

SB1833



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1833

Introduced 2/20/2009, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205

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

Amends the Illinois Vehicle Code. Makes technical changes in a Section concerning mandatory revocation of a license or permit.

LRB096 11310 AJT 21743 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 6-205 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
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 (b) The Secretary of State shall also immediately revoke
9 the license or permit of any driver in the following
10 situations:

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

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

19 3. Of any person adjudicated under the Juvenile Court
20 Act of 1987 based on an offense determined to have been
21 committed in furtherance of the criminal activities of an
22 organized gang as provided in Section 5-710 of that Act,
23 and that involved the operation or use of a motor vehicle
24 or the use of a driver's license or permit. The revocation
25 shall remain in effect for the period determined by the
26 court. Upon the direction of the court, the Secretary shall

1 issue the person a judicial driving permit, also known as a
2 JDP. The JDP shall be subject to the same terms as a JDP
3 issued under Section 6-206.1, except that the court may
4 direct that a JDP issued under this subdivision (b) (3) be
5 effective immediately.

6 (c) (1) Except as provided in subsection (c-5), whenever a
7 person is convicted of any of the offenses enumerated in this
8 Section, the court may recommend and the Secretary of State in
9 his discretion, without regard to whether the recommendation is
10 made by the court may, upon application, issue to the person a
11 restricted driving permit granting the privilege of driving a
12 motor vehicle between the petitioner's residence and
13 petitioner's place of employment or within the scope of the
14 petitioner's employment related duties, or to allow the
15 petitioner to transport himself or herself or a family member
16 of the petitioner's household to a medical facility for the
17 receipt of necessary medical care or to allow the petitioner to
18 transport himself or herself to and from alcohol or drug
19 remedial or rehabilitative activity recommended by a licensed
20 service provider, or to allow the petitioner to transport
21 himself or herself or a family member of the petitioner's
22 household to classes, as a student, at an accredited
23 educational institution, or to allow the petitioner to
24 transport children living in the petitioner's household to and
25 from daycare; if the petitioner is able to demonstrate that no
26 alternative means of transportation is reasonably available

1 and that the petitioner will not endanger the public safety or
2 welfare; provided that the Secretary's discretion shall be
3 limited to cases where undue hardship, as defined by the rules
4 of the Secretary of State, would result from a failure to issue
5 the restricted driving permit. Those multiple offenders
6 identified in subdivision (b)4 of Section 6-208 of this Code,
7 however, shall not be eligible for the issuance of a restricted
8 driving permit.

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

20 (3) If:

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

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

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

5 (ii) a statutory summary suspension under
6 Section 11-501.1; or

7 (iii) a suspension pursuant to Section
8 6-203.1;

9 arising out of separate occurrences; or

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

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

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

26 (5) If the restricted driving permit is issued for

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

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

1 or cancellation of a restricted driving permit. The
2 Secretary of State may, as a condition to the issuance of a
3 restricted driving permit, require the petitioner to
4 participate in a designated driver remedial or
5 rehabilitative program. The Secretary of State is
6 authorized to cancel a restricted driving permit if the
7 permit holder does not successfully complete the program.
8 However, if an individual's driving privileges have been
9 revoked in accordance with paragraph 13 of subsection (a)
10 of this Section, no restricted driving permit shall be
11 issued until the individual has served 6 months of the
12 revocation period.

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

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

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

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

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

26 (A) a single conviction of violating Section

1 11-501 of this Code or a similar provision of a local
2 ordinance or a similar out-of-state offense, or
3 Section 9-3 of the Criminal Code of 1961, where the use
4 of alcohol or other drugs is recited as an element of
5 the offense, or a similar out-of-state offense; or

6 (B) a statutory summary suspension under Section
7 11-501.1; or

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

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

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

25 (6) A restricted driving permit issued under this
26 Section shall be subject to cancellation, revocation, and

1 suspension by the Secretary of State in like manner and for
2 like cause as a driver's license issued under this Code may
3 be cancelled, revoked, or suspended; except that a
4 conviction upon one or more offenses against laws or
5 ordinances regulating the movement of traffic shall be
6 deemed sufficient cause for the revocation, suspension, or
7 cancellation of a restricted driving permit.

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

17 (e) This Section is subject to the provisions of the Driver
18 License Compact.

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

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

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

11 (i) (Blank).

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

17 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
18 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;
19 95-627, eff. 6-1-08; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08;
20 revised 9-10-08.)