



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5661

by Rep. Frances Ann Hurley

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-208

from Ch. 95 1/2, par. 6-208

Amends the Illinois Vehicle Code. Provides that in addition to the offenses of reckless homicide and aggravated driving under the influence, any felony violation of the laws of any state or the federal government involving the use of a vehicle that results in the death of another person shall prevent a person whose license has been revoked from applying for a new license until the expiration of 2 years from the effective date of the revocation or the expiration of 24 months from the date of release from a period of imprisonment, whichever is later. Effective immediately.

LRB098 19261 MLW 54413 b

1 AN ACT concerning transportation, which may be referred to
2 as Brittany's Law.

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

5 Section 5. The Illinois Vehicle Code is amended by changing
6 Section 6-208 as follows:

7 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

8 Sec. 6-208. Period of Suspension - Application After
9 Revocation.

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

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15 a motor vehicle on the highways has been revoked shall not be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

22 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
23 and 5, the person may make application for a license (A)

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

23 1.5. If the person is convicted of a violation of
24 Section 6-303 of this Code committed while his or her
25 driver's license, permit, or privilege was revoked because
26 of a violation of Section 9-3 of the Criminal Code of 1961

1 or the Criminal Code of 2012, relating to the offense of
2 reckless homicide, or a similar provision of a law of
3 another state, the person may not make application for a
4 license or permit until the expiration of 3 years from the
5 date of the conviction.

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

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

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

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

15 (D) any combination of the above offenses
16 committed at different instances;

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

24 2.5. If a person is convicted of a second violation of
25 Section 6-303 of this Code committed while the person's
26 driver's license, permit, or privilege was revoked because

1 of a violation of Section 9-3 of the Criminal Code of 1961
2 or the Criminal Code of 2012, relating to the offense of
3 reckless homicide, or a similar provision of a law of
4 another state, the person may not make application for a
5 license or permit until the expiration of 5 years from the
6 date of release from a term of imprisonment.

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

16 4. The person may not make application for a license if
17 the person is convicted of committing a fourth or
18 subsequent violation of Section 11-501 of this Code or a
19 similar provision of a local ordinance, Section 11-401 of
20 this Code, Section 9-3 of the Criminal Code of 1961 or the
21 Criminal Code of 2012, or a combination of these offenses,
22 similar provisions of local ordinances, similar
23 out-of-state offenses, or similar offenses committed on a
24 military installation.

25 5. The person may not make application for a license or
26 permit if the person is convicted of a third or subsequent

1 violation of Section 6-303 of this Code committed while his
2 or her driver's license, permit, or privilege was revoked
3 because of 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 provision of a
6 law of another state.

7 Notwithstanding any other provision of this Code, all
8 persons referred to in this paragraph (b) may not have their
9 privileges restored until the Secretary receives payment of the
10 required reinstatement fee pursuant to subsection (b) of
11 Section 6-118.

12 In no event shall the Secretary issue such license unless
13 and until such person has had a hearing pursuant to this Code
14 and the appropriate administrative rules and the Secretary is
15 satisfied, after a review or investigation of such person, that
16 to grant the privilege of driving a motor vehicle on the
17 highways will not endanger the public safety or welfare.

18 (c) (Blank).

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

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.