



Sen. Don Harmon

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LRB097 04704 HEP 67568 a

1 AMENDMENT TO SENATE BILL 967

2 AMENDMENT NO. _____. Amend Senate Bill 967 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)

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 this Code, or
20 any local ordinance, regulating the movement of traffic
21 when that offense was the proximate cause of the death of
22 any person. Any person whose driving privileges have been
23 revoked pursuant to this paragraph may seek to have the
24 revocation terminated or to have the length of revocation
25 reduced by requesting an administrative hearing with the
26 Secretary of State prior to the projected driver's license

1 application eligibility date.

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

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

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

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

26 (c) (1) Whenever a person is convicted of any of the

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

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

1 revocation under 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 shall ~~may~~, as a condition to the
25 issuance of a restricted driving permit, require the
26 petitioner to participate in a designated driver remedial

1 or 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 or revocation
15 under Section 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 (k) An application for a license or permit made following a
26 period of license revocation under this Section must be

1 accompanied by proof of the applicant's participation in a
2 designated driver remedial or rehabilitative program, unless
3 the revocation was the result of a conviction for a violation
4 of Section 11-501 of this Code or a similar provision of a
5 local ordinance or any similar out-of-state offense or Section
6 9-3 of the Criminal Code of 1961, where the use of alcohol or
7 other drugs is recited as an element of the offense, or any
8 similar out-of-state offense, or any combination of these
9 offenses.

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

13 (625 ILCS 5/6-206)

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

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without preliminary
18 hearing upon a showing of the person's records or other
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required upon
22 conviction;

23 2. Has been convicted of not less than 3 offenses
24 against traffic regulations governing the movement of
25 vehicles committed within any 12 month period. No

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

3 3. Has been repeatedly involved as a driver in motor
4 vehicle collisions or has been repeatedly convicted of
5 offenses against laws and ordinances regulating the
6 movement of traffic, to a degree that indicates lack of
7 ability to exercise ordinary and reasonable care in the
8 safe operation of a motor vehicle or disrespect for the
9 traffic laws and the safety of other persons upon the
10 highway;

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

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

24 6. Has been lawfully convicted of an offense or
25 offenses in another state, including the authorization
26 contained in Section 6-203.1, which if committed within

1 this State would be grounds for suspension or revocation;

2 7. Has refused or failed to submit to an examination
3 provided for by Section 6-207 or has failed to pass the
4 examination;

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

7 9. Has made a false statement or knowingly concealed a
8 material fact or has used false information or
9 identification in any application for a license,
10 identification card, or permit;

11 10. Has possessed, displayed, or attempted to
12 fraudulently use any license, identification card, or
13 permit not issued to the person;

14 11. Has operated a motor vehicle upon a highway of this
15 State when the person's driving privilege or privilege to
16 obtain a driver's license or permit was revoked or
17 suspended unless the operation was authorized by a
18 monitoring device driving permit, judicial driving permit
19 issued prior to January 1, 2009, probationary license to
20 drive, or a restricted driving permit issued under this
21 Code;

22 12. Has submitted to any portion of the application
23 process for another person or has obtained the services of
24 another person to submit to any portion of the application
25 process for the purpose of obtaining a license,
26 identification card, or permit for some other person;

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

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
6 of the Illinois Identification Card Act;

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

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

13 17. Has refused to submit to a test, or tests, as
14 required under Section 11-501.1 of this Code and the person
15 has not sought a hearing as provided for in Section
16 11-501.1;

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

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

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

25 21. Has been convicted of violating Section 11-402 of
26 this Code relating to leaving the scene of an accident

1 resulting in damage to a vehicle in excess of \$1,000, in
2 which case the suspension shall be for one year;

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

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

12 24. Has been convicted by a court-martial or punished
13 by non-judicial punishment by military authorities of the
14 United States at a military installation in Illinois of or
15 for a traffic related offense that is the same as or
16 similar to an offense specified under Section 6-205 or
17 6-206 of this Code;

18 25. Has permitted any form of identification to be used
19 by another in the application process in order to obtain or
20 attempt to obtain a license, identification card, or
21 permit;

22 26. Has altered or attempted to alter a license or has
23 possessed an altered license, identification card, or
24 permit;

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

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

24 29. Has been convicted of the following offenses that
25 were committed while the person was operating or in actual
26 physical control, as a driver, of a motor vehicle: criminal

1 sexual assault, predatory criminal sexual assault of a
2 child, aggravated criminal sexual assault, criminal sexual
3 abuse, aggravated criminal sexual abuse, juvenile pimping,
4 soliciting for a juvenile prostitute, promoting juvenile
5 prostitution as described in subdivision (a)(1), (a)(2),
6 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,
7 and the manufacture, sale or delivery of controlled
8 substances or instruments used for illegal drug use or
9 abuse in which case the driver's driving privileges shall
10 be suspended for one year;

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

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

26 32. Has been convicted of Section 24-1.2 of the

1 Criminal Code of 1961 relating to the aggravated discharge
2 of a firearm if the offender was located in a motor vehicle
3 at the time the firearm was discharged, in which case the
4 suspension shall be for 3 years;

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

9 34. Has committed a violation of Section 11-1301.5 of
10 this Code;

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

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

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

22 38. Has been convicted of a violation of Section 6-20
23 of the Liquor Control Act of 1934 or a similar provision of
24 a local ordinance;

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

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

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

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

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

15 44. Is under the age of 21 years at the time of arrest
16 and has been convicted of an offense against traffic
17 regulations governing the movement of vehicles after
18 having previously had his or her driving privileges
19 suspended or revoked pursuant to subparagraph 36 of this
20 Section; or

21 45. Has, in connection with or during the course of a
22 formal hearing conducted under Section 2-118 of this Code:
23 (i) committed perjury; (ii) submitted fraudulent or
24 falsified documents; (iii) submitted documents that have
25 been materially altered; or (iv) submitted, as his or her
26 own, documents that were in fact prepared or composed for

1 another person.

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

9 (b) If any conviction forming the basis of a suspension or
10 revocation authorized under this Section is appealed, the
11 Secretary of State may rescind or withhold the entry of the
12 order of suspension or revocation, as the case may be, provided
13 that a certified copy of a stay order of a court is filed with
14 the Secretary of State. If the conviction is affirmed on
15 appeal, the date of the conviction shall relate back to the
16 time the original judgment of conviction was entered and the 6
17 month limitation prescribed shall not apply.

18 (c) 1. Upon suspending or revoking the driver's license or
19 permit of any person as authorized in this Section, the
20 Secretary of State shall immediately notify the person in
21 writing of the revocation or suspension. The notice to be
22 deposited in the United States mail, postage prepaid, to the
23 last known address of the person.

24 2. If the Secretary of State suspends the driver's
25 license of a person under subsection 2 of paragraph (a) of
26 this Section, a person's privilege to operate a vehicle as

1 an occupation shall not be suspended, provided an affidavit
2 is properly completed, the appropriate fee received, and a
3 permit issued prior to the effective date of the
4 suspension, unless 5 offenses were committed, at least 2 of
5 which occurred while operating a commercial vehicle in
6 connection with the driver's regular occupation. All other
7 driving privileges shall be suspended by the Secretary of
8 State. Any driver prior to operating a vehicle for
9 occupational purposes only must submit the affidavit on
10 forms to be provided by the Secretary of State setting
11 forth the facts of the person's occupation. The affidavit
12 shall also state the number of offenses committed while
13 operating a vehicle in connection with the driver's regular
14 occupation. The affidavit shall be accompanied by the
15 driver's license. Upon receipt of a properly completed
16 affidavit, the Secretary of State shall issue the driver a
17 permit to operate a vehicle in connection with the driver's
18 regular occupation only. Unless the permit is issued by the
19 Secretary of State prior to the date of suspension, the
20 privilege to drive any motor vehicle shall be suspended as
21 set forth in the notice that was mailed under this Section.
22 If an affidavit is received subsequent to the effective
23 date of this suspension, a permit may be issued for the
24 remainder of the suspension period.

25 The provisions of this subparagraph shall not apply to
26 any driver required to possess a CDL for the purpose of

1 operating a commercial motor vehicle.

2 Any person who falsely states any fact in the affidavit
3 required herein shall be guilty of perjury under Section
4 6-302 and upon conviction thereof shall have all driving
5 privileges revoked without further rights.

6 3. At the conclusion of a hearing under Section 2-118
7 of this Code, the Secretary of State shall either rescind
8 or continue an order of revocation or shall substitute an
9 order of suspension; or, good cause appearing therefor,
10 rescind, continue, change, or extend the order of
11 suspension. If the Secretary of State does not rescind the
12 order, the Secretary may upon application, to relieve undue
13 hardship (as defined by the rules of the Secretary of
14 State), issue a restricted driving permit granting the
15 privilege of driving a motor vehicle between the
16 petitioner's residence and petitioner's place of
17 employment or within the scope of the petitioner's
18 employment related duties, or to allow the petitioner to
19 transport himself or herself, or a family member of the
20 petitioner's household to a medical facility, to receive
21 necessary medical care, to allow the petitioner to
22 transport himself or herself to and from alcohol or drug
23 remedial or rehabilitative activity recommended by a
24 licensed service provider, or to allow the petitioner to
25 transport himself or herself or a family member of the
26 petitioner's household to classes, as a student, at an

1 accredited educational institution, or to allow the
2 petitioner to transport children, elderly persons, or
3 disabled persons who do not hold driving privileges and are
4 living in the petitioner's household to and from daycare.
5 The petitioner must demonstrate that no alternative means
6 of transportation is reasonably available and that the
7 petitioner will not endanger the public safety or welfare.
8 Those multiple offenders identified in subdivision (b)4 of
9 Section 6-208 of this Code, however, shall not be eligible
10 for the issuance of a restricted driving permit.

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

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

26 (i) a single conviction of violating Section

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

7 (ii) a statutory summary suspension or
8 revocation under Section 11-501.1; or

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

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

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

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

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

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

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

24 (c-5) The Secretary of State may, as a condition of the
25 reissuance of a driver's license or permit to an applicant
26 whose driver's license or permit has been suspended before he

1 or she reached the age of 21 years pursuant to any of the
2 provisions of this Section, require the applicant to
3 participate in a driver remedial education course and be
4 retested under Section 6-109 of this Code.

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

7 (e) 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 suspended or revoked under any
10 provisions of this Code.

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

16 (g) An application for a license or permit made following a
17 period of license revocation under this Section must be
18 accompanied by proof of the applicant's participation in a
19 designated driver remedial or rehabilitative program, unless
20 the revocation was the result of a conviction for a violation
21 of Section 11-501 of this Code or a similar provision of a
22 local ordinance or any similar out-of-state offense or Section
23 9-3 of the Criminal Code of 1961, where the use of alcohol or
24 other drugs is recited as an element of the offense, or any
25 similar out-of-state offense, or any combination of these
26 offenses.

1 (h) As a condition of reinstatement of a person's license
2 or permit following a suspension under this Section, the person
3 must provide proof of his or her participation in a designated
4 driver remedial or rehabilitative program.

5 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
6 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
7 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
8 eff. 8-12-11; revised 9-15-11.)".