

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.