



Rep. John D'Amico

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09900HB1054ham001

LRB099 04884 MRW 37354 a

1 AMENDMENT TO HOUSE BILL 1054

2 AMENDMENT NO. _____. Amend House Bill 1054 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if Senate Bill 627 of the 99th
5 General Assembly becomes law as passed by both houses, the
6 Illinois Vehicle Code is amended by changing Sections 6-205 and
7 6-206 as follows:

8 (625 ILCS 5/6-205)

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

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

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

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

7 3. Any felony under the laws of any State or the
8 federal government in the commission of which a motor
9 vehicle was used;

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

13 5. Perjury or the making of a false affidavit or
14 statement under oath to the Secretary of State under this
15 Code or under any other law relating to the ownership or
16 operation of motor vehicles;

17 6. Conviction upon 3 charges of violation of Section
18 11-503 of this Code relating to the offense of reckless
19 driving committed within a period of 12 months;

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

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

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

25 10. Violation of Section 12-5 of the Criminal Code of
26 1961 or the Criminal Code of 2012 arising from the use of a

1 motor vehicle;

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

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

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

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

18 15. A second or subsequent conviction of driving while
19 the person's driver's license, permit or privileges was
20 revoked for reckless homicide or a similar out-of-state
21 offense;

22 16. Any offense against any provision in this Code, or
23 any local ordinance, regulating the movement of traffic
24 when that offense was the proximate cause of the death of
25 any person. Any person whose driving privileges have been
26 revoked pursuant to this paragraph may seek to have the

1 revocation terminated or to have the length of revocation
2 reduced by requesting an administrative hearing with the
3 Secretary of State prior to the projected driver's license
4 application eligibility date;

5 17. Violation of subsection (a-2) of Section 11-1301.3
6 of this Code or a similar provision of a local ordinance;

7 18. A second or subsequent conviction of illegal
8 possession, while operating or in actual physical control,
9 as a driver, of a motor vehicle, of any controlled
10 substance prohibited under the Illinois Controlled
11 Substances Act, any cannabis prohibited under the Cannabis
12 Control Act, or any methamphetamine prohibited under the
13 Methamphetamine Control and Community Protection Act. A
14 defendant found guilty of this offense while operating a
15 motor vehicle shall have an entry made in the court record
16 by the presiding judge that this offense did occur while
17 the defendant was operating a motor vehicle and order the
18 clerk of the court to report the violation to the Secretary
19 of State.

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

23 1. Of any minor upon receiving the notice provided for
24 in Section 5-901 of the Juvenile Court Act of 1987 that the
25 minor has been adjudicated under that Act as having
26 committed an offense relating to motor vehicles prescribed

1 in Section 4-103 of this Code;

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

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

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

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

22 (2) If a person's license or permit is revoked or
23 suspended due to 2 or more convictions of violating Section
24 11-501 of this Code or a similar provision of a local
25 ordinance or a similar out-of-state offense, or Section 9-3
26 of the Criminal Code of 1961 or the Criminal Code of 2012,

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

8 (3) If:

9 (A) a person's license or permit is revoked or
10 suspended 2 or more times due to any combination of:

11 (i) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense,
14 or Section 9-3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, where the use of alcohol or
16 other drugs is recited as an element of the
17 offense, or a similar out-of-state offense; or

18 (ii) a statutory summary suspension or
19 revocation under Section 11-501.1; or

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

22 arising out of separate occurrences; or

23 (B) a person has been convicted of one violation of
24 subparagraph (C) or (F) of paragraph (1) of subsection
25 (d) of Section 11-501 of this Code, Section 9-3 of the
26 Criminal Code of 1961 or the Criminal Code of 2012,

1 relating to the offense of reckless homicide where the
2 use of alcohol or other drugs was recited as an element
3 of the offense, or a similar provision of a law of
4 another state;

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

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

14 (5) If the restricted driving permit is issued for
15 employment purposes, then the prohibition against
16 operating a motor vehicle that is not equipped with an
17 ignition interlock device does not apply to the operation
18 of an occupational vehicle owned or leased by that person's
19 employer when used solely for employment purposes. For any
20 person who, within a 5-year period, is convicted of a
21 second or subsequent offense under Section 11-501 of this
22 Code, or a similar provision of a local ordinance or
23 similar out-of-state offense, this employment exemption
24 does not apply until a one year period has elapsed during
25 which that person either had his or her driving privileges
26 revoked or had a restricted driving permit which required

1 the use of an ignition interlock device on every motor
2 vehicle owned or operated by that person.

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

26 (c-5) (Blank).

1 (c-6) If a person is convicted of a second violation of
2 operating a motor vehicle while the person's driver's license,
3 permit or privilege was revoked, where the revocation was for a
4 violation of Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 relating to the offense of reckless
6 homicide or a similar out-of-state offense, the person's
7 driving privileges shall be revoked pursuant to subdivision
8 (a)(15) of this Section. The person may not make application
9 for a license or permit until the expiration of five years from
10 the effective date of the revocation or the expiration of five
11 years from the date of release from a term of imprisonment,
12 whichever is later.

13 (c-7) If a person is convicted of a third or subsequent
14 violation of operating a motor vehicle while the person's
15 driver's license, permit or privilege was revoked, where the
16 revocation was for a violation of Section 9-3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012 relating to the
18 offense of reckless homicide or a similar out-of-state offense,
19 the person may never apply for a license or permit.

20 (d)(1) Whenever a person under the age of 21 is convicted
21 under Section 11-501 of this Code or a similar provision of a
22 local ordinance or a similar out-of-state offense, the
23 Secretary of State shall revoke the driving privileges of that
24 person. One year after the date of revocation, and upon
25 application, the Secretary of State may, if satisfied that the
26 person applying will not endanger the public safety or welfare,

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

12 (2) If a person's license or permit is revoked or
13 suspended due to 2 or more convictions of violating Section
14 11-501 of this Code or a similar provision of a local
15 ordinance or a similar out-of-state offense, or Section 9-3
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 where the use of alcohol or other drugs is recited as an
18 element of the offense, or a similar out-of-state offense,
19 or a combination of these offenses, arising out of separate
20 occurrences, that person, if issued a restricted driving
21 permit, may not operate a vehicle unless it has been
22 equipped with an ignition interlock device as defined in
23 Section 1-129.1.

24 (3) If a person's license or permit is revoked or
25 suspended 2 or more times due to any combination of:

26 (A) a single conviction of violating Section

1 11-501 of this Code or a similar provision of a local
2 ordinance or a similar out-of-state offense, or
3 Section 9-3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012, where the use of alcohol or
5 other drugs is recited as an element of the offense, or
6 a similar out-of-state offense; or

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

9 (C) a suspension pursuant to Section 6-203.1;

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

14 (3.5) If a person's license or permit is revoked or
15 suspended due to a conviction for a violation of
16 subparagraph (C) or (F) of paragraph (1) of subsection (d)
17 of Section 11-501 of this Code, or a similar provision of a
18 local ordinance or similar out-of-state offense, that
19 person, if issued a restricted driving permit, may not
20 operate a vehicle unless it has been equipped with an
21 ignition interlock device as defined in Section 1-129.1.

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

1 fees.

2 (5) If the restricted driving permit is issued for
3 employment purposes, then the prohibition against driving
4 a vehicle that is not equipped with an ignition interlock
5 device does not apply to the operation of an occupational
6 vehicle owned or leased by that person's employer when used
7 solely for employment purposes. For any person who, within
8 a 5-year period, is convicted of a second or subsequent
9 offense under Section 11-501 of this Code, or a similar
10 provision of a local ordinance or similar out-of-state
11 offense, this employment exemption does not apply until a
12 one year period has elapsed during which that person either
13 had his or her driving privileges revoked or had a
14 restricted driving permit which required the use of an
15 ignition interlock device on every motor vehicle owned or
16 operated by that person.

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

26 (d-5) The revocation of the license, permit, or driving

1 privileges of a person convicted of a third or subsequent
2 violation of Section 6-303 of this Code committed while his or
3 her driver's license, permit, or privilege was revoked because
4 of a violation of Section 9-3 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, relating to the offense of reckless
6 homicide, or a similar provision of a law of another state, is
7 permanent. The Secretary may not, at any time, issue a license
8 or permit to that person.

9 (e) This Section is subject to the provisions of the Driver
10 License Compact.

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

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

19 (h) The Secretary of State shall require the use of
20 ignition interlock devices on all vehicles owned by a person
21 who has been convicted of a second or subsequent offense under
22 Section 11-501 of this Code or a similar provision of a local
23 ordinance. The person must pay to the Secretary of State DUI
24 Administration Fund an amount not to exceed \$30 for each month
25 that he or she uses the device. The Secretary shall establish
26 by rule and regulation the procedures for certification and use

1 of the interlock system, the amount of the fee, and the
2 procedures, terms, and conditions relating to these fees.

3 (i) (Blank).

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

9 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
10 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
11 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
12 1-1-13; 97-1150, eff. 1-25-13; 09900SB0627enr.)

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 or the Criminal Code of 2012 relating
9 to criminal trespass to vehicles in which case, the
10 suspension shall be for one 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 or the Criminal Code of 2012
6 relating to unlawful use of weapons, in which case the
7 suspension shall be for one 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 or in
15 another state of or for a traffic related offense that is
16 the same as or similar to an offense specified under
17 Section 6-205 or 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 for a first time of the illegal
2 possession, while operating or in actual physical control,
3 as a driver, of a motor vehicle, of any controlled
4 substance prohibited under the Illinois Controlled
5 Substances Act, any cannabis prohibited under the Cannabis
6 Control Act, or any methamphetamine prohibited under the
7 Methamphetamine Control and Community Protection Act, in
8 which case the person's driving privileges shall be
9 suspended for one year. Any defendant found guilty of this
10 offense while operating a motor vehicle, shall have an
11 entry made in the court record by the presiding judge that
12 this offense did occur while the defendant was operating a
13 motor vehicle and order the clerk of the court to report
14 the violation to the Secretary of State;

15 29. Has been convicted of the following offenses that
16 were committed while the person was operating or in actual
17 physical control, as a driver, of a motor vehicle: criminal
18 sexual assault, predatory criminal sexual assault of a
19 child, aggravated criminal sexual assault, criminal sexual
20 abuse, aggravated criminal sexual abuse, juvenile pimping,
21 soliciting for a juvenile prostitute, promoting juvenile
22 prostitution as described in subdivision (a) (1), (a) (2),
23 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
24 or the Criminal Code of 2012, and the manufacture, sale or
25 delivery of controlled substances or instruments used for
26 illegal drug use or abuse in which case the driver's

1 driving privileges shall be suspended for one year;

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

6 31. Has refused to submit to a test as required by
7 Section 11-501.6 of this Code or Section 5-16c of the Boat
8 Registration and Safety Act or has submitted to a test
9 resulting in an alcohol concentration of 0.08 or more or
10 any amount of a drug, substance, or compound resulting from
11 the unlawful use or consumption of cannabis as listed in
12 the Cannabis Control Act, a controlled substance as listed
13 in the Illinois Controlled Substances Act, an intoxicating
14 compound as listed in the Use of Intoxicating Compounds
15 Act, or methamphetamine as listed in the Methamphetamine
16 Control and Community Protection Act, in which case the
17 penalty shall be as prescribed in Section 6-208.1;

18 32. Has been convicted of Section 24-1.2 of the
19 Criminal Code of 1961 or the Criminal Code of 2012 relating
20 to the aggravated discharge of a firearm if the offender
21 was located in a motor vehicle at the time the firearm was
22 discharged, in which case the suspension shall be for 3
23 years;

24 33. Has as a driver, who was less than 21 years of age
25 on the date of the offense, been convicted a first time of
26 a violation of paragraph (a) of Section 11-502 of this Code

1 or a similar provision of a local ordinance;

2 34. Has committed a violation of Section 11-1301.5 of
3 this Code or a similar provision of a local ordinance;

4 35. Has committed a violation of Section 11-1301.6 of
5 this Code or a similar provision of a local ordinance;

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

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

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

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

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

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

1 42. Has committed a violation of subsection (a-1) of
2 Section 11-1301.3 of this Code or a similar provision of a
3 local ordinance;

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

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

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

22 46. Has committed a violation of subsection (j) of
23 Section 3-413 of this Code; or

24 47. Has committed a violation of Section 11-502.1 of
25 this Code.

26 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,

1 and 27 of this subsection, license means any driver's license,
2 any traffic ticket issued when the person's driver's license is
3 deposited in lieu of bail, a suspension notice issued by the
4 Secretary of State, a duplicate or corrected driver's license,
5 a probationary driver's license or a temporary driver's
6 license.

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

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

22 2. If the Secretary of State suspends the driver's license
23 of a person under subsection 2 of paragraph (a) of this
24 Section, a person's privilege to operate a vehicle as an
25 occupation shall not be suspended, provided an affidavit is
26 properly completed, the appropriate fee received, and a permit

1 issued prior to the effective date of the suspension, unless 5
2 offenses were committed, at least 2 of which occurred while
3 operating a commercial vehicle in connection with the driver's
4 regular occupation. All other driving privileges shall be
5 suspended by the Secretary of State. Any driver prior to
6 operating a vehicle for occupational purposes only must submit
7 the affidavit on forms to be provided by the Secretary of State
8 setting forth the facts of the person's occupation. The
9 affidavit shall also state the number of offenses committed
10 while operating a vehicle in connection with the driver's
11 regular occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as set
18 forth in the notice that was mailed under this Section. If an
19 affidavit is received subsequent to the effective date of this
20 suspension, a permit may be issued for the remainder of the
21 suspension period.

22 The provisions of this subparagraph shall not apply to any
23 driver required to possess a CDL for the purpose of operating a
24 commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section 6-302

1 and upon conviction thereof shall have all driving privileges
2 revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118 of
4 this Code, the Secretary of State shall either rescind or
5 continue an order of revocation or shall substitute an order of
6 suspension; or, good cause appearing therefor, rescind,
7 continue, change, or extend the order of suspension. If the
8 Secretary of State does not rescind the order, the Secretary
9 may upon application, to relieve undue hardship (as defined by
10 the rules of the Secretary of State), issue a restricted
11 driving permit granting the privilege of driving a motor
12 vehicle between the petitioner's residence and petitioner's
13 place of employment or within the scope of the petitioner's
14 employment related duties, or to allow the petitioner to
15 transport himself or herself, or a family member of the
16 petitioner's household to a medical facility, to receive
17 necessary medical care, to allow the petitioner to transport
18 himself or herself to and from alcohol or drug remedial or
19 rehabilitative activity recommended by a licensed service
20 provider, or to allow the petitioner to transport himself or
21 herself or a family member of the petitioner's household to
22 classes, as a student, at an accredited educational
23 institution, or to allow the petitioner to transport children,
24 elderly persons, or disabled persons who do not hold driving
25 privileges and are living in the petitioner's household to and
26 from daycare. The petitioner must demonstrate that no

1 alternative means of transportation is reasonably available
2 and that the petitioner will not endanger the public safety or
3 welfare. Those multiple offenders identified in subdivision
4 (b)4 of Section 6-208 of this Code, however, shall not be
5 eligible for the issuance of a restricted driving permit.

6 (A) If a person's license or permit is revoked or
7 suspended due to 2 or more convictions of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense, or Section 9-3
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 where the use of alcohol or other drugs is recited as an
12 element of the offense, or a similar out-of-state offense,
13 or a combination of these offenses, arising out of separate
14 occurrences, that person, if issued a restricted driving
15 permit, may not operate a vehicle unless it has been
16 equipped with an ignition interlock device as defined in
17 Section 1-129.1.

18 (B) If a person's license or permit is revoked or
19 suspended 2 or more times due to any combination of:

20 (i) a single conviction of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense or Section
23 9-3 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, where the use of alcohol or other drugs is
25 recited as an element of the offense, or a similar
26 out-of-state offense; or

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

3 (iii) a suspension under 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 (B-5) If a person's license or permit is revoked or
9 suspended due to a conviction for a violation of
10 subparagraph (C) or (F) of paragraph (1) of subsection (d)
11 of Section 11-501 of this Code, or a similar provision of a
12 local ordinance or similar out-of-state offense, that
13 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 (C) The person issued a permit conditioned upon 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 (D) 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. For any
2 person who, within a 5-year period, is convicted of a
3 second or subsequent offense under Section 11-501 of this
4 Code, or a similar provision of a local ordinance or
5 similar out-of-state offense, this employment exemption
6 does not apply until a one year period has elapsed during
7 which that person either had his or her driving privileges
8 revoked or had a restricted driving permit which required
9 the use of an ignition interlock device on every motor
10 vehicle owned or operated by that person.

11 (E) In each case the Secretary may issue a restricted
12 driving permit for a period deemed appropriate, except that
13 all permits shall expire within one year from the date of
14 issuance. A restricted driving permit issued under this
15 Section shall be subject to cancellation, revocation, and
16 suspension by the Secretary of State in like manner and for
17 like cause as a driver's license issued under this Code may
18 be cancelled, revoked, or suspended; except that a
19 conviction upon one or more offenses against laws or
20 ordinances regulating the movement of traffic shall be
21 deemed sufficient cause for the revocation, suspension, or
22 cancellation of a restricted driving permit. The Secretary
23 of State may, as a condition to the issuance of a
24 restricted driving permit, require the applicant to
25 participate in a designated driver remedial or
26 rehabilitative program. The Secretary of State is

1 authorized to cancel a restricted driving permit if the
2 permit holder does not successfully complete the program.

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

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

21 (c-5) The Secretary of State may, as a condition of the
22 reissuance of a driver's license or permit to an applicant
23 whose driver's license or permit has been suspended before he
24 or she reached the age of 21 years pursuant to any of the
25 provisions of this Section, require the applicant to
26 participate in a driver remedial education course and be

1 retested under Section 6-109 of this Code.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

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

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

13 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
14 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
15 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
16 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.
17 7-16-14; 09900SB0627enr.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law or on the date Senate Bill 627 of the 99th General
20 Assembly takes effect, whichever is later."