

1 AN ACT in regard to vehicles.

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
5 changing Section 6-303 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit or
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Any person who drives or is in actual physical
10 control of a motor vehicle on any highway of this State at a
11 time when such person's driver's license, permit or privilege
12 to do so or the privilege to obtain a driver's license or
13 permit is revoked or suspended as provided by this Code or
14 the law of another state, except as may be specifically
15 allowed by a judicial driving permit, family financial
16 responsibility driving permit, probationary license to drive,
17 or a restricted driving permit issued pursuant to this Code
18 or under the law of another state, shall be guilty of a Class
19 A misdemeanor.

20 (b) The Secretary of State upon receiving a report of
21 the conviction of any violation indicating a person was
22 operating a motor vehicle during the time when said person's
23 driver's license, permit or privilege was suspended by the
24 Secretary, by the appropriate authority of another state, or
25 pursuant to Section 11-501.1; except as may be specifically
26 allowed by a probationary license to drive, judicial driving
27 permit or restricted driving permit issued pursuant to this
28 Code or the law of another state; shall extend the suspension
29 for the same period of time as the originally imposed
30 suspension; however, if the period of suspension has then
31 expired, the Secretary shall be authorized to suspend said

1 person's driving privileges for the same period of time as
2 the originally imposed suspension; and if the conviction was
3 upon a charge which indicated that a vehicle was operated
4 during the time when the person's driver's license, permit or
5 privilege was revoked; except as may be allowed by a
6 restricted driving permit issued pursuant to this Code or the
7 law of another state; the Secretary shall not issue a
8 driver's license for an additional period of one year from
9 the date of such conviction indicating such person was
10 operating a vehicle during such period of revocation.

11 (c) Any person convicted of violating this Section shall
12 serve a minimum term of imprisonment of 7 consecutive days or
13 30 days of community service when the person's driving
14 privilege was revoked or suspended as a result of:

15 (1) a 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, any other
19 drug or any combination thereof; or

20 (2) a violation of paragraph (b) of Section 11-401
21 of this Code or a similar provision of a local ordinance
22 relating to the offense of leaving the scene of a motor
23 vehicle accident involving personal injury or death; or

24 (3) a violation of Section 9-3 of the Criminal Code
25 of 1961, as amended, relating to the offense of reckless
26 homicide; or

27 (4) a statutory summary suspension under Section
28 11-501.1 of this Code.

29 Such sentence of imprisonment or community service shall
30 not be subject to suspension in order to reduce such
31 sentence.

32 (d) Any person convicted of a second or subsequent
33 violation of this Section ~~is shall~~ be guilty of a Class 4
34 felony if the original revocation or suspension was for a

1 violation of Section 11-401 ~~or 11-501~~ of this Code, or a
 2 similar out-of-state offense, or a similar provision of a
 3 local ordinance, or a violation of Section 9-3 of the
 4 Criminal Code of 1961, relating to the offense of reckless
 5 homicide, or a similar out-of-state offense, ~~or a statutory~~
 6 ~~summary suspension under Section 11-501.1 of this Code.~~

7 (d-1) Any person convicted of a second violation of this
 8 Section is guilty of a Class 4 felony if the original
 9 revocation or suspension was for a violation of Section
 10 11-501 of this Code, or a similar out-of-state offense, or a
 11 similar provision of a local ordinance, or a statutory
 12 summary suspension under Section 11-501.1 of this Code.

13 (d-2) Any person convicted of a third violation of this
 14 Section is guilty of a Class 3 felony if the original
 15 revocation or suspension was for a violation of Section
 16 11-501 of this Code, or a similar out-of-state offense, or a
 17 similar provision of a local ordinance, or a statutory
 18 summary suspension under Section 11-501.1 of this Code.

19 (d-3) Any person convicted of a fourth or subsequent
 20 violation of this Section is guilty of a Class 2 felony if
 21 the original revocation or suspension was for a violation of
 22 Section 11-501 of this Code, or a similar out-of-state
 23 offense, or a similar provision of a local ordinance, or a
 24 statutory summary suspension under Section 11-501.1 of this
 25 Code.

26 (e) Any person in violation of this Section who is also
 27 in violation of Section 7-601 of this Code relating to
 28 mandatory insurance requirements, in addition to other
 29 penalties imposed under this Section, shall have his or her
 30 motor vehicle immediately impounded by the arresting law
 31 enforcement officer. The motor vehicle may be released to
 32 any licensed driver upon a showing of proof of insurance for
 33 the vehicle that was impounded and the notarized written
 34 consent for the release by the vehicle owner.

1 (f) For any prosecution under this Section, a certified
2 copy of the driving abstract of the defendant shall be
3 admitted as proof of any prior conviction.

4 (Source: P.A. 90-400, eff. 8-15-97; 90-738, eff. 1-1-99;
5 91-692, eff. 4-13-00.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.