

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 6-303 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or  
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Except as otherwise provided in subsection (a-5), any  
10 person who drives or is in actual physical control of a motor  
11 vehicle on any highway of this State at a time when such  
12 person's driver's license, permit or privilege to do so or the  
13 privilege to obtain a driver's license or permit is revoked or  
14 suspended as provided by this Code or the law of another state,  
15 except as may be specifically allowed by a judicial driving  
16 permit issued prior to January 1, 2009, monitoring device  
17 driving permit, family financial responsibility driving  
18 permit, probationary license to drive, or a restricted driving  
19 permit issued pursuant to this Code or under the law of another  
20 state, shall be guilty of a Class A misdemeanor.

21 (a-5) Any person who violates this Section as provided in  
22 subsection (a) while his or her driver's license, permit or  
23 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961 or the Criminal Code of 2012,  
2 relating to the offense of reckless homicide or a similar  
3 provision of a law of another state, is guilty of a Class 4  
4 felony. The person shall be required to undergo a professional  
5 evaluation, as provided in Section 11-501 of this Code, to  
6 determine if an alcohol, drug, or intoxicating compound problem  
7 exists and the extent of the problem, and to undergo the  
8 imposition of treatment as appropriate.

9 (a-10) A person's driver's license, permit, or privilege to  
10 obtain a driver's license or permit may be subject to multiple  
11 revocations, multiple suspensions, or any combination of both  
12 simultaneously. No revocation or suspension shall serve to  
13 negate, invalidate, cancel, postpone, or in any way lessen the  
14 effect of any other revocation or suspension entered prior or  
15 subsequent to any other revocation or suspension.

16 (b) (Blank).

17 (b-1) Upon receiving a report of the conviction of any  
18 violation indicating a person was operating a motor vehicle  
19 during the time when the person's driver's license, permit or  
20 privilege was suspended by the Secretary of State or the  
21 driver's licensing administrator of another state, except as  
22 specifically allowed by a probationary license, judicial  
23 driving permit, restricted driving permit or monitoring device  
24 driving permit the Secretary shall extend the suspension for  
25 the same period of time as the originally imposed suspension  
26 unless the suspension has already expired, in which case the

1 Secretary shall be authorized to suspend the person's driving  
2 privileges for the same period of time as the originally  
3 imposed suspension.

4 (b-2) Except as provided in subsection (b-6), upon  
5 receiving a report of the conviction of any violation  
6 indicating a person was operating a motor vehicle when the  
7 person's driver's license, permit or privilege was revoked by  
8 the Secretary of State or the driver's license administrator of  
9 any other state, except as specifically allowed by a restricted  
10 driving permit issued pursuant to this Code or the law of  
11 another state, the Secretary shall not issue a driver's license  
12 for an additional period of one year from the date of such  
13 conviction indicating such person was operating a vehicle  
14 during such period of revocation.

15 (b-3) (Blank).

16 (b-4) When the Secretary of State receives a report of a  
17 conviction of any violation indicating a person was operating a  
18 motor vehicle that was not equipped with an ignition interlock  
19 device during a time when the person was prohibited from  
20 operating a motor vehicle not equipped with such a device, the  
21 Secretary shall not issue a driver's license to that person for  
22 an additional period of one year from the date of the  
23 conviction.

24 (b-5) Any person convicted of violating this Section shall  
25 serve a minimum term of imprisonment of 30 consecutive days or  
26 300 hours of community service when the person's driving

1 privilege was revoked or suspended as a result of a violation  
2 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
3 Code of 2012, relating to the offense of reckless homicide, or  
4 a similar provision of a law of another state.

5 (b-6) Upon receiving a report of a first conviction of  
6 operating a motor vehicle while the person's driver's license,  
7 permit or privilege was revoked where the revocation was for a  
8 violation of Section 9-3 of the Criminal Code of 1961 or the  
9 Criminal Code of 2012 relating to the offense of reckless  
10 homicide or a similar out-of-state offense, the Secretary shall  
11 not issue a driver's license for an additional period of three  
12 years from the date of such conviction.

13 (c) Except as provided in subsections (c-3) and (c-4), any  
14 person convicted of violating this Section shall serve a  
15 minimum term of imprisonment of 10 consecutive days or 30 days  
16 of community service when the person's driving privilege was  
17 revoked or suspended as a result of:

18 (1) a violation of Section 11-501 of this Code or a  
19 similar provision of a local ordinance relating to the  
20 offense of operating or being in physical control of a  
21 vehicle while under the influence of alcohol, any other  
22 drug or any combination thereof; or

23 (2) a violation of paragraph (b) of Section 11-401 of  
24 this Code or a similar provision of a local ordinance  
25 relating to the offense of leaving the scene of a motor  
26 vehicle accident involving personal injury or death; or

1           (3) a statutory summary suspension or revocation under  
2           Section 11-501.1 of this Code.

3           Such sentence of imprisonment or community service shall  
4           not be subject to suspension in order to reduce such sentence.

5           (c-1) Except as provided in subsections (c-5) and (d), any  
6           person convicted of a second violation of this Section shall be  
7           ordered by the court to serve a minimum of 100 hours of  
8           community service.

9           (c-2) In addition to other penalties imposed under this  
10          Section, the court may impose on any person convicted a fourth  
11          time of violating this Section any of the following:

12           (1) Seizure of the license plates of the person's  
13          vehicle.

14           (2) Immobilization of the person's vehicle for a period  
15          of time to be determined by the court.

16          (c-3) Any person convicted of a violation of this Section  
17          during a period of summary suspension imposed pursuant to  
18          Section 11-501.1 when the person was eligible for a MDDP shall  
19          be guilty of a Class 4 felony and shall serve a minimum term of  
20          imprisonment of 30 days.

21          (c-4) Any person who has been issued a MDDP and who is  
22          convicted of a violation of this Section as a result of  
23          operating or being in actual physical control of a motor  
24          vehicle not equipped with an ignition interlock device at the  
25          time of the offense shall be guilty of a Class 4 felony and  
26          shall serve a minimum term of imprisonment of 30 days.

1 (c-5) Any person convicted of a second violation of this  
2 Section is guilty of a Class 2 felony, is not eligible for  
3 probation or conditional discharge, and shall serve a mandatory  
4 term of imprisonment, if:

5 (1) the current violation occurred when the person's  
6 driver's license was suspended or revoked ~~the revocation or~~  
7 ~~suspension was~~ for a violation of Section 9-3 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012,  
9 relating to the offense of reckless homicide, or a similar  
10 out-of-state offense; and

11 (2) the prior conviction under this Section occurred  
12 while the person's driver's license was suspended or  
13 revoked for a violation of Section 9-3 of the Criminal Code  
14 of 1961 or the Criminal Code of 2012 relating to the  
15 offense of reckless homicide, or a similar out-of-state  
16 offense, or was suspended or revoked for a violation of  
17 Section 11-401 or 11-501 of this Code, a similar  
18 out-of-state offense, a similar provision of a local  
19 ordinance, or a statutory summary suspension or revocation  
20 under Section 11-501.1 of this Code.

21 (d) Any person convicted of a second violation of this  
22 Section shall be guilty of a Class 4 felony and shall serve a  
23 minimum term of imprisonment of 30 days or 300 hours of  
24 community service, as determined by the court, if:

25 (1) the current violation occurred when the person's  
26 driver's license was suspended or revoked ~~the original~~

1 ~~revocation or suspension was~~ for a violation of Section  
2 11-401 or 11-501 of this Code, ~~or~~ a similar out-of-state  
3 offense, ~~or~~ a similar provision of a local ordinance, or a  
4 statutory summary suspension or revocation under Section  
5 11-501.1 of this Code; and

6 (2) the prior conviction under this Section occurred  
7 while the person's driver's license was suspended or  
8 revoked for a violation of Section 11-401 or 11-501 of this  
9 Code, a similar out-of-state offense, a similar provision  
10 of a local ordinance, or a statutory summary suspension or  
11 revocation under Section 11-501.1 of this Code, or for a  
12 violation of Section 9-3 of the Criminal Code of 1961 or  
13 the Criminal Code of 2012, relating to the offense of  
14 reckless homicide, or a similar out-of-state offense.

15 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
16 (d-3), any person convicted of a third or subsequent violation  
17 of this Section shall serve a minimum term of imprisonment of  
18 30 days or 300 hours of community service, as determined by the  
19 court.

20 (d-2) Any person convicted of a third violation of this  
21 Section is guilty of a Class 4 felony and must serve a minimum  
22 term of imprisonment of 30 days, if:

23 (1) the current violation occurred when the person's  
24 driver's license was suspended or revoked ~~the revocation or~~  
25 ~~suspension was~~ for a violation of Section 11-401 or 11-501  
26 of this Code, or a similar out-of-state offense, or a

1 similar provision of a local ordinance, or a statutory  
2 summary suspension or revocation under Section 11-501.1 of  
3 this Code; and

4 (2) the prior convictions under this Section occurred  
5 while the person's driver's license was suspended or  
6 revoked for a violation of Section 11-401 or 11-501 of this  
7 Code, a similar out-of-state offense, a similar provision  
8 of a local ordinance, or a statutory summary suspension or  
9 revocation under Section 11-501.1 of this Code, or for a  
10 violation of Section 9-3 of the Criminal Code of 1961 or  
11 the Criminal Code of 2012, relating to the offense of  
12 reckless homicide, or a similar out-of-state offense.

13 (d-2.5) Any person convicted of a third violation of this  
14 Section is guilty of a Class 1 felony, is not eligible for  
15 probation or conditional discharge, and must serve a mandatory  
16 term of imprisonment, if:

17 (1) the current violation occurred while the person's  
18 driver's license was suspended or revoked ~~the revocation or~~  
19 ~~suspension was~~ for a violation of Section 9-3 of the  
20 Criminal Code of 1961 or the Criminal Code of 2012,  
21 relating to the offense of reckless homicide, or a similar  
22 out-of-state offense. The person's driving privileges  
23 shall be revoked for the remainder of the person's life; i  
24 and

25 (2) the prior convictions under this Section occurred  
26 while the person's driver's license was suspended or



1 revoked for a violation of Section 9-3 of the Criminal Code  
2 of 1961 or the Criminal Code of 2012, relating to the  
3 offense of reckless homicide, or a similar out-of-state  
4 offense, or was suspended or revoked for a violation of  
5 Section 11-401 or 11-501 of this Code, a similar  
6 out-of-state offense, a similar provision of a local  
7 ordinance, or a statutory summary suspension or revocation  
8 under Section 11-501.1 of this Code.

9 (d-3) Any person convicted of a fourth, fifth, sixth,  
10 seventh, eighth, or ninth violation of this Section is guilty  
11 of a Class 4 felony and must serve a minimum term of  
12 imprisonment of 180 days, if:

13 (1) the current violation occurred when the person's  
14 driver's license was suspended or revoked ~~the revocation or~~  
15 ~~suspension was~~ for a violation of Section 11-401 or 11-501  
16 of this Code, ~~or~~ a similar out-of-state offense, ~~or~~ a  
17 similar provision of a local ordinance, or a statutory  
18 summary suspension or revocation under Section 11-501.1 of  
19 this Code; and

20 (2) the prior convictions under this Section occurred  
21 while the person's driver's license was suspended or  
22 revoked for a violation of Section 11-401 or 11-501 of this  
23 Code, a similar out-of-state offense, a similar provision  
24 of a local ordinance, or a statutory summary suspension or  
25 revocation under Section 11-501.1 of this Code, or for a  
26 violation of Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, relating to the offense of  
2 reckless homicide, or a similar out-of-state offense.

3 (d-3.5) Any person convicted of a fourth or subsequent  
4 violation of this Section is guilty of a Class 1 felony, is not  
5 eligible for probation or conditional discharge, and must serve  
6 a mandatory term of imprisonment, and is eligible for an  
7 extended term, if:

8 (1) the current violation occurred when the person's  
9 driver's license was suspended or revoked ~~the revocation or~~  
10 ~~suspension was~~ for a violation of Section 9-3 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012,  
12 relating to the offense of reckless homicide, or a similar  
13 out-of-state offense; and

14 (2) the prior convictions under this Section occurred  
15 while the person's driver's license was suspended or  
16 revoked for a violation of Section 9-3 of the Criminal Code  
17 of 1961 or the Criminal Code of 2012, relating to the  
18 offense of reckless homicide, or a similar out-of-state  
19 offense, or was suspended or revoked for a violation of  
20 Section 11-401 or 11-501 of this Code, a similar  
21 out-of-state offense, a similar provision of a local  
22 ordinance, or a statutory summary suspension or revocation  
23 under Section 11-501.1 of this Code.

24 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
25 thirteenth, or fourteenth violation of this Section is guilty  
26 of a Class 3 felony, and is not eligible for probation or

1 conditional discharge, if:

2 (1) the current violation occurred when the person's  
3 driver's license was suspended or revoked ~~the revocation or~~  
4 ~~suspension was~~ for a violation of Section 11-401 or 11-501  
5 of this Code, or a similar out-of-state offense, or a  
6 similar provision of a local ordinance, or a statutory  
7 summary suspension or revocation under Section 11-501.1 of  
8 this Code; and

9 (2) the prior convictions under this Section occurred  
10 while the person's driver's license was suspended or  
11 revoked for a violation of Section 11-401 or 11-501 of this  
12 Code, a similar out-of-state offense, a similar provision  
13 of a local ordinance, or a statutory suspension or  
14 revocation under Section 11-501.1 of this Code, or for a  
15 violation of Section 9-3 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012, relating to the offense of  
17 reckless homicide, or a similar out-of-state offense.

18 (d-5) Any person convicted of a fifteenth or subsequent  
19 violation of this Section is guilty of a Class 2 felony, and is  
20 not eligible for probation or conditional discharge, if:

21 (1) the current violation occurred when the person's  
22 driver's license was suspended or revoked ~~the revocation or~~  
23 ~~suspension was~~ for a violation of Section 11-401 or 11-501  
24 of this Code, or a similar out-of-state offense, or a  
25 similar provision of a local ordinance, or a statutory  
26 summary suspension or revocation under Section 11-501.1 of

1           this Code; and

2                   (2) the prior convictions under this Section occurred  
3                   while the person's driver's license was suspended or  
4                   revoked for a violation of Section 11-401 or 11-501 of this  
5                   Code, a similar out-of-state offense, a similar provision  
6                   of a local ordinance, or a statutory summary suspension or  
7                   revocation under Section 11-501.1 of this Code, or for a  
8                   violation of Section 9-3 of the Criminal Code of 1961 or  
9                   the Criminal Code of 2012, relating to the offense of  
10                  reckless homicide, or a similar out-of-state offense.

11           (e) Any person in violation of this Section who is also in  
12 violation of Section 7-601 of this Code relating to mandatory  
13 insurance requirements, in addition to other penalties imposed  
14 under this Section, shall have his or her motor vehicle  
15 immediately impounded by the arresting law enforcement  
16 officer. The motor vehicle may be released to any licensed  
17 driver upon a showing of proof of insurance for the vehicle  
18 that was impounded and the notarized written consent for the  
19 release by the vehicle owner.

20           (f) For any prosecution under this Section, a certified  
21 copy of the driving abstract of the defendant shall be admitted  
22 as proof of any prior conviction.

23           (g) The motor vehicle used in a violation of this Section  
24 is subject to seizure and forfeiture as provided in Sections  
25 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
26 driving privilege was revoked or suspended as a result of:

1           (1) a violation of Section 11-501 of this Code, a  
2 similar provision of a local ordinance, or a similar  
3 provision of a law of another state;

4           (2) a violation of paragraph (b) of Section 11-401 of  
5 this Code, a similar provision of a local ordinance, or a  
6 similar provision of a law of another state;

7           (3) a statutory summary suspension or revocation under  
8 Section 11-501.1 of this Code or a similar provision of a  
9 law of another state; or

10           (4) a violation of Section 9-3 of the Criminal Code of  
11 1961 or the Criminal Code of 2012 relating to the offense  
12 of reckless homicide, or a similar provision of a law of  
13 another state.

14 (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;  
15 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.  
16 1-1-13; 97-1150, eff. 1-25-13.)

17           Section 99. Effective date. This Act takes effect upon  
18 becoming law.