

SB1478



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1478

Introduced 2/9/2011, by Sen. Christine Radogno

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205

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

LRB097 06968 HEP 47061 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)

7 (Text of Section before amendment by P.A. 96-1344)

8 Sec. 6-205. Mandatory revocation of license or permit;
9 Hardship cases.

10 (a) Except as provided in this Section, the ~~the~~ Secretary
11 of State shall immediately revoke the license, permit, or
12 driving privileges of any driver upon receiving a report of the
13 driver's conviction of any of the following offenses:

14 1. Reckless homicide resulting from the operation of a
15 motor vehicle;

16 2. Violation of Section 11-501 of this Code or a
17 similar provision of a local ordinance relating to the
18 offense of operating or being in physical control of a
19 vehicle while under the influence of alcohol, other drug or
20 drugs, intoxicating compound or compounds, or any
21 combination thereof;

22 3. Any felony under the laws of any State or the
23 federal government in the commission of which a motor

1 vehicle was used;

2 4. Violation of Section 11-401 of this Code relating to
3 the offense of leaving the scene of a traffic accident
4 involving death or personal injury;

5 5. Perjury or the making of a false affidavit or
6 statement under oath to the Secretary of State under this
7 Code or under any other law relating to the ownership or
8 operation of motor vehicles;

9 6. Conviction upon 3 charges of violation of Section
10 11-503 of this Code relating to the offense of reckless
11 driving committed within a period of 12 months;

12 7. Conviction of any offense defined in Section 4-102
13 of this Code;

14 8. Violation of Section 11-504 of this Code relating to
15 the offense of drag racing;

16 9. Violation of Chapters 8 and 9 of this Code;

17 10. Violation of Section 12-5 of the Criminal Code of
18 1961 arising from the use of a motor vehicle;

19 11. Violation of Section 11-204.1 of this Code relating
20 to aggravated fleeing or attempting to elude a peace
21 officer;

22 12. Violation of paragraph (1) of subsection (b) of
23 Section 6-507, or a similar law of any other state,
24 relating to the unlawful operation of a commercial motor
25 vehicle;

26 13. Violation of paragraph (a) of Section 11-502 of

1 this Code or a similar provision of a local ordinance if
2 the driver has been previously convicted of a violation of
3 that Section or a similar provision of a local ordinance
4 and the driver was less than 21 years of age at the time of
5 the offense;

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

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

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

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

26 1. Of any minor upon receiving the notice provided for

1 in Section 5-901 of the Juvenile Court Act of 1987 that the
2 minor has been adjudicated under that Act as having
3 committed an offense relating to motor vehicles prescribed
4 in Section 4-103 of this Code;

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

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

21 (c) (1) Whenever ~~Except as provided in subsection (c-5),~~
22 ~~whenever~~ a person is convicted of any of the offenses
23 enumerated in this Section, the court may recommend and the
24 Secretary of State in his discretion, without regard to whether
25 the recommendation is made by the court may, upon application,
26 issue to the person a restricted driving permit granting the

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

26 (2) If a person's license or permit is revoked or

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

11 (3) If:

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

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

22 (ii) a statutory summary suspension under
23 Section 11-501.1; or

24 (iii) a suspension pursuant to Section
25 6-203.1;

26 arising out of separate occurrences; or

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

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

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

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

24 (6) In each case the Secretary of State may issue a
25 restricted driving permit for a period he deems
26 appropriate, except that the permit shall expire within one

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

1 revoked in accordance with paragraph 13 of subsection (a)
2 of this Section, no restricted driving permit shall be
3 issued until the individual has served 6 months of the
4 revocation period.

5 (c-5) (Blank).

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

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

24 (d)(1) Whenever a person under the age of 21 is convicted
25 under Section 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense, the

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

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

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

4 (A) a single conviction of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or
7 Section 9-3 of the Criminal Code of 1961, where the use
8 of alcohol or other drugs is recited as an element of
9 the offense, or a similar out-of-state offense; or

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

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

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

23 (5) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against driving
25 a vehicle that is not equipped with an ignition interlock
26 device does not apply to the operation of an occupational

1 vehicle owned or leased by that person's employer when used
2 solely for employment purposes.

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

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

21 (e) This Section is subject to the provisions of the Driver
22 License Compact.

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

1 (g) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been revoked under any provisions of
4 this Code.

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

15 (i) (Blank).

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

21 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
22 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
23 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
24 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11; 96-1305, eff.
25 1-1-11; revised 9-2-10.)

1 (Text of Section after amendment by P.A. 96-1344)

2 Sec. 6-205. Mandatory revocation of license or permit;
3 Hardship cases.

4 (a) Except as provided in this Section, the ~~the~~ Secretary
5 of State shall immediately revoke the license, permit, or
6 driving privileges of any driver upon receiving a report of the
7 driver's conviction of any of the following offenses:

8 1. Reckless homicide resulting from the operation of a
9 motor vehicle;

10 2. Violation of Section 11-501 of this Code or a
11 similar provision of a local ordinance relating to the
12 offense of operating or being in physical control of a
13 vehicle while under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds, or any
15 combination thereof;

16 3. Any felony under the laws of any State or the
17 federal government in the commission of which a motor
18 vehicle was used;

19 4. Violation of Section 11-401 of this Code relating to
20 the offense of leaving the scene of a traffic accident
21 involving death or personal injury;

22 5. Perjury or the making of a false affidavit or
23 statement under oath to the Secretary of State under this
24 Code or under any other law relating to the ownership or
25 operation of motor vehicles;

26 6. Conviction upon 3 charges of violation of Section

1 11-503 of this Code relating to the offense of reckless
2 driving committed within a period of 12 months;

3 7. Conviction of any offense defined in Section 4-102
4 of this Code;

5 8. Violation of Section 11-504 of this Code relating to
6 the offense of drag racing;

7 9. Violation of Chapters 8 and 9 of this Code;

8 10. Violation of Section 12-5 of the Criminal Code of
9 1961 arising from the use of a motor vehicle;

10 11. Violation of Section 11-204.1 of this Code relating
11 to aggravated fleeing or attempting to elude a peace
12 officer;

13 12. Violation of paragraph (1) of subsection (b) of
14 Section 6-507, or a similar law of any other state,
15 relating to the unlawful operation of a commercial motor
16 vehicle;

17 13. Violation of paragraph (a) of Section 11-502 of
18 this Code or a similar provision of a local ordinance if
19 the driver has been previously convicted of a violation of
20 that Section or a similar provision of a local ordinance
21 and the driver was less than 21 years of age at the time of
22 the offense;

23 14. Violation of paragraph (a) of Section 11-506 of
24 this Code or a similar provision of a local ordinance
25 relating to the offense of street racing;

26 15. A second or subsequent conviction of driving while

1 the person's driver's license, permit or privileges was
2 revoked for reckless homicide or a similar out-of-state
3 offense;

4 16. Any offense against any provision in this ~~the~~
5 ~~Illinois Vehicle~~ Code, or any local ordinance, regulating
6 the movement of traffic, when that offense was the
7 proximate cause of the death of any person. Any person
8 whose driving privileges have been revoked pursuant to this
9 paragraph may seek to have the revocation terminated or to
10 have the length of revocation reduced, by requesting an
11 administrative hearing with the Secretary of State prior to
12 the projected driver's license application eligibility
13 date.

14 (b) The Secretary of State shall also immediately revoke
15 the license or permit of any driver in the following
16 situations:

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

22 2. Of any person when any other law of this State
23 requires either the revocation or suspension of a license
24 or permit;

25 3. Of any person adjudicated under the Juvenile Court
26 Act of 1987 based on an offense determined to have been

1 committed in furtherance of the criminal activities of an
2 organized gang as provided in Section 5-710 of that Act,
3 and that involved the operation or use of a motor vehicle
4 or the use of a driver's license or permit. The revocation
5 shall remain in effect for the period determined by the
6 court. Upon the direction of the court, the Secretary shall
7 issue the person a judicial driving permit, also known as a
8 JDP. The JDP shall be subject to the same terms as a JDP
9 issued under Section 6-206.1, except that the court may
10 direct that a JDP issued under this subdivision (b) (3) be
11 effective immediately.

12 (c) (1) Whenever ~~Except as provided in subsection (c-5),~~
13 ~~whenever~~ a person is convicted of any of the offenses
14 enumerated in this Section, the court may recommend and the
15 Secretary of State in his discretion, without regard to whether
16 the recommendation is made by the court may, upon application,
17 issue to the person a restricted driving permit granting the
18 privilege of driving a motor vehicle between the petitioner's
19 residence and petitioner's place of employment or within the
20 scope of the petitioner's employment related duties, or to
21 allow the petitioner to transport himself or herself or a
22 family member of the petitioner's household to a medical
23 facility for the receipt of necessary medical care or to allow
24 the petitioner to transport himself or herself to and from
25 alcohol or drug remedial or rehabilitative activity
26 recommended by a licensed service provider, or to allow the

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

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

1 ignition interlock device as defined in Section 1-129.1.

2 (3) If:

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

6 (i) a single conviction of violating Section
7 11-501 of this Code or a similar provision of a
8 local ordinance or a similar out-of-state offense,
9 or Section 9-3 of the Criminal Code of 1961, where
10 the use of alcohol or other drugs is recited as an
11 element of the offense, or a similar out-of-state
12 offense; or

13 (ii) a statutory summary suspension or
14 revocation under Section 11-501.1; or

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

17 arising out of separate occurrences; or

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

26 that person, if issued a restricted driving permit, may not

1 operate a vehicle unless it has been equipped with an
2 ignition interlock device as defined in Section 1-129.1.

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

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

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

1 offenses, until the expiration of at least one year from
2 the date of the revocation. A restricted driving permit
3 issued under this Section shall be subject to cancellation,
4 revocation, and suspension by the Secretary of State in
5 like manner and for like cause as a driver's license issued
6 under this Code may be cancelled, revoked, or suspended;
7 except that a conviction upon one or more offenses against
8 laws or ordinances regulating the movement of traffic shall
9 be deemed sufficient cause for the revocation, suspension,
10 or cancellation of a restricted driving permit. The
11 Secretary of State may, as a condition to the issuance of a
12 restricted driving permit, require the petitioner to
13 participate in a designated driver remedial or
14 rehabilitative program. The Secretary of State is
15 authorized to cancel a restricted driving permit if the
16 permit holder does not successfully complete the program.
17 However, if an individual's driving privileges have been
18 revoked in accordance with paragraph 13 of subsection (a)
19 of this Section, no restricted driving permit shall be
20 issued until the individual has served 6 months of the
21 revocation period.

22 (c-5) (Blank).

23 (c-6) If a person is convicted of a second violation of
24 operating a motor vehicle while the person's driver's license,
25 permit or privilege was revoked, where the revocation was for a
26 violation of Section 9-3 of the Criminal Code of 1961 relating

1 to the offense of reckless homicide or a similar out-of-state
2 offense, the person's driving privileges shall be revoked
3 pursuant to subdivision (a)(15) of this Section. The person may
4 not make application for a license or permit until the
5 expiration of five years from the effective date of the
6 revocation or the expiration of five years from the date of
7 release from a term of imprisonment, whichever is later.

8 (c-7) If a person is convicted of a third or subsequent
9 violation of operating a motor vehicle while the person's
10 driver's license, permit or privilege was revoked, where the
11 revocation was for a violation of Section 9-3 of the Criminal
12 Code of 1961 relating to the offense of reckless homicide or a
13 similar out-of-state offense, the person may never apply for a
14 license or permit.

15 (d)(1) Whenever a person under the age of 21 is convicted
16 under Section 11-501 of this Code or a similar provision of a
17 local ordinance or a similar out-of-state offense, the
18 Secretary of State shall revoke the driving privileges of that
19 person. One year after the date of revocation, and upon
20 application, the Secretary of State may, if satisfied that the
21 person applying will not endanger the public safety or welfare,
22 issue a restricted driving permit granting the privilege of
23 driving a motor vehicle only between the hours of 5 a.m. and 9
24 p.m. or as otherwise provided by this Section for a period of
25 one year. After this one year period, and upon reapplication
26 for a license as provided in Section 6-106, upon payment of the

1 appropriate reinstatement fee provided under paragraph (b) of
2 Section 6-118, the Secretary of State, in his discretion, may
3 reinstate the petitioner's driver's license and driving
4 privileges, or extend the restricted driving permit as many
5 times as the Secretary of State deems appropriate, by
6 additional periods of not more than 12 months each.

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

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

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

1 (B) a statutory summary suspension or revocation
2 under Section 11-501.1; or

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

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

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

20 (6) A restricted driving permit issued under this
21 Section shall be subject to cancellation, revocation, and
22 suspension by the Secretary of State in like manner and for
23 like cause as a driver's license issued under this Code may
24 be cancelled, revoked, or suspended; except that a
25 conviction upon one or more offenses against laws or
26 ordinances regulating the movement of traffic shall be

1 deemed sufficient cause for the revocation, suspension, or
2 cancellation of a restricted driving permit.

3 (d-5) The revocation of the license, permit, or driving
4 privileges of a person convicted of a third or subsequent
5 violation of Section 6-303 of this Code committed while his or
6 her 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, is permanent. The
10 Secretary may not, at any time, issue a license or permit to
11 that person.

12 (e) This Section is subject to the provisions of the Driver
13 License Compact.

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

18 (g) The Secretary of State shall not issue a restricted
19 driving permit to a person under the age of 16 years whose
20 driving privileges have been revoked under any provisions of
21 this Code.

22 (h) The Secretary of State shall require the use of
23 ignition interlock devices on all vehicles owned by a person
24 who has been convicted of a second or subsequent offense under
25 Section 11-501 of this Code or a similar provision of a local
26 ordinance. The person must pay to the Secretary of State DUI

1 Administration Fund an amount not to exceed \$30 for each month
2 that he or she uses the device. The Secretary shall establish
3 by rule and regulation the procedures for certification and use
4 of the interlock system, the amount of the fee, and the
5 procedures, terms, and conditions relating to these fees.

6 (i) (Blank).

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

12 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-377,
13 eff. 1-1-08; 95-382, eff. 8-23-07; 95-627, eff. 6-1-08; 95-848,
14 eff. 1-1-09; 95-876, eff. 8-21-08; 96-328, eff. 8-11-09;
15 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11; 96-1305, eff.
16 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

17 Section 95. No acceleration or delay. Where this Act makes
18 changes in a statute that is represented in this Act by text
19 that is not yet or no longer in effect (for example, a Section
20 represented by multiple versions), the use of that text does
21 not accelerate or delay the taking effect of (i) the changes
22 made by this Act or (ii) provisions derived from any other
23 Public Act.