allow the petitioner to
13 transport himself or herself to and from alcohol or drug
14 remedial or rehabilitative activity recommended by a licensed
15 service provider, or to allow the petitioner to transport
16 himself or herself or a family member of the petitioner's
17 household to classes, as a student, at an accredited
18 educational institution, or to allow the petitioner to
19 transport children living in the petitioner's household to and
20 from daycare; if the petitioner is able to demonstrate that no
21 alternative means of transportation is reasonably available
22 and that the petitioner will not endanger the public safety or
23 welfare; provided that the Secretary's discretion shall be
24 limited to cases where undue hardship, as defined by the rules
25 of the Secretary of State, would result from a failure to issue
26 the restricted driving permit. Those multiple offenders

1 identified in subdivision (b)4 of Section 6-208 of this Code,
2 however, shall not be eligible for the issuance of a restricted
3 driving permit.

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

15 (3) If:

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

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

26 (ii) a statutory summary suspension under

1 Section 11-501.1; or

2 (iii) a suspension pursuant to Section
3 6-203.1;

4 arising out of separate occurrences; or

5 (B) a person has been convicted of one violation of
6 Section 6-303 of this Code committed while his or her
7 driver's license, permit, or privilege was revoked
8 because of a violation of Section 9-3 of the Criminal
9 Code of 1961, relating to the offense of reckless
10 homicide where the use of alcohol or other drugs was
11 recited as an element of the offense, or a similar
12 provision of a law of another state;

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

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

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

1 employer when used solely for employment purposes.

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

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

9 (c-5) (Blank).

10 (c-6) If a person is convicted of a second violation of
11 operating a motor vehicle while the person's driver's license,
12 permit or privilege was revoked, where the revocation was for a
13 violation of Section 9-3 of the Criminal Code of 1961 relating
14 to the offense of reckless homicide or a similar out-of-state
15 offense, the person's driving privileges shall be revoked
16 pursuant to subdivision (a)(15) of this Section. The person may
17 not make application for a license or permit until the
18 expiration of five years from the effective date of the
19 revocation or the expiration of five years from the date of
20 release from a term of imprisonment, whichever is later.

21 (c-7) If a person is convicted of a third or subsequent
22 violation of operating a motor vehicle while the person's
23 driver's license, permit or privilege was revoked, where the
24 revocation was for a violation of Section 9-3 of the Criminal
25 Code of 1961 relating to the offense of reckless homicide or a
26 similar out-of-state offense, the person may never apply for a

1 license or permit.

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

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 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 (A) 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
11 Section 9-3 of the Criminal Code of 1961, where the use
12 of alcohol or other drugs is recited as an element of
13 the offense, or a similar out-of-state offense; or

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

16 (C) a suspension pursuant to Section 6-203.1;

17 arising out of separate occurrences, that person, if issued
18 a 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 (4) The person issued a permit conditioned upon the use
22 of an interlock device must pay to the Secretary of State
23 DUI Administration Fund an amount not to exceed \$30 per
24 month. The Secretary shall establish by rule the amount and
25 the procedures, terms, and conditions relating to these
26 fees.

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

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

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

25 (e) This Section is subject to the provisions of the Driver
26 License Compact.

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

5 (g) The Secretary of State shall not issue a restricted
6 driving permit to a person under the age of 16 years whose
7 driving privileges have been revoked under any provisions of
8 this Code.

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

19 (i) (Blank).

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

25 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
26 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,

1 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
2 96-607, eff. 8-24-09.)

3 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

10 1. Has committed an offense for which mandatory
11 revocation of a driver's license or permit is required upon
12 conviction;

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

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

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

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

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

18 7. Has refused or failed to submit to an examination
19 provided for by Section 6-207 or has failed to pass the
20 examination;

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

23 9. Has made a false statement or knowingly concealed a
24 material fact or has used false information or
25 identification in any application for a license,
26 identification card, or permit;

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

4 11. Has operated a motor vehicle upon a highway of this
5 State when the person's driving privilege or privilege to
6 obtain a driver's license or permit was revoked or
7 suspended unless the operation was authorized by a
8 monitoring device driving permit, judicial driving permit
9 issued prior to January 1, 2009, probationary license to
10 drive, or a restricted driving permit issued under this
11 Code;

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

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

20 14. Has committed a violation of Section 6-301,
21 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
22 of the Illinois Identification Card Act;

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

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

3 17. Has refused to submit to a test, or tests, as
4 required under Section 11-501.1 of this Code and the person
5 has not sought a hearing as provided for in Section
6 11-501.1;

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

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

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

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

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

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

1 similar violation;

2 24. Has been convicted by a court-martial or punished
3 by non-judicial punishment by military authorities of the
4 United States at a military installation in Illinois of or
5 for a traffic related offense that is the same as or
6 similar to an offense specified under Section 6-205 or
7 6-206 of this Code;

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

12 26. Has altered or attempted to alter a license or has
13 possessed an altered license, identification card, or
14 permit;

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

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

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

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

25 30. Has been convicted a second or subsequent time for
26 any combination of the offenses named in paragraph 29 of

1 this subsection, in which case the person's driving
2 privileges shall be suspended for 5 years;

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

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

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

23 34. Has committed a violation of Section 11-1301.5 of
24 this Code;

25 35. Has committed a violation of Section 11-1301.6 of
26 this Code;

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

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

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

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

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

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

21 42. Has committed a violation of subsection (a-1) of
22 Section 11-1301.3 of this Code;

23 43. Has received a disposition of court supervision for
24 a violation of subsection (a), (d), or (e) of Section 6-20
25 of the Liquor Control Act of 1934 or a similar provision of
26 a local ordinance, in which case the suspension shall be

1 for a period of 3 months;

2 44. Is under the age of 21 years at the time of arrest
3 and has been convicted of an offense against traffic
4 regulations governing the movement of vehicles after
5 having previously had his or her driving privileges
6 suspended or revoked pursuant to subparagraph 36 of this
7 Section; or

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

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

22 (b) If any conviction forming the basis of a suspension or
23 revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be, provided
26 that a certified copy of a stay order of a court is filed with

1 the Secretary of State. If the conviction is affirmed on
2 appeal, the date of the conviction shall relate back to the
3 time the original judgment of conviction was entered and the 6
4 month limitation prescribed shall not apply.

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

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

1 occupation. The affidavit shall be accompanied by the
2 driver's license. Upon receipt of a properly completed
3 affidavit, the Secretary of State shall issue the driver a
4 permit to operate a vehicle in connection with the driver's
5 regular occupation only. Unless the permit is issued by the
6 Secretary of State prior to the date of suspension, the
7 privilege to drive any motor vehicle shall be suspended as
8 set forth in the notice that was mailed under this Section.
9 If an affidavit is received subsequent to the effective
10 date of this suspension, a permit may be issued for the
11 remainder of the suspension period.

12 The provisions of this subparagraph shall not apply to
13 any driver required to possess a CDL for the purpose of
14 operating a commercial motor vehicle.

15 Any person who falsely states any fact in the affidavit
16 required herein shall be guilty of perjury under Section
17 6-302 and upon conviction thereof shall have all driving
18 privileges revoked without further rights.

19 3. At the conclusion of a hearing under Section 2-118
20 of this Code, the Secretary of State shall either rescind
21 or continue an order of revocation or shall substitute an
22 order of suspension; or, good cause appearing therefor,
23 rescind, continue, change, or extend the order of
24 suspension. If the Secretary of State does not rescind the
25 order, the Secretary may upon application, to relieve undue
26 hardship (as defined by the rules of the Secretary of

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

23 (A) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating
25 Section 11-501 of this Code or a similar provision of a
26 local 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 a
4 combination of these offenses, arising out of separate
5 occurrences, that person, if issued a restricted
6 driving permit, may not operate a vehicle unless it has
7 been equipped with an ignition interlock device as
8 defined in Section 1-129.1.

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

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

19 (ii) a statutory summary suspension under
20 Section 11-501.1; or

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

26 (C) The person issued a permit conditioned upon the

1 use of an ignition interlock device must pay to the
2 Secretary of State DUI Administration Fund an amount
3 not to exceed \$30 per month. The Secretary shall
4 establish by rule the amount and the procedures, terms,
5 and conditions relating to these fees.

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

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

1 from the date of the revocation. A restricted driving
2 permit issued under this Section shall be subject to
3 cancellation, revocation, and suspension by the
4 Secretary of State in like manner and for like cause as
5 a driver's license issued under this Code may be
6 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,
10 suspension, or cancellation of a restricted driving
11 permit. The Secretary of State may, as a condition to
12 the issuance of a restricted driving permit, require
13 the applicant to participate in a designated driver
14 remedial or rehabilitative program. The Secretary of
15 State is authorized to cancel a restricted driving
16 permit if the permit holder does not successfully
17 complete the program.

18 (c-3) In the case of a suspension under paragraph 43 of
19 subsection (a), reports received by the Secretary of State
20 under this Section shall, except during the actual time the
21 suspension is in effect, be privileged information and for use
22 only by the courts, police officers, prosecuting authorities,
23 the driver licensing administrator of any other state, the
24 Secretary of State, or the parent or legal guardian of a driver
25 under the age of 18. 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 21 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. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,
3 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,
4 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,
5 eff. 8-11-09; 96-607, eff. 8-24-09.)".