



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3945

Introduced 1/10/2012, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205
625 ILCS 5/6-206
625 ILCS 5/6-208

from Ch. 95 1/2, par. 6-208

Amends the Illinois Vehicle Code. Removes language providing that certain multiple offenders shall not be eligible for the issuance of a restricted driving permit. Provides that the Secretary of State may not issue a restricted driving permit to any person whose current revocation is the result of a second or third (instead of second or subsequent) conviction for driving under the influence or involuntary manslaughter or reckless homicide where the use of alcohol or other drugs is recited as an element of the offense. Provides that the Secretary may not issue a restricted driving permit to any person whose current revocation is the result of a fourth or subsequent conviction for driving under the influence or involuntary manslaughter or reckless homicide where the use of alcohol or other drugs is recited as an element of the offense, or any combination of those offenses, until the expiration of at least 3 years from the date of revocation. Removes language providing that a person may not make application for a license if convicted of committing a fourth or subsequent violation of driving under the influence, fleeing from a motor vehicle accident involving death or personal injuries, involuntary manslaughter or reckless homicide, or a combination of those offenses.

LRB097 15048 HEP 60121 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, 6-206, and 6-208 as follows:

6 (625 ILCS 5/6-205)

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 paragraph (a) of Section 11-506 of
6 this Code or a similar provision of a local ordinance
7 relating to the offense of street racing;

8 15. A second or subsequent conviction of driving while
9 the person's driver's license, permit or privileges was
10 revoked for reckless homicide or a similar out-of-state
11 offense;

12 16. Any offense against any provision in this Code, or
13 any local ordinance, regulating the movement of traffic
14 when that offense was the proximate cause of the death of
15 any person. Any person whose driving privileges have been
16 revoked pursuant to this paragraph may seek to have the
17 revocation terminated or to have the length of revocation
18 reduced by requesting an administrative hearing with the
19 Secretary of State prior to the projected driver's license
20 application eligibility date.

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

24 1. Of any minor upon receiving the notice provided for
25 in Section 5-901 of the Juvenile Court Act of 1987 that the
26 minor has been adjudicated under that Act as having

1 committed an offense relating to motor vehicles prescribed
2 in Section 4-103 of this Code;

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

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

19 (c) (1) Whenever a person is convicted of any of the
20 offenses enumerated in this Section, the court may recommend
21 and the Secretary of State in his discretion, without regard to
22 whether the recommendation is made by the court may, upon
23 application, issue to the person a restricted driving permit
24 granting the privilege of driving a motor vehicle between the
25 petitioner's residence and petitioner's place of employment or
26 within the scope of the petitioner's employment related duties,

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

23 (2) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense, or Section 9-3

1 of the Criminal Code of 1961, where the use of alcohol or
2 other drugs is recited as an element of the offense, or a
3 similar out-of-state offense, or a combination of these
4 offenses, arising out of separate occurrences, that
5 person, if issued a restricted driving permit, may not
6 operate a vehicle unless it has been equipped with an
7 ignition interlock device as defined in Section 1-129.1.

8 (3) If:

9 (A) 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 or
20 revocation under Section 11-501.1; or

21 (iii) a suspension pursuant to Section
22 6-203.1;

23 arising out of separate occurrences; or

24 (B) a person has been convicted of one violation of
25 Section 6-303 of this Code committed while his or her
26 driver's license, permit, or privilege was revoked

1 because of a violation of Section 9-3 of the Criminal
2 Code of 1961, relating to the offense of reckless
3 homicide where the use of alcohol or other drugs was
4 recited as an element of the offense, or a similar
5 provision of a law of another state;

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

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

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

21 (6) In each case the Secretary of State may issue a
22 restricted driving permit for a period he deems
23 appropriate, except that the permit shall expire within one
24 year from the date of issuance. The Secretary may not,
25 however, issue a restricted driving permit to any person
26 whose current revocation is the result of a second or third

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

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

11 (c-5) (Blank).

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

23 (c-7) If a person is convicted of a third or subsequent
24 violation of operating a motor vehicle while the person's
25 driver's license, permit or privilege was revoked, where the
26 revocation was for a violation of Section 9-3 of the Criminal

1 Code of 1961 relating to the offense of reckless homicide or a
2 similar out-of-state offense, the person may never apply for a
3 license or permit.

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

22 (2) If a person's license or permit is revoked or
23 suspended due to 2 or more convictions of violating Section
24 11-501 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense, or Section 9-3
26 of the Criminal Code of 1961, where the use of alcohol or

1 other drugs is recited as an element of the offense, or a
2 similar out-of-state offense, or a combination of these
3 offenses, arising out of separate occurrences, that
4 person, if issued a restricted driving permit, may not
5 operate a vehicle unless it has been equipped with an
6 ignition interlock device as defined in Section 1-129.1.

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

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

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

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

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

1 the procedures, terms, and conditions relating to these
2 fees.

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

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

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

1 (e) This Section is subject to the provisions of the Driver
2 License Compact.

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

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

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

21 (i) (Blank).

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

1 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
2 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
3 7-1-11; 97-333, eff. 8-12-11.)

4 (625 ILCS 5/6-206)

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

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

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

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

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

1 highway;

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

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

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

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

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

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

1 identification card, or permit;

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

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

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

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

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

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

1 year;

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

4 17. Has refused to submit to a test, or tests, as
5 required under Section 11-501.1 of this Code and the person
6 has not sought a hearing as provided for in Section
7 11-501.1;

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

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

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

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

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

25 23. Has, as a driver, been convicted of committing a
26 violation of paragraph (a) of Section 11-502 of this Code

1 for a second or subsequent time within one year of a
2 similar violation;

3 24. Has been convicted by a court-martial or punished
4 by non-judicial punishment by military authorities of the
5 United States at a military installation in Illinois of or
6 for a traffic related offense that is the same as or
7 similar to an offense specified under Section 6-205 or
8 6-206 of this Code;

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

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

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

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

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

15 29. Has been convicted of the following offenses that
16 were committed while the person was operating or in actual
17 physical control, as a driver, of a motor vehicle: criminal
18 sexual assault, predatory criminal sexual assault of a
19 child, aggravated criminal sexual assault, criminal sexual
20 abuse, aggravated criminal sexual abuse, juvenile pimping,
21 soliciting for a juvenile prostitute, promoting juvenile
22 prostitution as described in subdivision (a)(1), (a)(2),
23 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,
24 and the manufacture, sale or delivery of controlled
25 substances or instruments used for illegal drug use or
26 abuse in which case the driver's driving privileges shall

1 be suspended for one year;

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

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

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

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

26 34. Has committed a violation of Section 11-1301.5 of

1 this Code;

2 35. Has committed a violation of Section 11-1301.6 of
3 this Code;

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

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

13 38. Has been convicted of a violation of Section 6-20
14 of the Liquor Control Act of 1934 or a similar provision of
15 a local ordinance;

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

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

20 41. Has committed a second or subsequent violation of
21 Section 11-605.1 of this Code, a similar provision of a
22 local ordinance, or a similar violation in any other state
23 within 2 years of the date of the previous violation, in
24 which case the suspension shall be for 90 days;

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

1 43. Has received a disposition of court supervision for
2 a violation of subsection (a), (d), or (e) of Section 6-20
3 of the Liquor Control Act of 1934 or a similar provision of
4 a local ordinance, in which case the suspension shall be
5 for a period of 3 months;

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

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

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

26 (b) If any conviction forming the basis of a suspension or

1 revocation authorized under this Section is appealed, the
2 Secretary of State may rescind or withhold the entry of the
3 order of suspension or revocation, as the case may be, provided
4 that a certified copy of a stay order of a court is filed with
5 the Secretary of State. If the conviction is affirmed on
6 appeal, the date of the conviction shall relate back to the
7 time the original judgment of conviction was entered and the 6
8 month limitation prescribed shall not apply.

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

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

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

16 The provisions of this subparagraph shall not apply to
17 any driver required to possess a CDL for the purpose of
18 operating a commercial motor vehicle.

19 Any person who falsely states any fact in the affidavit
20 required herein shall be guilty of perjury under Section
21 6-302 and upon conviction thereof shall have all driving
22 privileges revoked without further rights.

23 3. At the conclusion of a hearing under Section 2-118
24 of this Code, the Secretary of State shall either rescind
25 or continue an order of revocation or shall substitute an
26 order of suspension; or, good cause appearing therefor,

1 rescind, continue, change, or extend the order of
2 suspension. If the Secretary of State does not rescind the
3 order, the Secretary may upon application, to relieve undue
4 hardship (as defined by the rules of the Secretary of
5 State), issue a restricted driving permit granting the
6 privilege of driving a motor vehicle between the
7 petitioner's residence and petitioner's place of
8 employment or within the scope of the petitioner's
9 employment related duties, or to allow the petitioner to
10 transport himself or herself, or a family member of the
11 petitioner's household to a medical facility, to receive
12 necessary medical care, to allow the petitioner to
13 transport himself or herself to and from alcohol or drug
14 remedial or rehabilitative activity recommended by a
15 licensed service provider, or to allow the petitioner to
16 transport himself or herself or a family member of the
17 petitioner's household to classes, as a student, at an
18 accredited educational institution, or to allow the
19 petitioner to transport children, elderly persons, or
20 disabled persons who do not hold driving privileges and are
21 living in the petitioner's household to and from daycare.
22 The petitioner must demonstrate that no alternative means
23 of transportation is reasonably available and that the
24 petitioner will not endanger the public safety or welfare.
25 ~~Those multiple offenders identified in subdivision (b)4 of~~
26 ~~Section 6-208 of this Code, however, shall not be eligible~~

1 ~~for the issuance of a restricted driving permit.~~

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

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

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

24 (ii) a statutory summary suspension or
25 revocation under Section 11-501.1; or

26 (iii) a suspension under Section 6-203.1;

1 arising out of separate occurrences; that person, if
2 issued a restricted driving permit, may not operate a
3 vehicle unless it has been equipped with an ignition
4 interlock device as defined in Section 1-129.1.

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

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

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

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

1 the issuance of a restricted driving permit, require
2 the applicant to participate in a designated driver
3 remedial or rehabilitative program. The Secretary of
4 State is authorized to cancel a restricted driving
5 permit if the permit holder does not successfully
6 complete the program.

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

20 (c-4) In the case of a suspension under paragraph 43 of
21 subsection (a), the Secretary of State shall notify the person
22 by mail that his or her driving privileges and driver's license
23 will be suspended one month after the date of the mailing of
24 the notice.

25 (c-5) The Secretary of State may, as a condition of the
26 reissuance of a driver's license or permit to an applicant

1 whose driver's license or permit has been suspended before he
2 or she reached the age of 21 years pursuant to any of the
3 provisions of this Section, require the applicant to
4 participate in a driver remedial education course and be
5 retested under Section 6-109 of this Code.

6 (d) This Section is subject to the provisions of the
7 Drivers License Compact.

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

12 (f) 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 suspended, revoked,
16 cancelled, or disqualified under any provisions of this Code.

17 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
18 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
19 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
20 eff. 8-12-11; revised 9-15-11.)

21 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

22 Sec. 6-208. Period of Suspension - Application After
23 Revocation.

24 (a) Except as otherwise provided by this Code or any other
25 law of this State, the Secretary of State shall not suspend a

1 driver's license, permit, or privilege to drive a motor vehicle
2 on the highways for a period of more than one year.

3 (b) Any person whose license, permit, or privilege to drive
4 a motor vehicle on the highways has been revoked shall not be
5 entitled to have such license, permit, or privilege renewed or
6 restored. However, such person may, except as provided under
7 subsections (d) and (d-5) of Section 6-205, make application
8 for a license pursuant to Section 6-106 (i) if the revocation
9 was for a cause that has been removed or (ii) as provided in
10 the following subparagraphs:

11 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
12 and 5, the person may make application for a license (A)
13 after the expiration of one year from the effective date of
14 the revocation, (B) in the case of a violation of paragraph
15 (b) of Section 11-401 of this Code or a similar provision
16 of a local ordinance, after the expiration of 3 years from
17 the effective date of the revocation, or (C) in the case of
18 a violation of Section 9-3 of the Criminal Code of 1961 or
19 a similar provision of a law of another state relating to
20 the offense of reckless homicide or a violation of
21 subparagraph (F) of paragraph 1 of subsection (d) of
22 Section 11-501 of this Code relating to aggravated driving
23 under the influence of alcohol, other drug or drugs,
24 intoxicating compound or compounds, or any combination
25 thereof, if the violation was the proximate cause of a
26 death, after the expiration of 2 years from the effective

1 date of the revocation or after the expiration of 24 months
2 from the date of release from a period of imprisonment as
3 provided in Section 6-103 of this Code, whichever is later.

4 1.5. If the person is convicted of a violation of
5 Section 6-303 of this Code committed while his or her
6 driver's license, permit, or privilege was revoked because
7 of a violation of Section 9-3 of the Criminal Code of 1961,
8 relating to the offense of reckless homicide, or a similar
9 provision of a law of another state, the person may not
10 make application for a license or permit until the
11 expiration of 3 years from the date of the conviction.

12 2. If such person is convicted of committing a second
13 violation within a 20-year period of:

14 (A) Section 11-501 of this Code or a similar
15 provision of a local ordinance;

16 (B) Paragraph (b) of Section 11-401 of this Code or
17 a similar provision of a local ordinance;

18 (C) Section 9-3 of the Criminal Code of 1961,
19 relating to the offense of reckless homicide; or

20 (D) any combination of the above offenses
21 committed at different instances;

22 then such person may not make application for a license
23 until after the expiration of 5 years from the effective
24 date of the most recent revocation. The 20-year period
25 shall be computed by using the dates the offenses were
26 committed and shall also include similar out-of-state

1 offenses and similar offenses committed on a military
2 installation.

3 2.5. If a person is convicted of a second violation of
4 Section 6-303 of this Code committed while the person's
5 driver's license, permit, or privilege was revoked because
6 of a violation of Section 9-3 of the Criminal Code of 1961,
7 relating to the offense of reckless homicide, or a similar
8 provision of a law of another state, the person may not
9 make application for a license or permit until the
10 expiration of 5 years from the date of release from a term
11 of imprisonment.

12 3. However, ~~except as provided in subparagraph 4,~~ if
13 such person is convicted of committing a third or
14 subsequent violation or any combination of the above
15 offenses, including similar out-of-state offenses and
16 similar offenses committed on a military installation,
17 contained in subparagraph 2, then such person may not make
18 application for a license until after the expiration of 10
19 years from the effective date of the most recent
20 revocation.

21 4. (Blank). ~~The person may not make application for a~~
22 ~~license if the person is convicted of committing a fourth~~
23 ~~or subsequent violation of Section 11-501 of this Code or a~~
24 ~~similar provision of a local ordinance, Section 11-401 of~~
25 ~~this Code, Section 9-3 of the Criminal Code of 1961, or a~~
26 ~~combination of these offenses, similar provisions of local~~

1 ~~ordinances, similar out-of-state offenses, or similar~~
2 ~~offenses committed on a military installation.~~

3 5. The person may not make application for a license or
4 permit if the person is convicted of a third or subsequent
5 violation of Section 6-303 of this Code committed while his
6 or her driver's license, permit, or privilege was revoked
7 because of a violation of Section 9-3 of the Criminal Code
8 of 1961, relating to the offense of reckless homicide, or a
9 similar provision of a law of another state.

10 Notwithstanding any other provision of this Code, all
11 persons referred to in this paragraph (b) may not have their
12 privileges restored until the Secretary receives payment of the
13 required reinstatement fee pursuant to subsection (b) of
14 Section 6-118.

15 In no event shall the Secretary issue such license unless
16 and until such person has had a hearing pursuant to this Code
17 and the appropriate administrative rules and the Secretary is
18 satisfied, after a review or investigation of such person, that
19 to grant the privilege of driving a motor vehicle on the
20 highways will not endanger the public safety or welfare.

21 (c) (Blank).

22 (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;
23 95-377, eff. 1-1-08; 95-876, eff. 8-21-08; 96-607, eff.
24 8-24-09.)