



Rep. Jeanne M Ives

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09900HB1684ham001

LRB099 07021 RJF 34275 a

1 AMENDMENT TO HOUSE BILL 1684

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1684 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 6-206 and 11-601.5 as follows:

6 (625 ILCS 5/6-206)

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

9 (a) The Secretary of State is authorized to suspend or  
10 revoke the driving privileges of any person without preliminary  
11 hearing upon a showing of the person's records or other  
12 sufficient evidence that the person:

13 1. Has committed an offense for which mandatory  
14 revocation of a driver's license or permit is required upon  
15 conviction;

16 2. Has been convicted of not less than 3 offenses

1       against traffic regulations governing the movement of  
2       vehicles committed within any 12 month period. No  
3       revocation or suspension shall be entered more than 6  
4       months after the date of last conviction;

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

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

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

26            6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization  
2 contained in Section 6-203.1, which if committed within  
3 this State would be grounds for suspension or revocation;

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

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

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

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

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

24 12. Has submitted to any portion of the application  
25 process for another person or has obtained the services of  
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,  
2 identification card, or permit for some other person;

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

6 14. Has committed a violation of Section 6-301,  
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
8 of the Illinois Identification Card Act;

9 15. Has been convicted of violating Section 21-2 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012 relating  
11 to criminal trespass to vehicles in which case, the  
12 suspension shall be for one year;

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

15 17. Has refused to submit to a test, or tests, as  
16 required under Section 11-501.1 of this Code and the person  
17 has not sought a hearing as provided for in Section  
18 11-501.1;

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

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

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

1           21. Has been convicted of violating Section 11-402 of  
2 this Code relating to leaving the scene of an accident  
3 resulting in damage to a vehicle in excess of \$1,000, in  
4 which case the suspension shall be for one year;

5           22. Has used a motor vehicle in violating paragraph  
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
7 the Criminal Code of 1961 or the Criminal Code of 2012  
8 relating to unlawful use of weapons, in which case the  
9 suspension shall be for one year;

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

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

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

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

1           27. Has violated Section 6-16 of the Liquor Control Act  
2 of 1934;

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

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

1 delivery of controlled substances or instruments used for  
2 illegal drug use or abuse in which case the driver's  
3 driving privileges shall be suspended for one year;

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

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

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

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of  
2 a violation of paragraph (a) of Section 11-502 of this Code  
3 or a similar provision of a local ordinance;

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

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

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

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

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

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

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

24 41. Has committed a second or subsequent violation of  
25 Section 11-605.1 of this Code, a similar provision of a  
26 local ordinance, or a similar violation in any other state



1 within 2 years of the date of the previous violation, in  
2 which case the suspension shall be for 90 days;

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

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

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

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

24 46. Has committed a violation of subsection (j) of  
25 Section 3-413 of this Code; ~~or~~

26 47. Has committed a violation of Section 11-502.1 of

1           this Code; or -

2           48. Has received a conviction or a disposition of  
3           supervision for a violation of Section 11-601.5 of this  
4           Code or a similar provision of a local ordinance. For a  
5           violation under subsection (a) of Section 11-601.5 of this  
6           Code or a similar provision of a local ordinance, the  
7           suspension shall be for a period of not less than one month  
8           for a first offense, and not less than 3 months for a  
9           second or subsequent offense. For a violation under  
10           subsection (b) of Section 11-601.5 of this Code or a  
11           similar provision of a local ordinance, the suspension  
12           shall be for a period of not less than 3 months for a first  
13           offense, and not less than 4 months for a second or  
14           subsequent offense.

15           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
16           and 27 of this subsection, license means any driver's license,  
17           any traffic ticket issued when the person's driver's license is  
18           deposited in lieu of bail, a suspension notice issued by the  
19           Secretary of State, a duplicate or corrected driver's license,  
20           a probationary driver's license or a temporary driver's  
21           license.

22           (b) If any conviction forming the basis of a suspension or  
23           revocation authorized under this Section is appealed, the  
24           Secretary of State may rescind or withhold the entry of the  
25           order of suspension or revocation, as the case may be, provided  
26           that a certified copy of a stay order of a court is filed with

1 the Secretary of State. If the conviction is affirmed on  
2 appeal, the date of the conviction shall relate back to the  
3 time the original judgment of conviction was entered and the 6  
4 month limitation prescribed shall not apply.

5 (c) 1. Upon suspending or revoking the driver's license or  
6 permit of any person as authorized in this Section, the  
7 Secretary of State shall immediately notify the person in  
8 writing of the revocation or suspension. The notice to be  
9 deposited in the United States mail, postage prepaid, to the  
10 last known address of the person.

11 2. If the Secretary of State suspends the driver's license  
12 of a person under subsection 2 of paragraph (a) of this  
13 Section, a person's privilege to operate a vehicle as an  
14 occupation shall not be suspended, provided an affidavit is  
15 properly completed, the appropriate fee received, and a permit  
16 issued prior to the effective date of the suspension, unless 5  
17 offenses were committed, at least 2 of which occurred while  
18 operating a commercial vehicle in connection with the driver's  
19 regular occupation. All other driving privileges shall be  
20 suspended by the Secretary of State. Any driver prior to  
21 operating a vehicle for occupational purposes only must submit  
22 the affidavit on forms to be provided by the Secretary of State  
23 setting forth the facts of the person's occupation. The  
24 affidavit shall also state the number of offenses committed  
25 while operating a vehicle in connection with the driver's  
26 regular occupation. The affidavit shall be accompanied by the

1 driver's license. Upon receipt of a properly completed  
2 affidavit, the Secretary of State shall issue the driver a  
3 permit to operate a vehicle in connection with the driver's  
4 regular occupation only. Unless the permit is issued by the  
5 Secretary of State prior to the date of suspension, the  
6 privilege to drive any motor vehicle shall be suspended as set  
7 forth in the notice that was mailed under this Section. If an  
8 affidavit is received subsequent to the effective date of this  
9 suspension, a permit may be issued for the remainder of the  
10 suspension period.

11 The provisions of this subparagraph shall not apply to any  
12 driver required to possess a CDL for the purpose of operating a  
13 commercial motor vehicle.

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

18 3. At the conclusion of a hearing under Section 2-118 of  
19 this Code, the Secretary of State shall either rescind or  
20 continue an order of revocation or shall substitute an order of  
21 suspension; or, good cause appearing therefor, rescind,  
22 continue, change, or extend the order of suspension. If the  
23 Secretary of State does not rescind the order, the Secretary  
24 may upon application, to relieve undue hardship (as defined by  
25 the rules of the Secretary of State), issue a restricted  
26 driving permit granting the privilege of driving a motor

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

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

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

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

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

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

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

24 (C) The person issued a permit conditioned upon the use  
25 of an ignition interlock device must pay to the Secretary  
26 of State DUI Administration Fund an amount not to exceed

1           \$30 per month. The Secretary shall establish by rule the  
2 amount and the procedures, terms, and conditions relating  
3 to these fees.

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

10          (E) In each case the Secretary may issue a restricted  
11 driving permit for a period deemed appropriate, except that  
12 all permits shall expire within one year from the date of  
13 issuance. The Secretary may not, however, issue a  
14 restricted driving permit to any person whose current  
15 revocation is the result of a second or subsequent  
16 conviction for a violation of Section 11-501 of this Code  
17 or a similar provision of a local ordinance or any similar  
18 out-of-state offense, or Section 9-3 of the Criminal Code  
19 of 1961 or the Criminal Code of 2012, where the use of  
20 alcohol or other drugs is recited as an element of the  
21 offense, or any similar out-of-state offense, or any  
22 combination of those offenses, until the expiration of at  
23 least one year from the date of the revocation. A  
24 restricted driving permit issued under this Section shall  
25 be subject to cancellation, revocation, and suspension by  
26 the Secretary of State in like manner and for like cause as

1 a driver's license issued under this Code may be cancelled,  
2 revoked, or suspended; except that a conviction upon one or  
3 more offenses against laws or ordinances regulating the  
4 movement of traffic shall be deemed sufficient cause for  
5 the revocation, suspension, or cancellation of a  
6 restricted driving permit. The Secretary of State may, as a  
7 condition to the issuance of a restricted driving permit,  
8 require the applicant to participate in a designated driver  
9 remedial or rehabilitative program. The Secretary of State  
10 is authorized to cancel a restricted driving permit if the  
11 permit holder does not successfully complete the program.

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

25 (c-4) In the case of a suspension under paragraph 43 of  
26 subsection (a), the Secretary of State shall notify the person



1 by mail that his or her driving privileges and driver's license  
2 will be suspended one month after the date of the mailing of  
3 the notice.

4 (c-5) The Secretary of State may, as a condition of the  
5 reissuance of a driver's license or permit to an applicant  
6 whose driver's license or permit has been suspended before he  
7 or she reached the age of 21 years pursuant to any of the  
8 provisions of this Section, require the applicant to  
9 participate in a driver remedial education course and be  
10 retested under Section 6-109 of this Code.

11 (d) This Section is subject to the provisions of the  
12 Drivers License Compact.

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

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

22 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;  
23 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;  
24 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.  
25 1-1-14; 98-122, eff. 1-1-14; 98-726, eff. 1-1-15; 98-756, eff.  
26 7-16-14.)

1 (625 ILCS 5/11-601.5)

2 Sec. 11-601.5. Driving 26 miles per hour or more in excess  
3 of applicable limit.

4 (a) A person who drives a vehicle upon any highway of this  
5 State at a speed that is 26 miles per hour or more but less than  
6 35 miles per hour in excess of the applicable maximum speed  
7 limit established under this Chapter or a local ordinance  
8 commits a business offense ~~Class B misdemeanor~~. A first  
9 violation of this subsection (a) shall result in a minimum fine  
10 of \$750 and a maximum fine of \$1,500. A second or subsequent  
11 violation of this subsection (a) shall result in a minimum fine  
12 of \$1,000 and a maximum fine of \$1,500.

13 (b) A person who drives a vehicle upon any highway of this  
14 State at a speed that is 35 miles per hour or more in excess of  
15 the applicable maximum speed limit established under this  
16 Chapter or a local ordinance commits a Class A misdemeanor.

17 (Source: P.A. 98-511, eff. 1-1-14.)

18 Section 99. Effective date. This Act takes effect January  
19 1, 2016."