

# HB3920



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB3920

by Rep. Litesa E. Wallace

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Provides that a person who drives or is in actual physical control of a motor vehicle on any highway of this State when his or her driver's license, permit, or privilege to drive is revoked or suspended due to an unpaid civil penalty shall be guilty of a petty offense (rather than a Class A misdemeanor). Provides that a local law enforcement officer shall issue the person a \$50 citation for the violation.

LRB100 11433 AXK 21864 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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 changing  
5 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) Except as otherwise provided in subsection (a-5) or  
10 (a-7), any person who drives or is in actual physical control  
11 of a motor vehicle on any highway of this State at a time when  
12 such person's driver's license, permit or privilege to do so or  
13 the privilege to obtain a driver's license or permit is revoked  
14 or suspended as provided by this Code or the law of another  
15 state, except as may be specifically allowed by a judicial  
16 driving permit issued prior to January 1, 2009, monitoring  
17 device driving permit, family financial responsibility driving  
18 permit, probationary license to drive, or a restricted driving  
19 permit issued pursuant to this Code or under the law of another  
20 state, shall be guilty of a Class A misdemeanor.

21 (a-3) A second or subsequent violation of subsection (a) of  
22 this Section is a Class 4 felony if committed by a person whose  
23 driving or operation of a motor vehicle is the proximate cause

1 of a motor vehicle accident that causes personal injury or  
2 death to another. For purposes of this subsection, a personal  
3 injury includes any Type A injury as indicated on the traffic  
4 accident report completed by a law enforcement officer that  
5 requires immediate professional attention in either a doctor's  
6 office or a medical facility. A Type A injury includes severe  
7 bleeding wounds, distorted extremities, and injuries that  
8 require the injured party to be carried from the scene.

9 (a-5) Any person who violates this Section as provided in  
10 subsection (a) while his or her driver's license, permit or  
11 privilege is revoked because of a violation of Section 9-3 of  
12 the Criminal Code of 1961 or the Criminal Code of 2012,  
13 relating to the offense of reckless homicide or a similar  
14 provision of a law of another state, is guilty of a Class 4  
15 felony. The person shall be required to undergo a professional  
16 evaluation, as provided in Section 11-501 of this Code, to  
17 determine if an alcohol, drug, or intoxicating compound problem  
18 exists and the extent of the problem, and to undergo the  
19 imposition of treatment as appropriate.

20 (a-7) Any person who violates this Section as provided in  
21 subsection (a) while his or her driver's license, permit, or  
22 privilege to drive is revoked due to an unpaid civil penalty  
23 shall be guilty of a petty offense. A local law enforcement  
24 officer shall issue the person \$50 citation for the violation.

25 (a-10) A person's driver's license, permit, or privilege to  
26 obtain a driver's license or permit may be subject to multiple

1 revocations, multiple suspensions, or any combination of both  
2 simultaneously. No revocation or suspension shall serve to  
3 negate, invalidate, cancel, postpone, or in any way lessen the  
4 effect of any other revocation or suspension entered prior or  
5 subsequent to any other revocation or suspension.

6 (b) (Blank).

7 (b-1) Except for a person under subsection (a-7) of this  
8 Section, upon ~~Upon~~ receiving a report of the conviction of any  
9 violation indicating a person was operating a motor vehicle  
10 during the time when the person's driver's license, permit or  
11 privilege was suspended by the Secretary of State or the  
12 driver's licensing administrator of another state, except as  
13 specifically allowed by a probationary license, judicial  
14 driving permit, restricted driving permit or monitoring device  
15 driving permit the Secretary shall extend the suspension for  
16 the same period of time as the originally imposed suspension  
17 unless the suspension has already expired, in which case the  
18 Secretary shall be authorized to suspend the person's driving  
19 privileges for the same period of time as the originally  
20 imposed suspension.

21 (b-2) Except as provided in subsection (b-6) or (a-7), upon  
22 receiving a report of the conviction of any violation  
23 indicating a person was operating a motor vehicle when the  
24 person's driver's license, permit or privilege was revoked by  
25 the Secretary of State or the driver's license administrator of  
26 any other state, except as specifically allowed by a restricted

1 driving permit issued pursuant to this Code or the law of  
2 another state, the Secretary shall not issue a driver's license  
3 for an additional period of one year from the date of such  
4 conviction indicating such person was operating a vehicle  
5 during such period of revocation.

6 (b-3) (Blank).

7 (b-4) When the Secretary of State receives a report of a  
8 conviction of any violation indicating a person was operating a  
9 motor vehicle that was not equipped with an ignition interlock  
10 device during a time when the person was prohibited from  
11 operating a motor vehicle not equipped with such a device, the  
12 Secretary shall not issue a driver's license to that person for  
13 an additional period of one year from the date of the  
14 conviction.

15 (b-5) Any person convicted of violating this Section shall  
16 serve a minimum term of imprisonment of 30 consecutive days or  
17 300 hours of community service when the person's driving  
18 privilege was revoked or suspended as a result of a violation  
19 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012, relating to the offense of reckless homicide, or  
21 a similar provision of a law of another state.

22 (b-6) Upon receiving a report of a first conviction of  
23 operating a motor vehicle while the person's driver's license,  
24 permit or privilege was revoked where the revocation was for a  
25 violation of Section 9-3 of the Criminal Code of 1961 or the  
26 Criminal Code of 2012 relating to the offense of reckless

1 homicide or a similar out-of-state offense, the Secretary shall  
2 not issue a driver's license for an additional period of three  
3 years from the date of such conviction.

4 (c) Except as provided in subsections (c-3) and (c-4), any  
5 person convicted of violating this Section shall serve a  
6 minimum term of imprisonment of 10 consecutive days or 30 days  
7 of community service when the person's driving privilege was  
8 revoked or suspended as a result of:

9 (1) a violation of Section 11-501 of this Code or a  
10 similar provision of a local ordinance relating to the  
11 offense of operating or being in physical control of a  
12 vehicle while under the influence of alcohol, any other  
13 drug or any combination thereof; or

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

18 (3) a statutory summary suspension or revocation under  
19 Section 11-501.1 of this Code.

20 Such sentence of imprisonment or community service shall  
21 not be subject to suspension in order to reduce such sentence.

22 (c-1) Except as provided in subsections (c-5) and (d), any  
23 person convicted of a second violation of this Section shall be  
24 ordered by the court to serve a minimum of 100 hours of  
25 community service.

26 (c-2) In addition to other penalties imposed under this

1 Section, the court may impose on any person convicted a fourth  
2 time of violating this Section any of the following:

3 (1) Seizure of the license plates of the person's  
4 vehicle.

5 (2) Immobilization of the person's vehicle for a period  
6 of time to be determined by the court.

7 (c-3) Any person convicted of a violation of this Section  
8 during a period of summary suspension imposed pursuant to  
9 Section 11-501.1 when the person was eligible for a MDDP shall  
10 be guilty of a Class 4 felony and shall serve a minimum term of  
11 imprisonment of 30 days.

12 (c-4) Any person who has been issued a MDDP or a restricted  
13 driving permit which requires the person to operate only motor  
14 vehicles equipped with an ignition interlock device and who is  
15 convicted of a violation of this Section as a result of  
16 operating or being in actual physical control of a motor  
17 vehicle not equipped with an ignition interlock device at the  
18 time of the offense shall be guilty of a Class 4 felony and  
19 shall serve a minimum term of imprisonment of 30 days.

20 (c-5) Any person convicted of a second violation of this  
21 Section is guilty of a Class 2 felony, is not eligible for  
22 probation or conditional discharge, and shall serve a mandatory  
23 term of imprisonment, if:

24 (1) the current violation occurred when the person's  
25 driver's license was suspended or revoked for a violation  
26 of Section 9-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, relating to the offense of reckless homicide,  
2 or a similar out-of-state offense; and

3 (2) the prior conviction under this Section occurred  
4 while the person's driver's license was suspended or  
5 revoked for a violation of Section 9-3 of the Criminal Code  
6 of 1961 or the Criminal Code of 2012 relating to the  
7 offense of reckless homicide, or a similar out-of-state  
8 offense, or was suspended or revoked for a violation of  
9 Section 11-401 or 11-501 of this Code, a similar  
10 out-of-state offense, a similar provision of a local  
11 ordinance, or a statutory summary suspension or revocation  
12 under Section 11-501.1 of this Code.

13 (d) Any person convicted of a second violation of this  
14 Section shall be guilty of a Class 4 felony and shall serve a  
15 minimum term of imprisonment of 30 days or 300 hours of  
16 community service, as determined by the court, if:

17 (1) the current violation occurred when the person's  
18 driver's license was suspended or revoked for a violation  
19 of Section 11-401 or 11-501 of this Code, a similar  
20 out-of-state offense, a similar provision of a local  
21 ordinance, or a statutory summary suspension or revocation  
22 under Section 11-501.1 of this Code; and

23 (2) the prior conviction under this Section occurred  
24 while the person's driver's license was suspended or  
25 revoked for a violation of Section 11-401 or 11-501 of this  
26 Code, a similar out-of-state offense, a similar provision



1 of a local ordinance, or a statutory summary suspension or  
2 revocation under Section 11-501.1 of this Code, or for a  
3 violation of Section 9-3 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012, relating to the offense of  
5 reckless homicide, or a similar out-of-state offense.

6 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
7 (d-3), any person convicted of a third or subsequent violation  
8 of this Section shall serve a minimum term of imprisonment of  
9 30 days or 300 hours of community service, as determined by the  
10 court.

11 (d-2) Any person convicted of a third violation of this  
12 Section is guilty of a Class 4 felony and must serve a minimum  
13 term of imprisonment of 30 days, if:

14 (1) the current violation occurred when the person's  
15 driver's license was suspended or revoked for a violation  
16 of Section 11-401 or 11-501 of this Code, or a similar  
17 out-of-state offense, or a similar provision of a local  
18 ordinance, or a statutory summary suspension or revocation  
19 under Section 11-501.1 of this Code; and

20 (2) the prior convictions under this Section occurred  
21 while the person's driver's license was suspended or  
22 revoked for a violation of Section 11-401 or 11-501 of this  
23 Code, a similar out-of-state offense, a similar provision  
24 of a local ordinance, or a statutory summary suspension or  
25 revocation under Section 11-501.1 of this Code, or for a  
26 violation of Section 9-3 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, relating to the offense of  
2 reckless homicide, or a similar out-of-state offense.

3 (d-2.5) Any person convicted of a third violation of this  
4 Section is guilty of a Class 1 felony, is not eligible for  
5 probation or conditional discharge, and must serve a mandatory  
6 term of imprisonment, if:

7 (1) the current violation occurred while the person's  
8 driver's license was suspended or revoked for a violation  
9 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012, relating to the offense of reckless homicide,  
11 or a similar out-of-state offense. The person's driving  
12 privileges shall be revoked for the remainder of the  
13 person's life; and

14 (2) the prior convictions under this Section occurred  
15 while the person's driver's license was suspended or  
16 revoked for a violation of Section 9-3 of the Criminal Code  
17 of 1961 or the Criminal Code of 2012, relating to the  
18 offense of reckless homicide, or a similar out-of-state  
19 offense, or was suspended or revoked for a violation of  
20 Section 11-401 or 11-501 of this Code, a similar  
21 out-of-state offense, a similar provision of a local  
22 ordinance, or a statutory summary suspension or revocation  
23 under Section 11-501.1 of this Code.

24 (d-3) Any person convicted of a fourth, fifth, sixth,  
25 seventh, eighth, or ninth violation of this Section is guilty  
26 of a Class 4 felony and must serve a minimum term of

1 imprisonment of 180 days, if:

2 (1) the current violation occurred when the person's  
3 driver's license was suspended or revoked for a violation  
4 of Section 11-401 or 11-501 of this Code, a similar  
5 out-of-state offense, a similar provision of a local  
6 ordinance, or a statutory summary suspension or revocation  
7 under Section 11-501.1 of this Code; and

8 (2) the prior convictions under this Section occurred  
9 while the person's driver's license was suspended or  
10 revoked for a violation of Section 11-401 or 11-501 of this  
11 Code, a similar out-of-state offense, a similar provision  
12 of a local ordinance, or a statutory summary suspension or  
13 revocation under Section 11-501.1 of this Code, or for a  
14 violation of Section 9-3 of the Criminal Code of 1961 or  
15 the Criminal Code of 2012, relating to the offense of  
16 reckless homicide, or a similar out-of-state offense.

17 (d-3.5) Any person convicted of a fourth or subsequent  
18 violation of this Section is guilty of a Class 1 felony, is not  
19 eligible for probation or conditional discharge, and must serve  
20 a mandatory term of imprisonment, and is eligible for an  
21 extended term, if:

22 (1) the current violation occurred when the person's  
23 driver's license was suspended or revoked for a violation  
24 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
25 Code of 2012, relating to the offense of reckless homicide,  
26 or a similar out-of-state offense; and

1           (2) the prior convictions under this Section occurred  
2 while the person's driver's license was suspended or  
3 revoked for a violation of Section 9-3 of the Criminal Code  
4 of 1961 or the Criminal Code of 2012, relating to the  
5 offense of reckless homicide, or a similar out-of-state  
6 offense, or was suspended or revoked for a violation of  
7 Section 11-401 or 11-501 of this Code, a similar  
8 out-of-state offense, a similar provision of a local  
9 ordinance, or a statutory summary suspension or revocation  
10 under Section 11-501.1 of this Code.

11           (d-4) Any person convicted of a tenth, eleventh, twelfth,  
12 thirteenth, or fourteenth violation of this Section is guilty  
13 of a Class 3 felony, and is not eligible for probation or  
14 conditional discharge, if:

15           (1) the current violation occurred when the person's  
16 driver's license was suspended or revoked for a violation  
17 of Section 11-401 or 11-501 of this Code, or a similar  
18 out-of-state offense, or a similar provision of a local  
19 ordinance, or a statutory summary suspension or revocation  
20 under Section 11-501.1 of this Code; and

21           (2) the prior convictions under this Section occurred  
22 while the person's driver's license was suspended or  
23 revoked for a violation of Section 11-401 or 11-501 of this  
24 Code, a similar out-of-state offense, a similar provision  
25 of a local ordinance, or a statutory suspension or  
26 revocation under Section 11-501.1 of this Code, or for a

1 violation of Section 9-3 of the Criminal Code of 1961 or  
2 the Criminal Code of 2012, relating to the offense of  
3 reckless homicide, or a similar out-of-state offense.

4 (d-5) Any person convicted of a fifteenth or subsequent  
5 violation of this Section is guilty of a Class 2 felony, and is  
6 not eligible for probation or conditional discharge, if:

7 (1) the current violation occurred when the person's  
8 driver's license was suspended or revoked for a violation  
9 of Section 11-401 or 11-501 of this Code, or a similar  
10 out-of-state offense, or a similar provision of a local  
11 ordinance, or a statutory summary suspension or revocation  
12 under Section 11-501.1 of this Code; and

13 (2) the prior convictions under this Section occurred  
14 while the person's driver's license was suspended or  
15 revoked for a violation of Section 11-401 or 11-501 of this  
16 Code, a similar out-of-state offense, a similar provision  
17 of a local ordinance, or a statutory summary suspension or  
18 revocation under Section 11-501.1 of this Code, or for a  
19 violation of Section 9-3 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012, relating to the offense of  
21 reckless homicide, or a similar out-of-state offense.

22 (e) Any person in violation of this Section who is also in  
23 violation of Section 7-601 of this Code relating to mandatory  
24 insurance requirements, in addition to other penalties imposed  
25 under this Section, shall have his or her motor vehicle  
26 immediately impounded by the arresting law enforcement

1 officer. The motor vehicle may be released to any licensed  
2 driver upon a showing of proof of insurance for the vehicle  
3 that was impounded and the notarized written consent for the  
4 release by the vehicle owner.

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

8 (g) The motor vehicle used in a violation of this Section  
9 is subject to seizure and forfeiture as provided in Sections  
10 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
11 driving privilege was revoked or suspended as a result of:

12 (1) a violation of Section 11-501 of this Code, a  
13 similar provision of a local ordinance, or a similar  
14 provision of a law of another state;

15 (2) a violation of paragraph (b) of Section 11-401 of  
16 this Code, a similar provision of a local ordinance, or a  
17 similar provision of a law of another state;

18 (3) a statutory summary suspension or revocation under  
19 Section 11-501.1 of this Code or a similar provision of a  
20 law of another state; or

21 (4) a violation of Section 9-3 of the Criminal Code of  
22 1961 or the Criminal Code of 2012 relating to the offense  
23 of reckless homicide, or a similar provision of a law of  
24 another state.

25 (Source: P.A. 98-285, eff. 1-1-14; 98-418, eff. 8-16-13;  
26 98-573, eff. 8-27-13; 98-756, eff. 7-16-14; 99-290, eff.

HB3920

- 14 -

LRB100 11433 AXK 21864 b

1 1-1-16.)