

SB1613



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1613

Introduced 2/19/2009, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-201

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning cancellation of licenses and permits.

LRB096 10236 AJT 20404 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-201 as follows:

6 (625 ILCS 5/6-201)

7 Sec. 6-201. Authority to cancel licenses and permits.

8 (a) The ~~The~~ Secretary of State is authorized to cancel any
9 license or permit upon determining that the holder thereof:

10 1. was not entitled to the issuance thereof hereunder;

11 or

12 2. failed to give the required or correct information
13 in his application; or

14 3. failed to pay any fees, civil penalties owed to the
15 Illinois Commerce Commission, or taxes due under this Act
16 and upon reasonable notice and demand; or

17 4. committed any fraud in the making of such
18 application; or

19 5. is ineligible therefor under the provisions of
20 Section 6-103 of this Act, as amended; or

21 6. has refused or neglected to submit an alcohol, drug,
22 and intoxicating compound evaluation or to submit to
23 examination or re-examination as required under this Act;

1 or

2 7. has been convicted of violating the Cannabis Control
3 Act, the Illinois Controlled Substances Act, the
4 Methamphetamine Control and Community Protection Act, or
5 the Use of Intoxicating Compounds Act while that individual
6 was in actual physical control of a motor vehicle. For
7 purposes of this Section, any person placed on probation
8 under Section 10 of the Cannabis Control Act, Section 410
9 of the Illinois Controlled Substances Act, or Section 70 of
10 the Methamphetamine Control and Community Protection Act
11 shall not be considered convicted. Any person found guilty
12 of this offense, while in actual physical control of a
13 motor vehicle, shall have an entry made in the court record
14 by the judge that this offense did occur while the person
15 was in actual physical control of a motor vehicle and order
16 the clerk of the court to report the violation to the
17 Secretary of State as such. After the cancellation, the
18 Secretary of State shall not issue a new license or permit
19 for a period of one year after the date of cancellation.
20 However, upon application, the Secretary of State may, if
21 satisfied that the person applying will not endanger the
22 public safety, or welfare, issue a restricted driving
23 permit granting the privilege of driving a motor vehicle
24 between the petitioner's residence and petitioner's place
25 of employment or within the scope of the petitioner's
26 employment related duties, or to allow transportation for

1 the petitioner or a household member of the petitioner's
2 family for the receipt of necessary medical care, or
3 provide transportation for the petitioner to and from
4 alcohol or drug remedial or rehabilitative activity
5 recommended by a licensed service provider, or for the
6 petitioner to attend classes, as a student, in an
7 accredited educational institution. The petitioner must
8 demonstrate that no alternative means of transportation is
9 reasonably available; provided that the Secretary's
10 discretion shall be limited to cases where undue hardship,
11 as defined by the rules of the Secretary of State, would
12 result from a failure to issue such restricted driving
13 permit. In each case the Secretary of State may issue such
14 restricted driving permit for such period as he deems
15 appropriate, except that such permit shall expire within
16 one year from the date of issuance. A restricted driving
17 permit issued hereunder shall be subject to cancellation,
18 revocation and suspension by the Secretary of State in like
19 manner and for like cause as a driver's license issued
20 hereunder may be cancelled, revoked or suspended; except
21 that a conviction upon one or more offenses against laws or
22 ordinances regulating the movement of traffic shall be
23 deemed sufficient cause for the revocation, suspension or
24 cancellation of a restricted driving permit. The Secretary
25 of State may, as a condition to the issuance of a
26 restricted driving permit, require the applicant to

1 participate in a driver remedial or rehabilitative
2 program. In accordance with 49 C.F.R. 384, the Secretary of
3 State may not issue a restricted driving permit for the
4 operation of a commercial motor vehicle to a person holding
5 a CDL whose driving privileges have been revoked,
6 suspended, cancelled, or disqualified under this Code; or

7 8. failed to submit a report as required by Section
8 6-116.5 of this Code; or

9 9. has been convicted of a sex offense as defined in
10 the Sex Offender Registration Act. The driver's license
11 shall remain cancelled until the driver registers as a sex
12 offender as required by the Sex Offender Registration Act,
13 proof of the registration is furnished to the Secretary of
14 State and the sex offender provides proof of current
15 address to the Secretary; or

16 10. is ineligible for a license or permit under Section
17 6-107, 6-107.1, or 6-108 of this Code; or

18 11. refused or neglected to appear at a Driver Services
19 facility to have the license or permit corrected and a new
20 license or permit issued.

21 (b) Upon such cancellation the licensee or permittee must
22 surrender the license or permit so cancelled to the Secretary
23 of State.

24 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
25 Secretary of State shall have exclusive authority to grant,
26 issue, deny, cancel, suspend and revoke driving privileges,

1 drivers' licenses and restricted driving permits.

2 (d) The Secretary of State may adopt rules to implement
3 this Section.

4 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
5 94-993, eff. 1-1-07; 95-331, eff. 8-21-07; 95-382, eff.
6 8-23-07; 95-627, eff. 6-1-08; 95-876, eff. 8-21-08.)