



Rep. C.D. Davidsmeyer

Filed: 4/17/2015

09900HB3670ham001

LRB099 08834 RJF 33995 a

1 AMENDMENT TO HOUSE BILL 3670

2 AMENDMENT NO. _____. Amend House Bill 3670 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing 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

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof;

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

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

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

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

18 7. Conviction of any offense defined in Section 4-102
19 of this Code;

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

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

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 or the Criminal Code of 2012 arising from the use of a
25 motor vehicle;

26 11. Violation of Section 11-204.1 of this Code relating

1 to aggravated fleeing or attempting to elude a peace
2 officer;

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

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

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

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

20 16. Any offense against any provision in this Code, or
21 any local ordinance, regulating the movement of traffic
22 when that offense was the proximate cause of the death of
23 any person. Any person whose driving privileges have been
24 revoked pursuant to this paragraph may seek to have the
25 revocation terminated or to have the length of revocation
26 reduced by requesting an administrative hearing with the

1 Secretary of State prior to the projected driver's license
2 application eligibility date;

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

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

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

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

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license
2 or permit;

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

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

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

20 (2) If a person's license or permit is revoked or
21 suspended due to 2 or more convictions 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 Section 9-3
24 of the Criminal Code of 1961 or the Criminal Code of 2012,
25 where the use of alcohol or other drugs is recited as an
26 element of the offense, or a similar out-of-state offense,

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

6 (3) If:

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

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

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

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

21 arising out of separate occurrences; or

22 (B) a person has been convicted of one violation of
23 Section 6-303 of this Code committed while his or her
24 driver's license, permit, or privilege was revoked
25 because of a violation of Section 9-3 of the Criminal
26 Code of 1961 or the Criminal Code of 2012, relating to

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

20 (6) In each case the Secretary of State may issue a
21 restricted driving permit for a period he deems
22 appropriate, except that the permit shall expire within one
23 year from the date of issuance. The Secretary may not,
24 however, issue a restricted driving permit to any person
25 whose current revocation is the result of a second or
26 subsequent conviction for a violation of Section 11-501 of

1 this Code or a similar provision of a local ordinance or
2 any similar out-of-state offense, or Section 9-3 of the
3 Criminal Code of 1961 or the Criminal Code of 2012, where
4 the use of alcohol or other drugs is recited as an element
5 of the offense, or any similar out-of-state offense, or any
6 combination of these offenses, until the expiration of at
7 least one year from the date of the revocation. A
8 restricted driving permit issued under this Section shall
9 be subject to cancellation, revocation, and suspension by
10 the Secretary of State in like manner and for like cause as
11 a driver's license issued under this Code may be cancelled,
12 revoked, or suspended; except that a conviction upon one or
13 more offenses against laws or ordinances regulating the
14 movement of traffic shall be deemed sufficient cause for
15 the revocation, suspension, or cancellation of a
16 restricted driving permit. The Secretary of State may, as a
17 condition to the issuance of a restricted driving permit,
18 require the petitioner to participate in a designated
19 driver remedial or rehabilitative program. The Secretary
20 of State is authorized to cancel a restricted driving
21 permit if the permit holder does not successfully complete
22 the program. However, if an individual's driving
23 privileges have been revoked in accordance with paragraph
24 13 of subsection (a) of this Section, no restricted driving
25 permit shall be issued until the individual has served 6
26 months of the revocation period.

1 (c-5) (Blank).

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

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

21 (d) (1) Whenever a person under the age of 21 is convicted
22 under Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, the
24 Secretary of State shall revoke the driving privileges of that
25 person. One year after the date of revocation, and upon
26 application, the Secretary of State may, if satisfied that the

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

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 a person's license or permit is revoked or
26 suspended 2 or more times within a 10 year period due to

1 any combination of:

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

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

11 (C) a suspension pursuant to Section 6-203.1;
12 arising out of separate occurrences, that person, if issued
13 a restricted driving permit, may not operate a vehicle
14 unless it has been equipped with an ignition interlock
15 device as defined in Section 1-129.1.

16 (4) The person issued a permit conditioned upon the use
17 of an interlock device must pay to the Secretary of State
18 DUI Administration Fund an amount not to exceed \$30 per
19 month. The Secretary shall establish by rule the amount and
20 the procedures, terms, and conditions relating to these
21 fees.

22 (5) If the restricted driving permit is issued for
23 employment purposes, then the prohibition against driving
24 a vehicle that is not equipped with an ignition interlock
25 device does not apply to the operation of an occupational
26 vehicle owned or leased by that person's employer when used

1 solely for employment purposes.

2 (6) A restricted driving permit issued under this
3 Section shall be subject to cancellation, revocation, and
4 suspension by the Secretary of State in like manner and for
5 like cause as a driver's license issued under this Code may
6 be cancelled, revoked, or suspended; except that a
7 conviction upon one or more offenses against laws or
8 ordinances regulating the movement of traffic shall be
9 deemed sufficient cause for the revocation, suspension, or
10 cancellation of a restricted driving permit.

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

20 (e) This Section is subject to the provisions of the Driver
21 License Compact.

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

26 (g) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose
2 driving privileges have been revoked under any provisions of
3 this Code.

4 (h) The Secretary of State shall require the use of
5 ignition interlock devices on all vehicles owned by a person
6 who has been convicted of a second or subsequent offense under
7 Section 11-501 of this Code or a similar provision of a local
8 ordinance. The person must pay to the Secretary of State DUI
9 Administration Fund an amount not to exceed \$30 for each month
10 that he or she uses the device. The Secretary shall establish
11 by rule and regulation the procedures for certification and use
12 of the interlock system, the amount of the fee, and the
13 procedures, terms, and conditions relating to these fees.

14 (i) (Blank).

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

20 (k) The Secretary of State shall notify by mail any person
21 whose driving privileges have been revoked under paragraph 16
22 of subsection (a) of this Section that his or her driving
23 privileges and driver's license will be revoked 90 days from
24 the date of the mailing of the notice.

25 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
26 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.

1 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
2 1-1-13; 97-1150, eff. 1-25-13.)".