

1 AN ACT in relation 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 Sections 6-103 and 6-208 as follows:

6 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

7 Sec. 6-103. What persons shall not be licensed as drivers  
8 or granted permits. The Secretary of State shall not issue,  
9 renew, or allow the retention of any driver's license nor  
10 issue any permit under this Code:

11 1. To any person, as a driver, who is under the age  
12 of 18 years except as provided in Section 6-107, and  
13 except that an instruction permit may be issued under  
14 paragraphs (a) and (b) of Section 6-105 to a child who is  
15 not less than 15 years of age if the child is enrolled in  
16 an approved driver education course as defined in Section  
17 1-103 of this Code and requires an instruction permit to  
18 participate therein, except that an instruction permit  
19 may be issued under the provisions of Section 6-107.1 to  
20 a child who is 17 years and 9 months of age without the  
21 child having enrolled in an approved driver education  
22 course and except that an instruction permit may be  
23 issued to a child who is at least 15 years and 6 months  
24 of age, is enrolled in school, meets the educational  
25 requirements of the Driver Education Act, and has passed  
26 examinations the Secretary of State in his or her  
27 discretion may prescribe;

28 2. To any person who is under the age of 18 as an  
29 operator of a motorcycle other than a motor driven cycle  
30 unless the person has, in addition to meeting the  
31 provisions of Section 6-107 of this Code, completed a

1 motorcycle training course approved by the Illinois  
2 Department of Transportation and successfully completes  
3 the required Secretary of State's motorcycle driver's  
4 examination;

5 3. To any person, as a driver, whose driver's  
6 license or permit has been suspended, during the  
7 suspension, nor to any person whose driver's license or  
8 permit has been revoked, except as provided in Sections  
9 6-205, 6-206, and 6-208;

10 4. To any person, as a driver, who is a user of  
11 alcohol or any other drug to a degree that renders the  
12 person incapable of safely driving a motor vehicle;

13 5. To any person, as a driver, who has previously  
14 been adjudged to be afflicted with or suffering from any  
15 mental or physical disability or disease and who has not  
16 at the time of application been restored to competency by  
17 the methods provided by law;

18 6. To any person, as a driver, who is required by  
19 the Secretary of State to submit an alcohol and drug  
20 evaluation or take an examination provided for in this  
21 Code unless the person has successfully passed the  
22 examination and submitted any required evaluation;

23 7. To any person who is required under the  
24 provisions of the laws of this State to deposit security  
25 or proof of financial responsibility and who has not  
26 deposited the security or proof;

27 8. To any person when the Secretary of State has  
28 good cause to believe that the person by reason of  
29 physical or mental disability would not be able to safely  
30 operate a motor vehicle upon the highways, unless the  
31 person shall furnish to the Secretary of State a verified  
32 written statement, acceptable to the Secretary of State,  
33 from a competent medical specialist to the effect that  
34 the operation of a motor vehicle by the person would not

1 be inimical to the public safety;

2 9. To any person, as a driver, who is 69 years of  
3 age or older, unless the person has successfully complied  
4 with the provisions of Section 6-109;

5 10. To any person convicted, within 12 months of  
6 application for a license, of any of the sexual offenses  
7 enumerated in paragraph 2 of subsection (b) of Section  
8 6-205;

9 11. To any person who is under the age of 21 years  
10 with a classification prohibited in paragraph (b) of  
11 Section 6-104 and to any person who is under the age of  
12 18 years with a classification prohibited in paragraph  
13 (c) of Section 6-104;

14 12. To any person who has been either convicted of  
15 or adjudicated under the Juvenile Court Act of 1987 based  
16 upon a violation of the Cannabis Control Act or the  
17 Illinois Controlled Substances Act while that person was  
18 in actual physical control of a motor vehicle. For  
19 purposes of this Section, any person placed on probation  
20 under Section 10 of the Cannabis Control Act or Section  
21 410 of the Illinois Controlled Substances Act shall not  
22 be considered convicted. Any person found guilty of this  
23 offense, while in actual physical control of a motor  
24 vehicle, shall have an entry made in the court record by  
25 the judge that this offense did occur while the person  
26 was in actual physical control of a motor vehicle and  
27 order the clerk of the court to report the violation to  
28 the Secretary of State as such. The Secretary of State  
29 shall not issue a new license or permit for a period of  
30 one year;

31 13. To any person who is under the age of 18 years  
32 and who has committed the offense of operating a motor  
33 vehicle without a valid license or permit in violation of  
34 Section 6-101; or

1           14. To any person who is 90 days or more delinquent  
 2 in court ordered child support payments or has been  
 3 adjudicated in arrears in an amount equal to 90 days'  
 4 obligation or more and who has been found in contempt of  
 5 court for failure to pay the support, subject to the  
 6 requirements and procedures of Article VII of Chapter 7  
 7 of the Illinois Vehicle Code; or-

8           15. To any person released from a term of  
 9 imprisonment for violating Section 9-3 of the Criminal  
 10 Code of 1961 relating to reckless homicide within 24  
 11 months of release from a term of imprisonment.

12           The Secretary of State shall retain all conviction  
 13 information, if the information is required to be held  
 14 confidential under the Juvenile Court Act of 1987.

15           (Source: P.A. 90-369, eff. 1-1-98; 90-733, eff. 8-11-98.)

16           (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

17           Sec. 6-208. Period of Suspension - Application After  
 18 Revocation.

19           (a) Except as otherwise provided by this Code or any  
 20 other law of this State, the Secretary of State shall not  
 21 suspend a driver's license, permit or privilege to drive a  
 22 motor vehicle on the highways for a period of more than one  
 23 year.

24           (b) Any person whose license, permit or privilege to  
 25 drive a motor vehicle on the highways has been revoked shall  
 26 not be entitled to have such license, permit or privilege  
 27 renewed or restored. However, such person may, except as  
 28 provided under subsection (d) of Section 6-205, make  
 29 application for a license pursuant to Section 6-106 (i) if  
 30 the revocation was for a cause which has been removed or (ii)  
 31 as provided in the following subparagraphs:

32           1. Except as provided in subparagraphs 2, 3, and 4,  
 33 the person may make application for a license after the

1 expiration of one year from the effective date of the  
 2 revocation or, in the case of a violation of paragraph  
 3 (b) of Section 11-401 of this Code or a similar provision  
 4 of a local ordinance, after the expiration of 3 years  
 5 from the effective date of the revocation or, in the case  
 6 of a violation of Section 9-3 of the Criminal Code of  
 7 1961 relating to the offense of reckless homicide, after  
 8 the expiration of 2 years from the effective date of the  
 9 revocation or after the expiration of 24 months from the  
 10 date of release from a period of imprisonment as provided  
 11 in Section 6-103 of this Code, whichever is later.

12 2. If such person is convicted of committing a  
 13 second violation within a 20 year period of:

14 (A) Section 11-501 of this Code, or a similar  
 15 provision of a local ordinance; or

16 (B) Paragraph (b) of Section 11-401 of this  
 17 Code, or a similar provision of a local ordinance;  
 18 or

19 (C) Section 9-3 of the Criminal Code of 1961,  
 20 as amended, relating to the offense of reckless  
 21 homicide; or

22 (D) any combination of the above offenses  
 23 committed at different instances;

24 then such person may not make application for a license  
 25 until after the expiration of 5 years from the effective  
 26 date of the most recent revocation. The 20 year period  
 27 shall be computed by using the dates the offenses were  
 28 committed and shall also include similar out-of-state  
 29 offenses.

30 3. However, except as provided in subparagraph 4,  
 31 if such person is convicted of committing a third, or  
 32 subsequent, violation or any combination of the above  
 33 offenses, including similar out-of-state offenses,  
 34 contained in subparagraph 2, then such person may not

1           make application for a license until after the expiration  
2           of 10 years from the effective date of the most recent  
3           revocation.

4           4. The person may not make application for a  
5           license if the person is convicted of committing a fourth  
6           or subsequent violation of Section 11-501 of this Code or  
7           a similar provision of a local ordinance, paragraph (b)  
8           of Section 11-401 of this Code, Section 9-3 of the  
9           Criminal Code of 1961, or a combination of these offenses  
10          or similar provisions of local ordinances or similar  
11          out-of-state offenses if the original revocation or  
12          suspension was for a violation of Section 11-501 or  
13          11-501.1 of this Code or a similar provision of a local  
14          ordinance.

15          Notwithstanding any other provision of this Code, all  
16          persons referred to in this paragraph (b) may not have their  
17          privileges restored until the Secretary receives payment of  
18          the required reinstatement fee pursuant to subsection (b) of  
19          Section 6-118.

20          In no event shall the Secretary issue such license unless  
21          and until such person has had a hearing pursuant to this Code  
22          and the appropriate administrative rules and the Secretary is  
23          satisfied, after a review or investigation of such person,  
24          that to grant the privilege of driving a motor vehicle on the  
25          highways will not endanger the public safety or welfare.

26          (Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99;  
27          91-357, eff. 7-29-99.)