

AN ACT concerning transportation.

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

Section 5. The Illinois Vehicle Code is amended by changing Section 6-206.1 as follows:

(625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

Sec. 6-206.1. Judicial Driving Permit. Declaration of Policy. It is hereby declared a policy of the State of Illinois that the driver who is impaired by alcohol, other drug or drugs, or intoxicating compound or compounds is a threat to the public safety and welfare. Therefore, to provide a deterrent to such practice and to remove problem drivers from the highway, a statutory summary driver's license suspension is appropriate. It is also recognized that driving is a privilege and therefore, that in some cases the granting of limited driving privileges, where consistent with public safety, is warranted during the period of suspension in the form of a judicial driving permit to drive for the purpose of employment, receiving drug treatment or medical care, and educational pursuits, where no alternative means of transportation is available.

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

(a) Subsequent to a notification of a statutory summary suspension of driving privileges as provided in Section 11-501.1, the first offender as defined in Section 11-500 may petition the circuit court of venue for a Judicial Driving Permit, hereinafter referred as a JDP, to relieve undue hardship. The court may issue a court order, pursuant to the criteria contained in this Section, directing the Secretary of State to issue such a JDP to the petitioner. A JDP shall not

become effective prior to the 31st day of the original statutory summary suspension and shall always be subject to the following criteria:

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

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

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

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

(i) Any person unless and until the court, after considering the results of a current professional

evaluation of the person's alcohol or other drug use by an agency pursuant to Section 15-10 of the Alcoholism and Other Drug Abuse and Dependency Act and other appropriate investigation of the person, is satisfied that granting the privilege of driving a motor vehicle on the highways will not endanger the public safety or welfare.

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

(iii) Any person whose privilege to operate a motor vehicle was invalid at the time of arrest for the current violation of Section 11-501, or a similar provision of a local ordinance, except in cases where the cause for a driver's license suspension has been removed at the time a JDP is effective. In any case, should the Secretary of State enter a suspension or revocation of driving privileges pursuant to the provisions of this Code while the JDP is in effect or pending, the Secretary shall take the prescribed action and provide a notice to the person and the court ordering the issuance of the JDP that all driving privileges, including those provided by the issuance of the JDP, have been withdrawn.

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

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

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

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

3. Whether the person must drive for educational

purposes. The educational institution shall certify the person's enrollment in and academic schedule at the institution.

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

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

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

7. Whether the person has any additional traffic violations pending in any court.

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

(c) The scope of any court order issued for a JDP under this Section shall be limited to the operation of a motor vehicle as provided for in subsection (a) of this Section and shall specify the petitioner's residence, place of employment or location of educational institution, and the scope of job related duties, if relevant. The JDP shall also specify days of the week and specific hours of the day when the petitioner is able to exercise the limited privilege of operating a motor vehicle.

(c-1) If the petitioner is issued a citation for a violation of Section 6-303 during the period of a statutory summary suspension entered under Section 11-501.1 of this Code, or if the petitioner is charged with a violation of Section 11-501 or a similar provision of a local ordinance or a similar

out of state offense which occurs after the current violation of Section 11-501 or a similar provision of a local ordinance, the court may not grant the petitioner a JDP unless the petitioner is acquitted or the citation or complaint is otherwise dismissed.

If the petitioner is issued a citation for a violation of Section 6-303 or a violation of Section 11-501 or a similar provision of a local ordinance or a similar out of state offense during the term of the JDP, the officer issuing the citation, or the law enforcement agency employing that officer, shall confiscate the JDP and immediately send the JDP and notice of the citation to the court that ordered the issuance of the JDP. Within 10 days of receipt, the issuing court, upon notice to the petitioner, shall conduct a hearing to consider cancellation of the JDP. If the court enters an order of cancellation, the court shall forward the order to the Secretary of State, and the Secretary shall cancel the JDP and notify the petitioner of the cancellation. If, however, the petitioner is convicted of the offense before the JDP has been cancelled, the court of venue shall send notice of conviction to the court that ordered issuance of the JDP. The court receiving the notice shall immediately enter an order of cancellation and forward the order to the Secretary of State. The Secretary shall cancel the JDP and notify the petitioner of the cancellation.

If the petitioner is issued a citation for any other traffic related offense during the term of the JDP, the officer issuing the citation, or the law enforcement agency employing that officer, shall send notice of the citation to the court that ordered issuance of the JDP. Upon receipt and notice to the petitioner and an opportunity for a hearing, the court shall determine whether the violation constitutes grounds for cancellation of the JDP. If the court enters an order of cancellation, the court shall forward the order to the Secretary of State, and the Secretary shall cancel the JDP and shall notify the petitioner of the cancellation. ~~If the~~

~~Petitioner, who has been granted a JDP, is issued a citation for a traffic related offense, including operating a motor vehicle outside the limitations prescribed in the JDP or a violation of Section 6-303, or is convicted of any such an offense during the term of the JDP, the court shall consider cancellation of the limited driving permit. In any case, if the Petitioner commits an offense, as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, the JDP shall be forwarded by the court of venue to the court ordering the issuance of the JDP, for cancellation. The court shall notify the Secretary of State of any such cancellation.~~

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

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

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

(f) The circuit court of venue may, as a condition of the issuance of a JDP, prohibit the person from operating a motor vehicle not equipped with an ignition interlock device.

(Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127, eff. 1-1-00.)