



Rep. Elaine Nekritz

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LRB098 15145 MLW 58461 a

1 AMENDMENT TO HOUSE BILL 4206

2 AMENDMENT NO. _____. Amend House Bill 4206 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-205, 6-206, 6-208, and 6-303 as follows:

6 (625 ILCS 5/6-205)

7 Sec. 6-205. Mandatory revocation of license or permit;
8 Hardship cases.

9 (a) Except as provided in this Section, the Secretary of
10 State shall immediately revoke the license, permit, or driving
11 privileges of any driver upon receiving a report of the
12 driver's conviction of any of the following offenses:

13 1. Reckless homicide resulting from the operation of a
14 motor vehicle;

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof;

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

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

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

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

18 7. Conviction of any offense defined in Section 4-102
19 of this Code;

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

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

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 or the Criminal Code of 2012 arising from the use of a
25 motor vehicle;

26 11. Violation of Section 11-204.1 of this Code relating

1 to aggravated fleeing or attempting to elude a peace
2 officer;

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

7 13. Violation of paragraph (a) of Section 11-502 of
8 this Code or a similar provision of a local ordinance if
9 the driver has been previously convicted of a violation of
10 that Section or a similar provision of a local ordinance
11 and the driver was less than 21 years of age at the time of
12 the offense;

13 14. Violation of paragraph (a) of Section 11-506 of
14 this Code or a similar provision of a local ordinance
15 relating to the offense of street racing;

16 15. A second or subsequent conviction of driving while
17 the person's driver's license, permit or privileges was
18 revoked for reckless homicide or a similar out-of-state
19 offense;

20 16. Any offense against any provision in this Code, or
21 any local ordinance, regulating the movement of traffic
22 when that offense was the proximate cause of the death of
23 any person. Any person whose driving privileges have been
24 revoked pursuant to this paragraph may seek to have the
25 revocation terminated or to have the length of revocation
26 reduced by requesting an administrative hearing with the

1 Secretary of State prior to the projected driver's license
2 application eligibility date;

3 17. Violation of subsection (a-2) of Section 11-1301.3
4 of this Code or a similar provision of a local ordinance;

5 18. A second or subsequent conviction of illegal
6 possession, while operating or in actual physical control,
7 as a driver, of a motor vehicle, of any controlled
8 substance prohibited under the Illinois Controlled
9 Substances Act, any cannabis prohibited under the Cannabis
10 Control Act, or any methamphetamine prohibited under the
11 Methamphetamine Control and Community Protection Act. A
12 defendant found guilty of this offense while operating a
13 motor vehicle shall have an entry made in the court record
14 by the presiding judge that this offense did occur while
15 the defendant was operating a motor vehicle and order the
16 clerk of the court to report the violation to the Secretary
17 of State.

18 (b) The Secretary of State shall also immediately revoke
19 the license or permit of any driver in the following
20 situations:

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

26 2. Of any person when any other law of this State

1 requires either the revocation or suspension of a license
2 or permit;

3 3. Of any person adjudicated under the Juvenile Court
4 Act of 1987 based on an offense determined to have been
5 committed in furtherance of the criminal activities of an
6 organized gang as provided in Section 5-710 of that Act,
7 and that involved the operation or use of a motor vehicle
8 or the use of a driver's license or permit. The revocation
9 shall remain in effect for the period determined by the
10 court. Upon the direction of the court, the Secretary shall
11 issue the person a judicial driving permit, also known as a
12 JDP. The JDP shall be subject to the same terms as a JDP
13 issued under Section 6-206.1, except that the court may
14 direct that a JDP issued under this subdivision (b) (3) be
15 effective immediately.

16 (c) (1) Whenever a person is convicted of any of the
17 offenses enumerated in this Section, the court may recommend
18 and the Secretary of State in his discretion, without regard to
19 whether the recommendation is made by the court may, upon
20 application, issue to the person a restricted driving permit
21 granting the privilege of driving a motor vehicle between the
22 petitioner's residence and petitioner's place of employment or
23 within the scope of the petitioner's employment related duties,
24 or to allow the petitioner to transport himself or herself or a
25 family member of the petitioner's household to a medical
26 facility for the receipt of necessary medical care or to allow

1 the petitioner to transport himself or herself to and from
2 alcohol or drug remedial or rehabilitative activity
3 recommended by a licensed service provider, or to allow the
4 petitioner to transport himself or herself or a family member
5 of the petitioner's household to classes, as a student, at an
6 accredited educational institution, or to allow the petitioner
7 to transport children, elderly persons, or disabled persons who
8 do not hold driving privileges and are living in the
9 petitioner's household to and from daycare; if the petitioner
10 is able to demonstrate that no alternative means of
11 transportation is reasonably available and that the petitioner
12 will not endanger the public safety or welfare; provided that
13 the Secretary's discretion shall be limited to cases where
14 undue hardship, as defined by the rules of the Secretary of
15 State, would result from a failure to issue the restricted
16 driving permit. ~~Those multiple offenders identified in~~
17 ~~subdivision (b) 4 of Section 6-208 of this Code, however, shall~~
18 ~~not be eligible for the issuance of a restricted driving~~
19 ~~permit.~~

20 (1.5) A person subject to the provisions of paragraph
21 (4) of subsection (b) of Section 6-208 of this Code may
22 make application for a restricted driving permit at a
23 hearing conducted under Section 2-118 of this Code after
24 the expiration of 5 years from the effective date of the
25 most recent revocation, or after 5 years from the date of
26 release from a period of imprisonment resulting from a

1 conviction of the most recent offense, whichever is later,
2 provided the person, in addition to all other requirements
3 of the Secretary, shows by clear and convincing evidence:

4 (A) a minimum of 3 years of uninterrupted
5 abstinence from alcohol and the unlawful use or
6 consumption of cannabis under the Cannabis Control
7 Act, a controlled substance under the Illinois
8 Controlled Substances Act, an intoxicating compound
9 under the Use of Intoxicating Compounds Act, or
10 methamphetamine under the Methamphetamine Control and
11 Community Protection Act; and

12 (B) the successful completion of any
13 rehabilitative treatment and involvement in any
14 ongoing rehabilitative activity that may be
15 recommended by a properly licensed service provider
16 according to an assessment of the person's alcohol or
17 drug use under Section 11-501.01 of this Code.

18 In determining whether an applicant is eligible for a
19 restricted driving permit under this paragraph (1.5), the
20 Secretary may consider any relevant evidence, including,
21 but not limited to, testimony, affidavits, records, and the
22 results of regular alcohol or drug tests. Persons subject
23 to the provisions of paragraph (4) of subsection (b) of
24 Section 6-208 of this Code and who have been convicted of
25 more than one violation of paragraph (3), paragraph (4), or
26 paragraph (5) of subsection (a) of Section 11-501 of this

1 Code shall not be eligible to apply for a restricted
2 driving permit.

3 A restricted driving permit issued under this
4 paragraph (1.5) shall provide that the holder may only
5 operate motor vehicles equipped with an ignition interlock
6 device as required under paragraph (2) of subsection (c) of
7 this Section and subparagraph (A) of paragraph 3 of
8 subsection (c) of Section 6-206 of this Code. The Secretary
9 may revoke a restricted driving permit or amend the
10 conditions of a restricted driving permit issued under this
11 paragraph (1.5) if the holder operates a vehicle that is
12 not equipped with an ignition interlock device, or for any
13 other reason authorized under this Code.

14 A restricted driving permit issued under this
15 paragraph (1.5) shall be revoked, and the holder barred
16 from applying for or being issued a restricted driving
17 permit in the future, if the holder is subsequently
18 convicted of a violation of Section 11-501 of this Code, a
19 similar provision of a local ordinance, or a similar
20 offense in another state.

21 (2) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating Section
23 11-501 of this Code or a similar provision of a local
24 ordinance or a similar out-of-state offense, or Section 9-3
25 of the Criminal Code of 1961 or the Criminal Code of 2012,
26 where the use of alcohol or other drugs is recited as an

1 element of the offense, or a similar out-of-state offense,
2 or a combination of these offenses, arising out of separate
3 occurrences, that person, if issued a restricted driving
4 permit, may not operate a vehicle unless it has been
5 equipped with an ignition interlock device as defined in
6 Section 1-129.1.

7 (3) If:

8 (A) a person's license or permit is revoked or
9 suspended 2 or more times within a 10 year period due
10 to any combination of:

11 (i) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense,
14 or Section 9-3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, where the use of alcohol or
16 other drugs is recited as an element of the
17 offense, or a similar out-of-state offense; or

18 (ii) a statutory summary suspension or
19 revocation under Section 11-501.1; or

20 (iii) a suspension pursuant to Section
21 6-203.1;

22 arising out of separate occurrences; or

23 (B) a person has been convicted of one violation of
24 Section 6-303 of this Code committed while his or her
25 driver's license, permit, or privilege was revoked
26 because of a violation of Section 9-3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, relating to
2 the offense of reckless homicide where the use of
3 alcohol or other drugs was recited as an element of the
4 offense, or a similar provision of a law of another
5 state;

6 that person, if issued a restricted driving permit, may not
7 operate a vehicle unless it has been equipped with an
8 ignition interlock device as defined in Section 1-129.1.

9 (4) The person issued a permit conditioned on the use
10 of an ignition interlock device must pay to the Secretary
11 of State DUI Administration Fund an amount not to exceed
12 \$30 per month. The Secretary shall establish by rule the
13 amount and the procedures, terms, and conditions relating
14 to these fees.

15 (5) If the restricted driving permit is issued for
16 employment purposes, then the prohibition against
17 operating a motor vehicle that is not equipped with an
18 ignition interlock device does not apply to the operation
19 of an occupational vehicle owned or leased by that person's
20 employer when used solely for employment purposes.

21 (6) In each case the Secretary of State may issue a
22 restricted driving permit for a period he deems
23 appropriate, except that the permit shall expire within one
24 year from the date of issuance. The Secretary may not,
25 however, issue a restricted driving permit to any person
26 whose current revocation is the result of a second or

1 subsequent conviction for a violation of Section 11-501 of
2 this Code or a similar provision of a local ordinance or
3 any similar out-of-state offense, or Section 9-3 of the
4 Criminal Code of 1961 or the Criminal Code of 2012, where
5 the use of alcohol or other drugs is recited as an element
6 of the offense, or any similar out-of-state offense, or any
7 combination of these offenses, until the expiration of at
8 least one year from the date of the revocation. A
9 restricted driving permit issued under this Section shall
10 be subject to cancellation, revocation, and suspension by
11 the Secretary of State in like manner and for like cause as
12 a 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
16 the revocation, suspension, or cancellation of a
17 restricted driving permit. The Secretary of State may, as a
18 condition to the issuance of a restricted driving permit,
19 require the petitioner to participate in a designated
20 driver remedial or rehabilitative program. The Secretary
21 of State is authorized to cancel a restricted driving
22 permit if the permit holder does not successfully complete
23 the program. However, if an individual's driving
24 privileges have been revoked in accordance with paragraph
25 13 of subsection (a) of this Section, no restricted driving
26 permit shall be issued until the individual has served 6

1 months of the revocation period.

2 (c-5) (Blank).

3 (c-6) If a person is convicted of a second violation of
4 operating a motor vehicle while the person's driver's license,
5 permit or privilege was revoked, where the revocation was for a
6 violation of Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012 relating to the offense of reckless
8 homicide or a similar out-of-state offense, the person's
9 driving privileges shall be revoked pursuant to subdivision
10 (a) (15) of this Section. The person may not make application
11 for a license or permit until the expiration of five years from
12 the effective date of the revocation or the expiration of five
13 years from the date of release from a term of imprisonment,
14 whichever is later.

15 (c-7) If a person is convicted of a third or subsequent
16 violation of operating a motor vehicle while the person's
17 driver's license, permit or privilege was revoked, where the
18 revocation was for a violation of Section 9-3 of the Criminal
19 Code of 1961 or the Criminal Code of 2012 relating to the
20 offense of reckless homicide or a similar out-of-state offense,
21 the person may never apply for a license or permit.

22 (d) (1) Whenever a person under the age of 21 is convicted
23 under Section 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense, the
25 Secretary of State shall revoke the driving privileges of that
26 person. One year after the date of revocation, and upon

1 application, the Secretary of State may, if satisfied that the
2 person applying will not endanger the public safety or welfare,
3 issue a restricted driving permit granting the privilege of
4 driving a motor vehicle only between the hours of 5 a.m. and 9
5 p.m. or as otherwise provided by this Section for a period of
6 one year. After this one year period, and upon reapplication
7 for a license as provided in Section 6-106, upon payment of the
8 appropriate reinstatement fee provided under paragraph (b) of
9 Section 6-118, the Secretary of State, in his discretion, may
10 reinstate the petitioner's driver's license and driving
11 privileges, or extend the restricted driving permit as many
12 times as the Secretary of State deems appropriate, by
13 additional periods of not more than 12 months each.

14 (2) If a person's license or permit is revoked or
15 suspended due to 2 or more convictions of violating Section
16 11-501 of this Code or a similar provision of a local
17 ordinance or a similar out-of-state offense, or Section 9-3
18 of the Criminal Code of 1961 or the Criminal Code of 2012,
19 where the use of alcohol or other drugs is recited as an
20 element of the offense, or a similar out-of-state offense,
21 or a combination of these offenses, arising out of separate
22 occurrences, that person, if issued a restricted driving
23 permit, may not operate a vehicle unless it has been
24 equipped with an ignition interlock device as defined in
25 Section 1-129.1.

26 (3) If a person's license or permit is revoked or

1 suspended 2 or more times within a 10 year period due to
2 any combination of:

3 (A) a single conviction of violating Section
4 11-501 of this Code or a similar provision of a local
5 ordinance or a similar out-of-state offense, or
6 Section 9-3 of the Criminal Code of 1961 or the
7 Criminal Code of 2012, where the use of alcohol or
8 other drugs is recited as an element of the offense, or
9 a similar out-of-state offense; or

10 (B) a statutory summary suspension or revocation
11 under Section 11-501.1; or

12 (C) a suspension pursuant to Section 6-203.1;

13 arising out of separate occurrences, that person, if issued
14 a restricted driving permit, may not operate a vehicle
15 unless it has been equipped with an ignition interlock
16 device as defined in Section 1-129.1.

17 (4) The person issued a permit conditioned upon the use
18 of an interlock device must pay to the Secretary of State
19 DUI Administration Fund an amount not to exceed \$30 per
20 month. The Secretary shall establish by rule the amount and
21 the procedures, terms, and conditions relating to these
22 fees.

23 (5) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against driving
25 a vehicle that is not equipped with an ignition interlock
26 device does not apply to the operation of an occupational

1 vehicle owned or leased by that person's employer when used
2 solely for employment purposes.

3 (6) A restricted driving permit issued under this
4 Section shall be subject to cancellation, revocation, and
5 suspension by the Secretary of State in like manner and for
6 like cause as a driver's license issued under this Code may
7 be cancelled, revoked, or suspended; except that a
8 conviction upon one or more offenses against laws or
9 ordinances regulating the movement of traffic shall be
10 deemed sufficient cause for the revocation, suspension, or
11 cancellation of a restricted driving permit.

12 (d-5) The revocation of the license, permit, or driving
13 privileges of a person convicted of a third or subsequent
14 violation of Section 6-303 of this Code committed while his or
15 her driver's license, permit, or privilege was revoked because
16 of a violation of Section 9-3 of the Criminal Code of 1961 or
17 the Criminal Code of 2012, relating to the offense of reckless
18 homicide, or a similar provision of a law of another state, is
19 permanent. The Secretary may not, at any time, issue a license
20 or permit to that person.

21 (e) This Section is subject to the provisions of the Driver
22 License Compact.

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

1 (g) The Secretary of State shall not issue a restricted
2 driving permit to a person under the age of 16 years whose
3 driving privileges have been revoked under any provisions of
4 this Code.

5 (h) The Secretary of State shall require the use of
6 ignition interlock devices on all vehicles owned by a person
7 who has been convicted of a second or subsequent offense under
8 Section 11-501 of this Code or a similar provision of a local
9 ordinance. The person must pay to the Secretary of State DUI
10 Administration Fund an amount not to exceed \$30 for each month
11 that he or she uses the device. The Secretary shall establish
12 by rule and regulation the procedures for certification and use
13 of the interlock system, the amount of the fee, and the
14 procedures, terms, and conditions relating to these fees.

15 (i) (Blank).

16 (j) In accordance with 49 C.F.R. 384, the Secretary of
17 State may not issue a restricted driving permit for the
18 operation of a commercial motor vehicle to a person holding a
19 CDL whose driving privileges have been revoked, suspended,
20 cancelled, or disqualified under any provisions of this Code.

21 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
22 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
23 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
24 1-1-13; 97-1150, eff. 1-25-13.)

1 Sec. 6-206. Discretionary authority to suspend or revoke
2 license or permit; Right to a hearing.

3 (a) The Secretary of State is authorized to suspend or
4 revoke the driving privileges of any person without preliminary
5 hearing upon a showing of the person's records or other
6 sufficient evidence that the person:

7 1. Has committed an offense for which mandatory
8 revocation of a driver's license or permit is required upon
9 conviction;

10 2. Has been convicted of not less than 3 offenses
11 against traffic regulations governing the movement of
12 vehicles committed within any 12 month period. No
13 revocation or suspension shall be entered more than 6
14 months after the date of last conviction;

15 3. Has been repeatedly involved as a driver in motor
16 vehicle collisions or has been repeatedly convicted of
17 offenses against laws and ordinances regulating the
18 movement of traffic, to a degree that indicates lack of
19 ability to exercise ordinary and reasonable care in the
20 safe operation of a motor vehicle or disrespect for the
21 traffic laws and the safety of other persons upon the
22 highway;

23 4. Has by the unlawful operation of a motor vehicle
24 caused or contributed to an accident resulting in injury
25 requiring immediate professional treatment in a medical
26 facility or doctor's office to any person, except that any

1 suspension or revocation imposed by the Secretary of State
2 under the provisions of this subsection shall start no
3 later than 6 months after being convicted of violating a
4 law or ordinance regulating the movement of traffic, which
5 violation is related to the accident, or shall start not
6 more than one year after the date of the accident,
7 whichever date occurs later;

8 5. Has permitted an unlawful or fraudulent use of a
9 driver's license, identification card, or permit;

10 6. Has been lawfully convicted of an offense or
11 offenses in another state, including the authorization
12 contained in Section 6-203.1, which if committed within
13 this State would be grounds for suspension or revocation;

14 7. Has refused or failed to submit to an examination
15 provided for by Section 6-207 or has failed to pass the
16 examination;

17 8. Is ineligible for a driver's license or permit under
18 the provisions of Section 6-103;

19 9. Has made a false statement or knowingly concealed a
20 material fact or has used false information or
21 identification in any application for a license,
22 identification card, or permit;

23 10. Has possessed, displayed, or attempted to
24 fraudulently use any license, identification card, or
25 permit not issued to the person;

26 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to
2 obtain a driver's license or permit was revoked or
3 suspended unless the operation was authorized by a
4 monitoring device driving permit, judicial driving permit
5 issued prior to January 1, 2009, probationary license to
6 drive, or a restricted driving permit issued under this
7 Code;

8 12. Has submitted to any portion of the application
9 process for another person or has obtained the services of
10 another person to submit to any portion of the application
11 process for the purpose of obtaining a license,
12 identification card, or permit for some other person;

13 13. Has operated a motor vehicle upon a highway of this
14 State when the person's driver's license or permit was
15 invalid under the provisions of Sections 6-107.1 and 6-110;

16 14. Has committed a violation of Section 6-301,
17 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
18 of the Illinois Identification Card Act;

19 15. Has been convicted of violating Section 21-2 of the
20 Criminal Code of 1961 or the Criminal Code of 2012 relating
21 to criminal trespass to vehicles in which case, the
22 suspension shall be for one year;

23 16. Has been convicted of violating Section 11-204 of
24 this Code relating to fleeing from a peace officer;

25 17. Has refused to submit to a test, or tests, as
26 required under Section 11-501.1 of this Code and the person

1 has not sought a hearing as provided for in Section
2 11-501.1;

3 18. Has, since issuance of a driver's license or
4 permit, been adjudged to be afflicted with or suffering
5 from any mental disability or disease;

6 19. Has committed a violation of paragraph (a) or (b)
7 of Section 6-101 relating to driving without a driver's
8 license;

9 20. Has been convicted of violating Section 6-104
10 relating to classification of driver's license;

11 21. Has been convicted of violating Section 11-402 of
12 this Code relating to leaving the scene of an accident
13 resulting in damage to a vehicle in excess of \$1,000, in
14 which case the suspension shall be for one year;

15 22. Has used a motor vehicle in violating paragraph
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
17 the Criminal Code of 1961 or the Criminal Code of 2012
18 relating to unlawful use of weapons, in which case the
19 suspension shall be for one year;

20 23. Has, as a driver, been convicted of committing a
21 violation of paragraph (a) of Section 11-502 of this Code
22 for a second or subsequent time within one year of a
23 similar violation;

24 24. Has been convicted by a court-martial or punished
25 by non-judicial punishment by military authorities of the
26 United States at a military installation in Illinois of or

1 for a traffic related offense that is the same as or
2 similar to an offense specified under Section 6-205 or
3 6-206 of this Code;

4 25. Has permitted any form of identification to be used
5 by another in the application process in order to obtain or
6 attempt to obtain a license, identification card, or
7 permit;

8 26. Has altered or attempted to alter a license or has
9 possessed an altered license, identification card, or
10 permit;

11 27. Has violated Section 6-16 of the Liquor Control Act
12 of 1934;

13 28. Has been convicted for a first time of the illegal
14 possession, while operating or in actual physical control,
15 as a driver, of a motor vehicle, of any controlled
16 substance prohibited under the Illinois Controlled
17 Substances Act, any cannabis prohibited under the Cannabis
18 Control Act, or any methamphetamine prohibited under the
19 Methamphetamine Control and Community Protection Act, in
20 which case the person's driving privileges shall be
21 suspended for one year. Any defendant found guilty of this
22 offense while operating a motor vehicle, shall have an
23 entry made in the court record by the presiding judge that
24 this offense did occur while the defendant was operating a
25 motor vehicle and order the clerk of the court to report
26 the violation to the Secretary of State;

1 29. Has been convicted of the following offenses that
2 were committed while the person was operating or in actual
3 physical control, as a driver, of a motor vehicle: criminal
4 sexual assault, predatory criminal sexual assault of a
5 child, aggravated criminal sexual assault, criminal sexual
6 abuse, aggravated criminal sexual abuse, juvenile pimping,
7 soliciting for a juvenile prostitute, promoting juvenile
8 prostitution as described in subdivision (a) (1), (a) (2),
9 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961
10 or the Criminal Code of 2012, and the manufacture, sale or
11 delivery of controlled substances or instruments used for
12 illegal drug use or abuse in which case the driver's
13 driving privileges shall be suspended for one year;

14 30. Has been convicted a second or subsequent time for
15 any combination of the offenses named in paragraph 29 of
16 this subsection, in which case the person's driving
17 privileges shall be suspended for 5 years;

18 31. Has refused to submit to a test as required by
19 Section 11-501.6 of this Code or Section 5-16c of the Boat
20 Registration and Safety Act or has submitted to a test
21 resulting in an alcohol concentration of 0.08 or more or
22 any amount of a drug, substance, or compound resulting from
23 the unlawful use or consumption of cannabis as listed in
24 the Cannabis Control Act, a controlled substance as listed
25 in the Illinois Controlled Substances Act, an intoxicating
26 compound as listed in the Use of Intoxicating Compounds

1 Act, or methamphetamine as listed in the Methamphetamine
2 Control and Community Protection Act, in which case the
3 penalty shall be as prescribed in Section 6-208.1;

4 32. Has been convicted of Section 24-1.2 of the
5 Criminal Code of 1961 or the Criminal Code of 2012 relating
6 to the aggravated discharge of a firearm if the offender
7 was located in a motor vehicle at the time the firearm was
8 discharged, in which case the suspension shall be for 3
9 years;

10 33. Has as a driver, who was less than 21 years of age
11 on the date of the offense, been convicted a first time of
12 a violation of paragraph (a) of Section 11-502 of this Code
13 or a similar provision of a local ordinance;

14 34. Has committed a violation of Section 11-1301.5 of
15 this Code or a similar provision of a local ordinance;

16 35. Has committed a violation of Section 11-1301.6 of
17 this Code or a similar provision of a local ordinance;

18 36. Is under the age of 21 years at the time of arrest
19 and has been convicted of not less than 2 offenses against
20 traffic regulations governing the movement of vehicles
21 committed within any 24 month period. No revocation or
22 suspension shall be entered more than 6 months after the
23 date of last conviction;

24 37. Has committed a violation of subsection (c) of
25 Section 11-907 of this Code that resulted in damage to the
26 property of another or the death or injury of another;

1 38. Has been convicted of a violation of Section 6-20
2 of the Liquor Control Act of 1934 or a similar provision of
3 a local ordinance;

4 39. Has committed a second or subsequent violation of
5 Section 11-1201 of this Code;

6 40. Has committed a violation of subsection (a-1) of
7 Section 11-908 of this Code;

8 41. Has committed a second or subsequent violation of
9 Section 11-605.1 of this Code, a similar provision of a
10 local ordinance, or a similar violation in any other state
11 within 2 years of the date of the previous violation, in
12 which case the suspension shall be for 90 days;

13 42. Has committed a violation of subsection (a-1) of
14 Section 11-1301.3 of this Code or a similar provision of a
15 local ordinance;

16 43. Has received a disposition of court supervision for
17 a violation of subsection (a), (d), or (e) of Section 6-20
18 of the Liquor Control Act of 1934 or a similar provision of
19 a local ordinance, in which case the suspension shall be
20 for a period of 3 months;

21 44. Is under the age of 21 years at the time of arrest
22 and has been convicted of an offense against traffic
23 regulations governing the movement of vehicles after
24 having previously had his or her driving privileges
25 suspended or revoked pursuant to subparagraph 36 of this
26 Section;

1 45. Has, in connection with or during the course of a
2 formal hearing conducted under Section 2-118 of this Code:

3 (i) committed perjury; (ii) submitted fraudulent or
4 falsified documents; (iii) submitted documents that have
5 been materially altered; or (iv) submitted, as his or her
6 own, documents that were in fact prepared or composed for
7 another person;

8 46. Has committed a violation of subsection (j) of
9 Section 3-413 of this Code; or

10 47. Has committed a violation of Section 11-502.1 of
11 this Code.

12 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
13 and 27 of this subsection, license means any driver's license,
14 any traffic ticket issued when the person's driver's license is
15 deposited in lieu of bail, a suspension notice issued by the
16 Secretary of State, a duplicate or corrected driver's license,
17 a probationary driver's license or a temporary driver's
18 license.

19 (b) If any conviction forming the basis of a suspension or
20 revocation authorized under this Section is appealed, the
21 Secretary of State may rescind or withhold the entry of the
22 order of suspension or revocation, as the case may be, provided
23 that a certified copy of a stay order of a court is filed with
24 the Secretary of State. If the conviction is affirmed on
25 appeal, the date of the conviction shall relate back to the
26 time the original judgment of conviction was entered and the 6

1 month limitation prescribed shall not apply.

2 (c) 1. Upon suspending or revoking the driver's license or
3 permit of any person as authorized in this Section, the
4 Secretary of State shall immediately notify the person in
5 writing of the revocation or suspension. The notice to be
6 deposited in the United States mail, postage prepaid, to the
7 last known address of the person.

8 2. If the Secretary of State suspends the driver's
9 license of a person under subsection 2 of paragraph (a) of
10 this Section, a person's privilege to operate a vehicle as
11 an occupation shall not be suspended, provided an affidavit
12 is properly completed, the appropriate fee received, and a
13 permit issued prior to the effective date of the
14 suspension, unless 5 offenses were committed, at least 2 of
15 which occurred while operating a commercial vehicle in
16 connection with the driver's regular occupation. All other
17 driving privileges shall be suspended by the Secretary of
18 State. Any driver prior to operating a vehicle for
19 occupational purposes only must submit the affidavit on
20 forms to be provided by the Secretary of State setting
21 forth the facts of the person's occupation. The affidavit
22 shall also state the number of offenses committed while
23 operating a vehicle in connection with the driver's regular
24 occupation. The affidavit shall be accompanied by the
25 driver's license. Upon receipt of a properly completed
26 affidavit, the Secretary of State shall issue the driver a

1 permit to operate a vehicle in connection with the driver's
2 regular occupation only. Unless the permit is issued by the
3 Secretary of State prior to the date of suspension, the
4 privilege to drive any motor vehicle shall be suspended as
5 set forth in the notice that was mailed under this Section.
6 If an affidavit is received subsequent to the effective
7 date of this suspension, a permit may be issued for the
8 remainder of the suspension period.

9 The provisions of this subparagraph shall not apply to
10 any driver required to possess a CDL for the purpose of
11 operating a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit
13 required herein shall be guilty of perjury under Section
14 6-302 and upon conviction thereof shall have all driving
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118
17 of this Code, the Secretary of State shall either rescind
18 or continue an order of revocation or shall substitute an
19 order of suspension; or, good cause appearing therefor,
20 rescind, continue, change, or extend the order of
21 suspension. If the Secretary of State does not rescind the
22 order, the Secretary may upon application, to relieve undue
23 hardship (as defined by the rules of the Secretary of
24 State), issue a restricted driving permit granting the
25 privilege of driving a motor vehicle between the
26 petitioner's residence and petitioner's place of

1 employment or within the scope of the petitioner's
2 employment related duties, or to allow the petitioner to
3 transport himself or herself, or a family member of the
4 petitioner's household to a medical facility, to receive
5 necessary medical care, to allow the petitioner to
6 transport himself or herself to and from alcohol or drug
7 remedial or rehabilitative activity recommended by a
8 licensed service provider, or to allow the petitioner to
9 transport himself or herself or a family member of the
10 petitioner's household to classes, as a student, at an
11 accredited educational institution, or to allow the
12 petitioner to transport children, elderly persons, or
13 disabled persons who do not hold driving privileges and are
14 living in the petitioner's household to and from daycare.
15 The petitioner must demonstrate that no alternative means
16 of transportation is reasonably available and that the
17 petitioner will not endanger the public safety or welfare.
18 ~~Those multiple offenders identified in subdivision (b)4 of~~
19 ~~Section 6-208 of this Code, however, shall not be eligible~~
20 ~~for the issuance of a restricted driving permit.~~

21 (A) If a person's license or permit is revoked or
22 suspended due to 2 or more convictions of violating
23 Section 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense, or
25 Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, where the use of alcohol or

1 other drugs is recited as an element of the offense, or
2 a similar out-of-state offense, or a combination of
3 these offenses, arising out of separate occurrences,
4 that person, if issued a restricted driving permit, may
5 not operate a vehicle unless it has been equipped with
6 an ignition interlock device as defined in Section
7 1-129.1.

8 (B) If a person's license or permit is revoked or
9 suspended 2 or more times within a 10 year period due
10 to any combination of:

11 (i) a single conviction of violating Section
12 11-501 of this Code or a similar provision of a
13 local ordinance or a similar out-of-state offense
14 or Section 9-3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012, where the use of alcohol or
16 other drugs is recited as an element of the
17 offense, or a similar out-of-state offense; or

18 (ii) a statutory summary suspension or
19 revocation under Section 11-501.1; or

20 (iii) a suspension under Section 6-203.1;
21 arising out of separate occurrences; that person, if
22 issued a restricted driving permit, may not operate a
23 vehicle unless it has been equipped with an ignition
24 interlock device as defined in Section 1-129.1.

25 (C) The person issued a permit conditioned upon the
26 use of an ignition interlock device must pay to the

1 Secretary of State DUI Administration Fund an amount
2 not to exceed \$30 per month. The Secretary shall
3 establish by rule the amount and the procedures, terms,
4 and conditions relating to these fees.

5 (D) If the restricted driving permit is issued for
6 employment purposes, then the prohibition against
7 operating a motor vehicle that is not equipped with an
8 ignition interlock device does not apply to the
9 operation of an occupational vehicle owned or leased by
10 that person's employer when used solely for employment
11 purposes.

12 (E) In each case the Secretary may issue a
13 restricted driving permit for a period deemed
14 appropriate, except that all permits shall expire
15 within one year from the date of issuance. The
16 Secretary may not, however, issue a restricted driving
17 permit to any person whose current revocation is the
18 result of a second or subsequent conviction for a
19 violation of Section 11-501 of this Code or a similar
20 provision of a local ordinance or any similar
21 out-of-state offense, or Section 9-3 of the Criminal
22 Code of 1961 or the Criminal Code of 2012, where the
23 use of alcohol or other drugs is recited as an element
24 of the offense, or any similar out-of-state offense, or
25 any combination of those offenses, until the
26 expiration of at least one year from the date of the

1 revocation. A restricted driving permit issued under
2 this Section shall be subject to cancellation,
3 revocation, and suspension by the Secretary of State in
4 like manner and for like cause as a driver's license
5 issued under this Code may be cancelled, revoked, or
6 suspended; except that a conviction upon one or more
7 offenses against laws or ordinances regulating the
8 movement of traffic shall be deemed sufficient cause
9 for the revocation, suspension, or cancellation of a
10 restricted driving permit. The Secretary of State may,
11 as a condition to the issuance of a restricted driving
12 permit, require the applicant to participate in a
13 designated driver remedial or rehabilitative program.
14 The Secretary of State is authorized to cancel a
15 restricted driving permit if the permit holder does not
16 successfully complete the program.

17 (F) A person subject to the provisions of paragraph
18 (4) of subsection (b) of Section 6-208 of this Code may
19 make application for a restricted driving permit at a
20 hearing conducted under Section 2-118 of this Code
21 after the expiration of 5 years from the effective date
22 of the most recent revocation or after 5 years from the
23 date of release from a period of imprisonment resulting
24 from a conviction of the most recent offense, whichever
25 is later, provided the person, in addition to all other
26 requirements of the Secretary, shows by clear and

1 convincing evidence:

2 (i) a minimum of 3 years of uninterrupted
3 abstinence from alcohol and the unlawful use or
4 consumption of cannabis under the Cannabis Control
5 Act, a controlled substance under the Illinois
6 Controlled Substances Act, an intoxicating
7 compound under the Use of Intoxicating Compounds
8 Act, or methamphetamine under the Methamphetamine
9 Control and Community Protection Act; and

10 (ii) the successful completion of any
11 rehabilitative treatment and involvement in any
12 ongoing rehabilitative activity that may be
13 recommended by a properly licensed service
14 provider according to an assessment of the
15 person's alcohol or drug use under Section
16 11-501.01 of this Code.

17 In determining whether an applicant is eligible
18 for a restricted driving permit under this
19 subparagraph (F), the Secretary may consider any
20 relevant evidence, including, but not limited to,
21 testimony, affidavits, records, and the results of
22 regular alcohol or drug tests. Persons subject to the
23 provisions of paragraph (4) of subsection (b) of
24 Section 6-208 of this Code and who have been convicted
25 of more than one violation of paragraph (3), paragraph
26 (4), or paragraph (5) of subsection (a) of Section

1 11-501 of this Code shall not be eligible to apply for
2 a restricted driving permit under this subparagraph
3 (F).

4 A restricted driving permit issued under this
5 subparagraph (F) shall provide that the holder may only
6 operate motor vehicles equipped with an ignition
7 interlock device as required under paragraph (2) of
8 subsection (c) of Section 6-205 of this Code and
9 subparagraph (A) of paragraph 3 of subsection (c) of
10 this Section. The Secretary may revoke a restricted
11 driving permit or amend the conditions of a restricted
12 driving permit issued under this subparagraph (F) if
13 the holder operates a vehicle that is not equipped with
14 an ignition interlock device, or for any other reason
15 authorized under this Code.

16 A restricted driving permit issued under this
17 subparagraph (F) shall be revoked, and the holder
18 barred from applying for or being issued a restricted
19 driving permit in the future, if the holder is
20 convicted of a violation of Section 11-501 of this
21 Code, a similar provision of a local ordinance, or a
22 similar offense in another state.

23 (c-3) In the case of a suspension under paragraph 43 of
24 subsection (a), reports received by the Secretary of State
25 under this Section shall, except during the actual time the
26 suspension is in effect, be privileged information and for use

1 only by the courts, police officers, prosecuting authorities,
2 the driver licensing administrator of any other state, the
3 Secretary of State, or the parent or legal guardian of a driver
4 under the age of 18. However, beginning January 1, 2008, if the
5 person is a CDL holder, the suspension shall also be made
6 available to the driver licensing administrator of any other
7 state, the U.S. Department of Transportation, and the affected
8 driver or motor carrier or prospective motor carrier upon
9 request.

10 (c-4) In the case of a suspension under paragraph 43 of
11 subsection (a), the Secretary of State shall notify the person
12 by mail that his or her driving privileges and driver's license
13 will be suspended one month after the date of the mailing of
14 the notice.

15 (c-5) The Secretary of State may, as a condition of the
16 reissuance of a driver's license or permit to an applicant
17 whose driver's license or permit has been suspended before he
18 or she reached the age of 21 years pursuant to any of the
19 provisions of this Section, require the applicant to
20 participate in a driver remedial education course and be
21 retested under Section 6-109 of this Code.

22 (d) This Section is subject to the provisions of the
23 Drivers License Compact.

24 (e) The Secretary of State shall not issue a restricted
25 driving permit to a person under the age of 16 years whose
26 driving privileges have been suspended or revoked under any

1 provisions of this Code.

2 (f) In accordance with 49 C.F.R. 384, the Secretary of
3 State may not issue a restricted driving permit for the
4 operation of a commercial motor vehicle to a person holding a
5 CDL whose driving privileges have been suspended, revoked,
6 cancelled, or disqualified under any provisions of this Code.

7 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
8 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
9 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
10 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)

11 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

12 Sec. 6-208. Period of Suspension - Application After
13 Revocation.

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

18 (b) Any person whose license, permit, or privilege to drive
19 a motor vehicle on the highways has been revoked shall not be
20 entitled to have such license, permit, or privilege renewed or
21 restored. However, such person may, except as provided under
22 subsections (d) and (d-5) of Section 6-205, make application
23 for a license pursuant to Section 6-106 (i) if the revocation
24 was for a cause that has been removed or (ii) as provided in
25 the following subparagraphs:

1 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
2 and 5, the person may make application for a license (A)
3 after the expiration of one year from the effective date of
4 the revocation, (B) in the case of a violation of paragraph
5 (b) of Section 11-401 of this Code or a similar provision
6 of a local ordinance, after the expiration of 3 years from
7 the effective date of the revocation, or (C) in the case of
8 a violation of Section 9-3 of the Criminal Code of 1961 or
9 the Criminal Code of 2012 or a similar provision of a law
10 of another state relating to the offense of reckless
11 homicide or a violation of subparagraph (F) of paragraph 1
12 of subsection (d) of Section 11-501 of this Code relating
13 to aggravated driving under the influence of alcohol, other
14 drug or drugs, intoxicating compound or compounds, or any
15 combination thereof, if the violation was the proximate
16 cause of a death, after the expiration of 2 years from the
17 effective date of the revocation or after the expiration of
18 24 months from the date of release from a period of
19 imprisonment as provided in Section 6-103 of this Code,
20 whichever is later.

21 1.5. If the person is convicted of a violation of
22 Section 6-303 of this Code committed while his or her
23 driver's license, permit, or privilege was revoked because
24 of a violation of Section 9-3 of the Criminal Code of 1961
25 or the Criminal Code of 2012, relating to the offense of
26 reckless homicide, or a similar provision of a law of

1 another state, the person may not make application for a
2 license or permit until the expiration of 3 years from the
3 date of the conviction.

4 2. If such person is convicted of committing a second
5 violation within a 20-year period of:

6 (A) Section 11-501 of this Code or a similar
7 provision of a local ordinance;

8 (B) Paragraph (b) of Section 11-401 of this Code or
9 a similar provision of a local ordinance;

10 (C) Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, relating to the offense of
12 reckless homicide; or

13 (D) any combination of the above offenses
14 committed at different instances;

15 then such person may not make application for a license
16 until after the expiration of 5 years from the effective
17 date of the most recent revocation. The 20-year period
18 shall be computed by using the dates the offenses were
19 committed and shall also include similar out-of-state
20 offenses and similar offenses committed on a military
21 installation.

22 2.5. If a person is convicted of a second violation of
23 Section 6-303 of this Code committed while the person's
24 driver's license, permit, or privilege was revoked because
25 of a violation of Section 9-3 of the Criminal Code of 1961
26 or the Criminal Code of 2012, relating to the offense of

1 reckless homicide, or a similar provision of a law of
2 another state, the person may not make application for a
3 license or permit until the expiration of 5 years from the
4 date of release from a term of imprisonment.

5 3. However, except as provided in subparagraph 4, if
6 such person is convicted of committing a third ~~or~~
7 ~~subsequent~~ violation or any combination of the above
8 offenses, including similar out-of-state offenses and
9 similar offenses committed on a military installation,
10 contained in subparagraph 2, then such person may not make
11 application for a license until after the expiration of 10
12 years from the effective date of the most recent
13 revocation.

14 4. Except as provided in paragraph (1.5) of subsection
15 (c) of Section 6-205 and subparagraph (F) of paragraph (3)
16 of subsection (c) of Section 6-206 of this Code, the ~~The~~
17 person may not make application for a license if the person
18 is convicted of committing a fourth or subsequent violation
19 of Section 11-501 of this Code or a similar provision of a
20 local ordinance, Section 11-401 of this Code, Section 9-3
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 or a combination of these offenses, similar provisions of
23 local ordinances, similar out-of-state offenses, or
24 similar offenses committed on a military installation.

25 4.5. A bona fide resident of a foreign jurisdiction who
26 is subject to the provisions of subparagraph 4 of this

1 subsection (b) may make application for termination of the
2 revocation after a period of 10 years from the effective
3 date of the most recent revocation. However, if a person
4 who has been granted a termination of revocation under this
5 subparagraph 4.5 subsequently becomes a resident of this
6 State, the revocation shall be reinstated and the person
7 shall be subject to the provisions of subparagraph 4.

8 5. The person may not make application for a license or
9 permit if the person is convicted of a third or subsequent
10 violation of Section 6-303 of this Code committed while his
11 or her driver's license, permit, or privilege was revoked
12 because of a violation of Section 9-3 of the Criminal Code
13 of 1961 or the Criminal Code of 2012, relating to the
14 offense of reckless homicide, or a similar provision of a
15 law of another state.

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

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

1 (c) (Blank).

2 (Source: P.A. 96-607, eff. 8-24-09; 97-1150, eff. 1-25-13.)

3 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

18 (a-3) A second or subsequent violation of subsection (a) of
19 this Section is a Class 4 felony if committed by a person whose
20 driving or operation of a motor vehicle is the proximate cause
21 of a motor vehicle accident that causes personal injury or
22 death to another. For purposes of this subsection, a personal
23 injury includes any Type A injury as indicated on the traffic
24 accident report completed by a law enforcement officer that
25 requires immediate professional attention in either a doctor's

1 office or a medical facility. A Type A injury includes severe
2 bleeding wounds, distorted extremities, and injuries that
3 require the injured party to be carried from the scene.

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

15 (a-10) A person's driver's license, permit, or privilege to
16 obtain a driver's license or permit may be subject to multiple
17 revocations, multiple suspensions, or any combination of both
18 simultaneously. No revocation or suspension shall serve to
19 negate, invalidate, cancel, postpone, or in any way lessen the
20 effect of any other revocation or suspension entered prior or
21 subsequent to any other revocation or suspension.

22 (b) (Blank).

23 (b-1) Upon receiving a report of the conviction of any
24 violation indicating a person was operating a motor vehicle
25 during the time when the person's driver's license, permit or
26 privilege was suspended by the Secretary of State or the

1 driver's licensing administrator of another state, except as
2 specifically allowed by a probationary license, judicial
3 driving permit, restricted driving permit or monitoring device
4 driving permit the Secretary shall extend the suspension for
5 the same period of time as the originally imposed suspension
6 unless the suspension has already expired, in which case the
7 Secretary shall be authorized to suspend the person's driving
8 privileges for the same period of time as the originally
9 imposed suspension.

10 (b-2) Except as provided in subsection (b-6), upon
11 receiving a report of the conviction of any violation
12 indicating a person was operating a motor vehicle when the
13 person's driver's license, permit or privilege was revoked by
14 the Secretary of State or the driver's license administrator of
15 any other state, except as specifically allowed by a restricted
16 driving permit issued pursuant to this Code or the law of
17 another state, the Secretary shall not issue a driver's license
18 for an additional period of one year from the date of such
19 conviction indicating such person was operating a vehicle
20 during such period of revocation.

21 (b-3) (Blank).

22 (b-4) When the Secretary of State receives a report of a
23 conviction of any violation indicating a person was operating a
24 motor vehicle that was not equipped with an ignition interlock
25 device during a time when the person was prohibited from
26 operating a motor vehicle not equipped with such a device, the

1 Secretary shall not issue a driver's license to that person for
2 an additional period of one year from the date of the
3 conviction.

4 (b-5) Any person convicted of violating this Section shall
5 serve a minimum term of imprisonment of 30 consecutive days or
6 300 hours of community service when the person's driving
7 privilege was revoked or suspended as a result of a violation
8 of Section 9-3 of the Criminal Code of 1961 or the Criminal
9 Code of 2012, relating to the offense of reckless homicide, or
10 a similar provision of a law of another state.

11 (b-6) Upon receiving a report of a first conviction of
12 operating a motor vehicle while the person's driver's license,
13 permit or privilege was revoked where the revocation was for a
14 violation of Section 9-3 of the Criminal Code of 1961 or the
15 Criminal Code of 2012 relating to the offense of reckless
16 homicide or a similar out-of-state offense, the Secretary shall
17 not issue a driver's license for an additional period of three
18 years from the date of such conviction.

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

24 (1) a violation of Section 11-501 of this Code or a
25 similar provision of a local ordinance relating to the
26 offense of operating or being in physical control of a

1 vehicle while under the influence of alcohol, any other
2 drug or any combination thereof; or

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

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

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

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

15 (c-2) In addition to other penalties imposed under this
16 Section, the court may impose on any person convicted a fourth
17 time of violating this Section any of the following:

18 (1) Seizure of the license plates of the person's
19 vehicle.

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

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

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

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

13 (1) the current violation occurred when the person's
14 driver's license was suspended or revoked for a violation
15 of Section 9-3 of the Criminal Code of 1961 or the Criminal
16 Code of 2012, relating to the offense of reckless homicide,
17 or a similar out-of-state offense; and

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

1 under Section 11-501.1 of this Code.

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

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

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

21 (d-1) Except as provided in subsections (d-2), (d-2.5), and
22 (d-3), any person convicted of a third or subsequent violation
23 of this Section shall serve a minimum term of imprisonment of
24 30 days or 300 hours of community service, as determined by the
25 court.

26 (d-2) Any person convicted of a third violation of this

1 Section is guilty of a Class 4 felony and must serve a minimum
2 term of imprisonment of 30 days, if:

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

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

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

22 (1) the current violation occurred while 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. The person's driving

1 privileges shall be revoked for the remainder of the
2 person's life; and

3 (2) the prior convictions 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-3) Any person convicted of a fourth, fifth, sixth,
14 seventh, eighth, or ninth violation of this Section is guilty
15 of a Class 4 felony and must serve a minimum term of
16 imprisonment of 180 days, 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 convictions 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-3.5) Any person convicted of a fourth or subsequent
7 violation of this Section is guilty of a Class 1 felony, is not
8 eligible for probation or conditional discharge, and must serve
9 a mandatory term of imprisonment, and is eligible for an
10 extended term, if:

11 (1) the current violation occurred when the person's
12 driver's license was suspended or revoked for a violation
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, relating to the offense of reckless homicide,
15 or a similar out-of-state offense; and

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

26 (d-4) Any person convicted of a tenth, eleventh, twelfth,

1 thirteenth, or fourteenth violation of this Section is guilty
2 of a Class 3 felony, and is not eligible for probation or
3 conditional discharge, if:

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

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

19 (d-5) Any person convicted of a fifteenth or subsequent
20 violation of this Section is guilty of a Class 2 felony, and is
21 not eligible for probation or conditional discharge, 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 11-401 or 11-501 of this Code, or a similar
25 out-of-state offense, or a similar provision of a local
26 ordinance, or a statutory summary suspension or revocation

1 under Section 11-501.1 of this Code; and

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

11 (e) Any person in violation of this Section who is also in
12 violation of Section 7-601 of this Code relating to mandatory
13 insurance requirements, in addition to other penalties imposed
14 under this Section, shall have his or her motor vehicle
15 immediately impounded by the arresting law enforcement
16 officer. The motor vehicle may be released to any licensed
17 driver upon a showing of proof of insurance for the vehicle
18 that was impounded and the notarized written consent for the
19 release by the vehicle owner.

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

23 (g) The motor vehicle used in a violation of this Section
24 is subject to seizure and forfeiture as provided in Sections
25 36-1 and 36-2 of the Criminal Code of 2012 if the person's
26 driving privilege was revoked or suspended as a result of:

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

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

7 (3) a statutory summary suspension or revocation under
8 Section 11-501.1 of this Code or a similar provision of a
9 law of another state; or

10 (4) a violation of Section 9-3 of the Criminal Code of
11 1961 or the Criminal Code of 2012 relating to the offense
12 of reckless homicide, or a similar provision of a law of
13 another state.

14 (Source: P.A. 97-984, eff. 1-1-13; 97-1150, eff. 1-25-13;
15 98-285, eff. 1-1-14; 98-418, eff. 8-16-13; 98-573, eff.
16 8-27-13; revised 9-19-13.)".