

1 AN ACT in relation to public transportation.

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

4 Section 3. The Metropolitan Transit Authority Act is
5 amended by adding Section 28d as follows:

6 (70 ILCS 3605/28d new)

7 Sec. 28d. Persons prohibited from operating public
8 transit vehicles. A person who is not in possession of a
9 valid driver's license issued by the State of Illinois may
10 not operate a public transit vehicle. As used in this
11 Section, a "public transit vehicle" includes any vehicle
12 owned, leased, or operated by the Authority. An employee
13 whose driver's license has been suspended, revoked, or
14 cancelled or who is otherwise disqualified from driving shall
15 be given 180 calendar days from the date the employee is
16 notified of the suspension, revocation, cancellation, or
17 disqualification to obtain full reinstatement of his or her
18 driving privileges.

19 Section 5. The Illinois Vehicle Code is amended by
20 changing Sections 6-205 and 6-206.1 as follows:

21 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

22 Sec. 6-205. Mandatory revocation of license or permit;
23 Hardship cases.

24 (a) Except as provided in this Section, the Secretary of
25 State shall immediately revoke the license or permit of any
26 driver upon receiving a report of the driver's conviction of
27 any of the following offenses:

- 28 1. Reckless homicide resulting from the operation
29 of a motor vehicle;

1 2. Violation of Section 11-501 of this Code or a
2 similar provision of a local ordinance relating to the
3 offense of operating or being in physical control of a
4 vehicle while under the influence of alcohol, other drug
5 or drugs, intoxicating compound or compounds, or any
6 combination thereof;

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

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

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

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

20 7. Conviction of the offense of automobile theft as
21 defined in Section 4-102 of this Code;

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

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

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

27 11. Violation of Section 11-204.1 of this Code
28 relating to aggravated fleeing or attempting to elude a
29 police officer;

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

34 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
3 of that Section or a similar provision of a local
4 ordinance and the driver was less than 21 years of age at
5 the time of the offense.

6 (b) The Secretary of State shall also immediately revoke
7 the license or permit of any driver in the following
8 situations:

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

14 2. Of any person when any other law of this State
15 requires either the revocation or suspension of a license
16 or permit.

17 (c) Whenever a person is convicted of any of the
18 offenses enumerated in this Section, the court may recommend
19 and the Secretary of State in his discretion, without regard
20 to whether the recommendation is made by the court, may, upon
21 application, issue to the person a restricted driving permit
22 granting the privilege of driving a motor vehicle between the
23 petitioner's residence and petitioner's place of employment
24 or within the scope of the petitioner's employment related
25 duties, or to allow transportation for the petitioner or a
26 household member of the petitioner's family for the receipt
27 of necessary medical care or, if the professional evaluation
28 indicates, provide transportation for the petitioner for
29 alcohol remedial or rehabilitative activity, or for the
30 petitioner to attend classes, as a student, in an accredited
31 educational institution; if the petitioner is able to
32 demonstrate that no alternative means of transportation is
33 reasonably available and the petitioner will not endanger the
34 public safety or welfare; provided that the Secretary's

1 discretion shall be limited to cases where undue hardship
2 would result from a failure to issue the restricted driving
3 permit. In each case the Secretary of State may issue a
4 restricted driving permit for a period he deems appropriate,
5 except that the permit shall expire within one year from the
6 date of issuance. A restricted driving permit issued under
7 this Section shall be subject to cancellation, revocation,
8 and suspension by the Secretary of State in like manner and
9 for like cause as a driver's license issued under this Code
10 may be cancelled, revoked, or suspended; except that a
11 conviction upon one or more offenses against laws or
12 ordinances regulating the movement of traffic shall be deemed
13 sufficient cause for the revocation, suspension, or
14 cancellation of a restricted driving permit. The Secretary of
15 State may, as a condition to the issuance of a restricted
16 driving permit, require the applicant to participate in a
17 designated driver remedial or rehabilitative program. The
18 Secretary of State is authorized to cancel a restricted
19 driving permit if the permit holder does not successfully
20 complete the program. However, if an individual's driving
21 privileges have been revoked in accordance with paragraph 13
22 of subsection (a) of this Section, no restricted driving
23 permit shall be issued until the individual has served 6
24 months of the revocation period.

25 (d) Whenever a person under the age of 21 is convicted
26 under Section 11-501 of this Code or a similar provision of a
27 local ordinance, the Secretary of State shall revoke the
28 driving privileges of that person. One year after the date
29 of revocation, and upon application, the Secretary of State
30 may, if satisfied that the person applying will not endanger
31 the public safety or welfare, issue a restricted driving
32 permit granting the privilege of driving a motor vehicle only
33 between the hours of 5 a.m. and 9 p.m. or as otherwise
34 provided by this Section for a period of one year. After

1 this one year period, and upon reapplication for a license as
2 provided in Section 6-106, upon payment of the appropriate
3 reinstatement fee provided under paragraph (b) of Section
4 6-118, the Secretary of State, in his discretion, may issue
5 the applicant a license, or extend the restricted driving
6 permit as many times as the Secretary of State deems
7 appropriate, by additional periods of not more than 12 months
8 each, until the applicant attains 21 years of age. A
9 restricted driving permit issued under this Section shall be
10 subject to cancellation, revocation, and suspension by the
11 Secretary of State in like manner and for like cause as a
12 driver's license issued under this Code may be cancelled,
13 revoked, or suspended; except that a conviction upon one or
14 more offenses against laws or ordinances regulating the
15 movement of traffic shall be deemed sufficient cause for the
16 revocation, suspension, or cancellation of a restricted
17 driving permit. Any person under 21 years of age who has a
18 driver's license revoked for a second or subsequent
19 conviction for driving under the influence, prior to the age
20 of 21, shall not be eligible to submit an application for a
21 full reinstatement of driving privileges or a restricted
22 driving permit until age 21 or one additional year from the
23 date of the latest such revocation, whichever is the longer.
24 The revocation periods contained in this subparagraph shall
25 apply to similar out-of-state convictions.

26 (e) This Section is subject to the provisions of the
27 Driver License Compact.

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

32 (g) The Secretary of State shall not issue a restricted
33 driving permit to a person under the age of 16 years whose
34 driving privileges have been revoked under any provisions of

1 this Code.

2 (h) The Secretary of State may use ignition interlock
3 device requirements when granting driving relief to
4 individuals who have been arrested for a second or subsequent
5 offense under Section 11-501 of this Code or a similar
6 provision of a local ordinance. The Secretary shall
7 establish by rule and regulation the procedures for use of
8 the interlock system.

9 (i) Notwithstanding any other provision of this Section,
10 the Secretary of State may not issue a restricted driving
11 permit that allows an employee of a public transit agency to
12 operate a public transit vehicle or any vehicle owned,
13 leased, or operated by a public transit agency while that
14 employee is in possession of the restricted driving permit.
15 This subsection (i) does not apply to an employee of a
16 commuter railroad organized under Article III-B of the
17 Regional Transportation Authority Act.

18 (Source: P.A. 90-369, eff. 1-1-98; 90-590, eff. 1-1-99;
19 90-611, eff. 1-1-99; 90-779, eff. 1-1-99; 91-357, eff.
20 7-29-99.)

21 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)
22 Sec. 6-206.1. Judicial Driving Permit. Declaration of
23 Policy. It is hereby declared a policy of the State of
24 Illinois that the driver who is impaired by alcohol, other
25 drug or drugs, or intoxicating compound or compounds is a
26 threat to the public safety and welfare. Therefore, to
27 provide a deterrent to such practice and to remove problem
28 drivers from the highway, a statutory summary driver's
29 license suspension is appropriate. It is also recognized that
30 driving is a privilege and therefore, that in some cases the
31 granting of limited driving privileges, where consistent with
32 public safety, is warranted during the period of suspension
33 in the form of a judicial driving permit to drive for the

1 purpose of employment, receiving drug treatment or medical
2 care, and educational pursuits, where no alternative means of
3 transportation is available.

4 The following procedures shall apply whenever a first
5 offender is arrested for any offense as defined in Section
6 11-501 or a similar provision of a local ordinance:

7 (a) Subsequent to a notification of a statutory summary
8 suspension of driving privileges as provided in Section
9 11-501.1, the first offender as defined in Section 11-500 may
10 petition the circuit court of venue for a Judicial Driving
11 Permit, hereinafter referred as a JDP, to relieve undue
12 hardship. The court may issue a court order, pursuant to
13 the criteria contained in this Section, directing the
14 Secretary of State to issue such a JDP to the petitioner. A
15 JDP shall not become effective prior to the 31st day of the
16 original statutory summary suspension and shall always be
17 subject to the following criteria:

18 1. If ordered for the purposes of employment, the
19 JDP shall be only for the purpose of providing the
20 petitioner the privilege of driving a motor vehicle
21 between the petitioner's residence and the petitioner's
22 place of employment and return; or within the scope of
23 the petitioner's employment related duties, shall be
24 effective only during and limited to those specific times
25 and routes actually required to commute or perform the
26 petitioner's employment related duties.

27 2. The court, by a court order, may also direct the
28 Secretary of State to issue a JDP to allow transportation
29 for the petitioner, or a household member of the
30 petitioner's family, to receive alcohol, drug, or
31 intoxicating compound treatment or medical care, if the
32 petitioner is able to demonstrate that no alternative
33 means of transportation is reasonably available. Such JDP
34 shall be effective only during the specific times

1 actually required to commute.

2 3. The court, by a court order, may also direct the
3 Secretary of State to issue a JDP to allow transportation
4 by the petitioner for educational purposes upon
5 demonstrating that there are no alternative means of
6 transportation reasonably available to accomplish those
7 educational purposes. Such JDP shall be only for the
8 purpose of providing transportation to and from the
9 petitioner's residence and the petitioner's place of
10 educational activity, and only during the specific times
11 and routes actually required to commute or perform the
12 petitioner's educational requirement.

13 4. The Court shall not issue an order granting a
14 JDP to:

15 (i) Any person unless and until the court,
16 after considering the results of a current
17 professional evaluation of the person's alcohol or
18 other drug use by an agency pursuant to Section
19 15-10 of the Alcoholism and Other Drug Abuse and
20 Dependency Act and other appropriate investigation
21 of the person, is satisfied that granting the
22 privilege of driving a motor vehicle on the highways
23 will not endanger the public safety or welfare.

24 (ii) Any person who has been convicted of
25 reckless homicide within the previous 5 years.

26 (iii) Any person whose privilege to operate a
27 motor vehicle was invalid at the time of arrest for
28 the current violation of Section 11-501, or a
29 similar provision of a local ordinance, except in
30 cases where the cause for a driver's license
31 suspension has been removed at the time a JDP is
32 effective. In any case, should the Secretary of
33 State enter a suspension or revocation of driving
34 privileges pursuant to the provisions of this Code

1 while the JDP is in effect or pending, the Secretary
2 shall take the prescribed action and provide a
3 notice to the person and the court ordering the
4 issuance of the JDP that all driving privileges,
5 including those provided by the issuance of the JDP,
6 have been withdrawn.

7 (iv) Any person under the age of 18 years.

8 (b) Prior to ordering the issuance of a JDP the Court
9 should consider at least, but not be limited to, the
10 following issues:

11 1. Whether the person is employed and no other
12 means of commuting to the place of employment is
13 available or that the person must drive as a condition of
14 employment. The employer shall certify the hours of
15 employment and the need and parameters necessary for
16 driving as a condition to employment.

17 2. Whether the person must drive to secure alcohol
18 or other medical treatment for himself or a family
19 member.

20 3. Whether the person must drive for educational
21 purposes. The educational institution shall certify the
22 person's enrollment in and academic schedule at the
23 institution.

24 4. Whether the person has been repeatedly convicted
25 of traffic violations or involved in motor vehicle
26 accidents to a degree which indicates disrespect for
27 public safety.

28 5. Whether the person has been convicted of a
29 traffic violation in connection with a traffic accident
30 resulting in the death of any person within the last 5
31 years.

32 6. Whether the person is likely to obey the limited
33 provisions of the JDP.

34 7. Whether the person has any additional traffic

1 violations pending in any court.

2 For purposes of this Section, programs conducting
3 professional evaluations of a person's alcohol, other drug,
4 or intoxicating compound use must report, to the court of
5 venue, using a form prescribed by the Secretary of State. A
6 copy of such evaluations shall be sent to the Secretary of
7 State by the court. However, the evaluation information shall
8 be privileged and only available to courts and to the
9 Secretary of State, but shall not be admissible in the
10 subsequent trial on the underlying charge.

11 (c) The scope of any court order issued for a JDP under
12 this Section shall be limited to the operation of a motor
13 vehicle as provided for in subsection (a) of this Section and
14 shall specify the petitioner's residence, place of employment
15 or location of educational institution, and the scope of job
16 related duties, if relevant. The JDP shall also specify days
17 of the week and specific hours of the day when the petitioner
18 is able to exercise the limited privilege of operating a
19 motor vehicle. If the Petitioner, who has been granted a JDP,
20 is issued a citation for a traffic related offense, including
21 operating a motor vehicle outside the limitations prescribed
22 in the JDP or a violation of Section 6-303, or is convicted
23 of any such an offense during the term of the JDP, the court
24 shall consider cancellation of the limited driving permit.
25 In any case, if the Petitioner commits an offense, as defined
26 in Section 11-501, or a similar provision of a local
27 ordinance, as evidenced by the issuance of a Uniform Traffic
28 Ticket, the JDP shall be forwarded by the court of venue to
29 the court ordering the issuance of the JDP, for cancellation.
30 The court shall notify the Secretary of State of any such
31 cancellation.

32 (c-1) No court may order the issuance of a JDP that
33 allows an employee of a public transit agency to operate a
34 public transit vehicle or any vehicle owned, leased, or

1 operated by a public transit agency while that employee is in
2 possession of the JDP. This subsection (c-1) does not apply
3 to an employee of a commuter railroad organized under Article
4 III-B of the Regional Transportation Authority Act.

5 (d) The Secretary of State shall, upon receiving a court
6 order from the court of venue, issue a JDP to a successful
7 Petitioner under this Section. Such court order form shall
8 also contain a notification, which shall be sent to the
9 Secretary of State, providing the name, driver's license
10 number and legal address of the successful petitioner, and
11 the full and detailed description of the limitations of the
12 JDP. This information shall be available only to the courts,
13 police officers, and the Secretary of State, except during
14 the actual period the JDP is valid, during which time it
15 shall be a public record. The Secretary of State shall design
16 and furnish to the courts an official court order form to be
17 used by the courts when directing the Secretary of State to
18 issue a JDP.

19 Any submitted court order that contains insufficient data
20 or fails to comply with this Code shall not be utilized for
21 JDP issuance or entered to the driver record but shall be
22 returned to the issuing court indicating why the JDP cannot
23 be so entered. A notice of this action shall also be sent to
24 the JDP petitioner by the Secretary of State.

25 (e) The circuit court of venue may conduct the judicial
26 hearing, as provided in Section 2-118.1, and the JDP hearing
27 provided in this Section, concurrently. Such concurrent
28 hearing shall proceed in the court in the same manner as in
29 other civil proceedings.

30 (f) The circuit court of venue may, as a condition of
31 the issuance of a JDP, prohibit the person from operating a
32 motor vehicle not equipped with an ignition interlock device.
33 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99;
34 91-127, eff. 1-1-00.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.