

HB3670



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3670

by Rep. C.D. Davidsmeyer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke the license, permit, or driving privileges of any driver convicted of any offense against any provision in this Code, or any local ordinance, regulating the movement of traffic when that offense is the direct (rather than proximate) cause of the death of any person.

LRB099 08834 RJF 29006 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-205 as follows:

6 (625 ILCS 5/6-205)

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

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

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

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

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

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

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

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

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

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

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

16 10. Violation of Section 12-5 of the Criminal Code of
17 1961 or the Criminal Code of 2012 arising from the use of a
18 motor vehicle;

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

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

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

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

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

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

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

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

24 18. A second or subsequent conviction of illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled
2 Substances Act, any cannabis prohibited under the Cannabis
3 Control Act, or any methamphetamine prohibited under the
4 Methamphetamine Control and Community Protection Act. A
5 defendant found guilty of this offense while operating a
6 motor vehicle shall have an entry made in the court record
7 by the presiding judge that this offense did occur while
8 the defendant was operating a motor vehicle and order the
9 clerk of the court to report the violation to the Secretary
10 of State.

11 (b) The Secretary of State shall also immediately revoke
12 the license or permit of any driver in the following
13 situations:

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

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

22 3. Of any person adjudicated under the Juvenile Court
23 Act of 1987 based on an offense determined to have been
24 committed in furtherance of the criminal activities of an
25 organized gang as provided in Section 5-710 of that Act,
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation
2 shall remain in effect for the period determined by the
3 court. Upon the direction of the court, the Secretary shall
4 issue the person a judicial driving permit, also known as a
5 JDP. The JDP shall be subject to the same terms as a JDP
6 issued under Section 6-206.1, except that the court may
7 direct that a JDP issued under this subdivision (b) (3) be
8 effective immediately.

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

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

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

25 (3) If:

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

1 suspended 2 or more times within a 10 year period due
2 to any combination of:

3 (i) a single conviction of violating Section
4 11-501 of this Code or a similar provision of a
5 local ordinance or a similar out-of-state offense,
6 or Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, where the use of alcohol or
8 other drugs is recited as an element of the
9 offense, or a similar out-of-state offense; or

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

12 (iii) a suspension pursuant to Section
13 6-203.1;

14 arising out of separate occurrences; or

15 (B) a person has been convicted of one violation of
16 Section 6-303 of this Code committed while his or her
17 driver's license, permit, or privilege was revoked
18 because of a violation of Section 9-3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012, relating to
20 the offense of reckless homicide where the use of
21 alcohol or other drugs was recited as an element of the
22 offense, or a similar provision of a law of another
23 state;

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

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

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

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

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

20 (c-5) (Blank).

21 (c-6) If a person is convicted of a second violation of
22 operating a motor vehicle while the person's driver's license,
23 permit or privilege was revoked, where the revocation was for a
24 violation of Section 9-3 of the Criminal Code of 1961 or the
25 Criminal Code of 2012 relating to the offense of reckless
26 homicide or a similar out-of-state offense, the person's

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

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

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

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

6 (2) 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 (3) If a person's license or permit is revoked or
19 suspended 2 or more times within a 10 year period due to
20 any combination of:

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

1 a similar out-of-state offense; or

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

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

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

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

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

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

1 ordinances regulating the movement of traffic shall be
2 deemed sufficient cause for the revocation, suspension, or
3 cancellation of a restricted driving permit.

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

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

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

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

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

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

7 (i) (Blank).

8 (j) 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 revoked, suspended,
12 cancelled, or disqualified under any provisions of this Code.

13 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
14 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
15 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
16 1-1-13; 97-1150, eff. 1-25-13.)