



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5897

by Rep. Dan Brady

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-113
625 ILCS 5/6-201

from Ch. 95 1/2, par. 6-113

Amends the Illinois Vehicle Code. Provides that special restricted licenses issued allowing individuals that use vision aid arrangements other than standard eyeglasses or contact lenses to operate a motor vehicle during nighttime hours shall be valid for a period of 48 months instead of 12. Provides that this license shall be cancelled if the license holder does not submit annual certification from an ophthalmologist or optometrist that his or her vision has not changed.

LRB098 16858 MLW 51931 b

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 Sections 6-113 and 6-201 as follows:

6 (625 ILCS 5/6-113) (from Ch. 95 1/2, par. 6-113)

7 Sec. 6-113. Restricted licenses and permits.

8 (a) The Secretary of State upon issuing a drivers license
9 or permit shall have the authority whenever good cause appears
10 to impose restrictions suitable to the licensee's driving
11 ability with respect to the type of, or special mechanical
12 control devices required on, a motor vehicle which the licensee
13 may operate or such other restrictions applicable to the
14 licensee as the Secretary of State may determine to be
15 appropriate to assure the safe operation of a motor vehicle by
16 the licensee.

17 (b) The Secretary of State may either issue a special
18 restricted license or permit or may set forth such restrictions
19 upon the usual license or permit form.

20 (c) The Secretary of State may issue a probationary license
21 to a person whose driving privileges have been suspended
22 pursuant to subsection (d) of this Section or subsection (a) (2)
23 of Section 6-206 of this Code. This subsection (c) does not

1 apply to any driver required to possess a CDL for the purpose
2 of operating a commercial motor vehicle. The Secretary of State
3 shall promulgate rules pursuant to the Illinois Administrative
4 Procedure Act, setting forth the conditions and criteria for
5 the issuance and cancellation of probationary licenses.

6 (d) The Secretary of State may upon receiving satisfactory
7 evidence of any violation of the restrictions of such license
8 or permit suspend, revoke or cancel the same without
9 preliminary hearing, but the licensee or permittee shall be
10 entitled to a hearing as in the case of a suspension or
11 revocation.

12 (e) It is unlawful for any person to operate a motor
13 vehicle in any manner in violation of the restrictions imposed
14 on a restricted license or permit issued to him.

15 (f) Whenever the holder of a restricted driving permit is
16 issued a citation for any of the following offenses including
17 similar local ordinances, the restricted driving permit is
18 immediately invalidated:

19 1. Reckless homicide resulting from the operation of a
20 motor vehicle;

21 2. Violation of Section 11-501 of this Act relating to
22 the operation of a motor vehicle while under the influence
23 of intoxicating liquor or narcotic drugs;

24 3. Violation of Section 11-401 of this Act relating to
25 the offense of leaving the scene of a traffic accident
26 involving death or injury;

1 4. Violation of Section 11-504 of this Act relating to
2 the offense of drag racing; or

3 5. Violation of Section 11-506 of this Act relating to
4 the offense of street racing.

5 The police officer issuing the citation shall confiscate
6 the restricted driving permit and forward it, along with the
7 citation, to the Clerk of the Circuit Court of the county in
8 which the citation was issued.

9 (g) The Secretary of State may issue a special restricted
10 license for a period of 48 ~~12~~ months to individuals using
11 vision aid arrangements other than standard eyeglasses or
12 contact lenses, allowing the operation of a motor vehicle
13 during nighttime hours. The Secretary of State shall adopt
14 rules defining the terms and conditions by which the individual
15 may obtain and renew this special restricted license. At a
16 minimum, all drivers must meet the following requirements:

17 1. Possess a valid driver's license and have operated a
18 motor vehicle during daylight hours for a period of 12
19 months using vision aid arrangements other than standard
20 eyeglasses or contact lenses.

21 2. Have a driving record that does not include any
22 traffic accidents that occurred during nighttime hours,
23 for which the driver has been found to be at fault, during
24 the 12 months before he or she applied for the special
25 restricted license.

26 3. Successfully complete a road test administered

1 during nighttime hours.

2 The special restricted license holder must submit to the
3 Secretary annually a certification from his or her
4 ophthalmologist or optometrist that the special restricted
5 license holder's vision has not changed. If the special
6 restricted license holder fails to submit this certification
7 the special restricted license shall be cancelled under Section
8 6-201 of this Code.

9 At a minimum, all drivers renewing this license must meet
10 the following requirements:

11 1. Successfully complete a road test administered
12 during nighttime hours.

13 2. Have a driving record that does not include any
14 traffic accidents that occurred during nighttime hours,
15 for which the driver has been found to be at fault, during
16 the 12 months before he or she applied for the special
17 restricted license.

18 (h) Any driver issued a special restricted license as
19 defined in subsection (g) whose privilege to drive during
20 nighttime hours has been suspended due to an accident occurring
21 during nighttime hours may request a hearing as provided in
22 Section 2-118 of this Code to contest that suspension. If it is
23 determined that the accident for which the driver was at fault
24 was not influenced by the driver's use of vision aid
25 arrangements other than standard eyeglasses or contact lenses,
26 the Secretary may reinstate that driver's privilege to drive

1 during nighttime hours.

2 (Source: P.A. 97-229, eff. 7-28-11.)

3 (625 ILCS 5/6-201)

4 (Text of Section before amendment by P.A. 98-176)

5 Sec. 6-201. Authority to cancel licenses and permits.

6 (a) The Secretary of State is authorized to cancel any
7 license or permit upon determining that the holder thereof:

8 1. was not entitled to the issuance thereof hereunder;

9 or

10 2. failed to give the required or correct information
11 in his application; or

12 3. failed to pay any fees, civil penalties owed to the
13 Illinois Commerce Commission, or taxes due under this Act
14 and upon reasonable notice and demand; or

15 4. committed any fraud in the making of such
16 application; or

17 5. is ineligible therefor under the provisions of
18 Section 6-103 of this Act, as amended; or

19 6. has refused or neglected to submit an alcohol, drug,
20 and intoxicating compound evaluation or to submit to
21 examination or re-examination as required under this Act;

22 or

23 7. has been convicted of violating the Cannabis Control
24 Act, the Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act, or

1 the Use of Intoxicating Compounds Act while that individual
2 was in actual physical control of a motor vehicle. For
3 purposes of this Section, any person placed on probation
4 under Section 10 of the Cannabis Control Act, Section 410
5 of the Illinois Controlled Substances Act, or Section 70 of
6 the Methamphetamine Control and Community Protection Act
7 shall not be considered convicted. Any person found guilty
8 of this offense, while in actual physical control of a
9 motor vehicle, shall have an entry made in the court record
10 by the judge that this offense did occur while the person
11 was in actual physical control of a motor vehicle and order
12 the clerk of the court to report the violation to the
13 Secretary of State as such. After the cancellation, the
14 Secretary of State shall not issue a new license or permit
15 for a period of one year after the date of cancellation.
16 However, upon application, the Secretary of State may, if
17 satisfied that the person applying will not endanger the
18 public safety, or welfare, issue a restricted driving
19 permit granting the privilege of driving a motor vehicle
20 between the petitioner's residence and petitioner's place
21 of employment or within the scope of the petitioner's
22 employment related duties, or to allow transportation for
23 the petitioner or a household member of the petitioner's
24 family for the receipt of necessary medical care, or
25 provide transportation for the petitioner to and from
26 alcohol or drug remedial or rehabilitative activity

1 recommended by a licensed service provider, or for the
2 petitioner to attend classes, as a student, in an
3 accredited educational institution. The petitioner must
4 demonstrate that no alternative means of transportation is
5 reasonably available; provided that the Secretary's
6 discretion shall be limited to cases where undue hardship,
7 as defined by the rules of the Secretary of State, would
8 result from a failure to issue such restricted driving
9 permit. In each case the Secretary of State may issue such
10 restricted driving permit for such period as he deems
11 appropriate, except that such permit shall expire within
12 one year from the date of issuance. A restricted driving
13 permit issued hereunder shall be subject to cancellation,
14 revocation and suspension by the Secretary of State in like
15 manner and for like cause as a driver's license issued
16 hereunder may be cancelled, revoked or suspended; except
17 that a conviction upon one or more offenses against laws or
18 ordinances regulating the movement of traffic shall be
19 deemed sufficient cause for the revocation, suspension or
20 cancellation of a restricted driving permit. The Secretary
21 of State may, as a condition to the issuance of a
22 restricted driving permit, require the applicant to
23 participate in a driver remedial or rehabilitative
24 program. In accordance with 49 C.F.R. 384, the Secretary of
25 State may not issue a restricted driving permit for the
26 operation of a commercial motor vehicle to a person holding

1 a CDL whose driving privileges have been revoked,
2 suspended, cancelled, or disqualified under this Code; or

3 8. failed to submit a report as required by Section
4 6-116.5 of this Code; or

5 9. has been convicted of a sex offense as defined in
6 the Sex Offender Registration Act. The driver's license
7 shall remain cancelled until the driver registers as a sex
8 offender as required by the Sex Offender Registration Act,
9 proof of the registration is furnished to the Secretary of
10 State and the sex offender provides proof of current
11 address to the Secretary; or

12 10. is ineligible for a license or permit under Section
13 6-107, 6-107.1, or 6-108 of this Code; or

14 11. refused or neglected to appear at a Driver Services
15 facility to have the license or permit corrected and a new
16 license or permit issued or to present documentation for
17 verification of identity; or

18 12. failed to submit a medical examiner's certificate
19 or medical variance as required by 49 C.F.R. 383.71 or
20 submitted a fraudulent medical examiner's certificate or
21 medical variance; or

22 13. has had his or her medical examiner's certificate,
23 medical variance, or both removed or rescinded by the
24 Federal Motor Carrier Safety Administration; or

25 14. failed to self-certify as to the type of driving in
26 which the CDL driver engages or expects to engage; or

1 15. has submitted acceptable documentation indicating
2 out-of-state residency to the Secretary of State to be
3 released from the requirement of showing proof of financial
4 responsibility in this State.

5 (b) Upon such cancellation the licensee or permittee must
6 surrender the license or permit so cancelled to the Secretary
7 of State.

8 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
9 Secretary of State shall have exclusive authority to grant,
10 issue, deny, cancel, suspend and revoke driving privileges,
11 drivers' licenses and restricted driving permits.

12 (d) The Secretary of State may adopt rules to implement
13 this Section.

14 (Source: P.A. 97-208, eff. 1-1-12; 97-229, eff. 7-28-11;
15 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-178, eff.
16 1-1-14.)

17 (Text of Section after amendment by P.A. 98-176)

18 Sec. 6-201. Authority to cancel licenses and permits.

19 (a) The Secretary of State is authorized to cancel any
20 license or permit upon determining that the holder thereof:

21 1. was not entitled to the issuance thereof hereunder;

22 or

23 2. failed to give the required or correct information
24 in his application; or

25 3. failed to pay any fees, civil penalties owed to the

1 Illinois Commerce Commission, or taxes due under this Act
2 and upon reasonable notice and demand; or

3 4. committed any fraud in the making of such
4 application; or

5 5. is ineligible therefor under the provisions of
6 Section 6-103 of this Act, as amended; or

7 6. has refused or neglected to submit an alcohol, drug,
8 and intoxicating compound evaluation or to submit to
9 examination or re-examination as required under this Act;
10 or

11 7. has been convicted of violating the Cannabis Control
12 Act, the Illinois Controlled Substances Act, the
13 Methamphetamine Control and Community Protection Act, or
14 the Use of Intoxicating Compounds Act while that individual
15 was in actual physical control of a motor vehicle. For
16 purposes of this Section, any person placed on probation
17 under Section 10 of the Cannabis Control Act, Section 410
18 of the Illinois Controlled Substances Act, or Section 70 of
19 the Methamphetamine Control and Community Protection Act
20 shall not be considered convicted. Any person found guilty
21 of this offense, while in actual physical control of a
22 motor vehicle, shall have an entry made in the court record
23 by the judge that this offense did occur while the person
24 was in actual physical control of a motor vehicle and order
25 the clerk of the court to report the violation to the
26 Secretary of State as such. After the cancellation, the

1 Secretary of State shall not issue a new license or permit
2 for a period of one year after the date of cancellation.
3 However, upon application, the Secretary of State may, if
4 satisfied that the person applying will not endanger the
5 public safety, or welfare, issue a restricted driving
6 permit granting the privilege of driving a motor vehicle
7 between the petitioner's residence and petitioner's place
8 of employment or within the scope of the petitioner's
9 employment related duties, or to allow transportation for
10 the petitioner or a household member of the petitioner's
11 family for the receipt of necessary medical care, or
12 provide transportation for the petitioner to and from
13 alcohol or drug remedial or rehabilitative activity
14 recommended by a licensed service provider, or for the
15 petitioner to attend classes, as a student, in an
16 accredited educational institution. The petitioner must
17 demonstrate that no alternative means of transportation is
18 reasonably available; provided that the Secretary's
19 discretion shall be limited to cases where undue hardship,
20 as defined by the rules of the Secretary of State, would
21 result from a failure to issue such restricted driving
22 permit. In each case the Secretary of State may issue such
23 restricted driving permit for such period as he deems
24 appropriate, except that such permit shall expire within
25 one year from the date of issuance. A restricted driving
26 permit issued hereunder shall be subject to cancellation,

1 revocation and suspension by the Secretary of State in like
2 manner and for like cause as a driver's license issued
3 hereunder may be cancelled, revoked or suspended; except
4 that a conviction upon one or more offenses against laws or
5 ordinances regulating the movement of traffic shall be
6 deemed sufficient cause for the revocation, suspension or
7 cancellation of a restricted driving permit. The Secretary
8 of State may, as a condition to the issuance of a
9 restricted driving permit, require the applicant to
10 participate in a driver remedial or rehabilitative
11 program. In accordance with 49 C.F.R. 384, the Secretary of
12 State may not issue a restricted driving permit for the
13 operation of a commercial motor vehicle to a person holding
14 a CDL whose driving privileges have been revoked,
15 suspended, cancelled, or disqualified under this Code; or

16 8. failed to submit a report as required by Section
17 6-116.5 of this Code; or

18 9. has been convicted of a sex offense as defined in
19 the Sex Offender Registration Act. The driver's license
20 shall remain cancelled until the driver registers as a sex
21 offender as required by the Sex Offender Registration Act,
22 proof of the registration is furnished to the Secretary of
23 State and the sex offender provides proof of current
24 address to the Secretary; or

25 10. is ineligible for a license or permit under Section
26 6-107, 6-107.1, or 6-108 of this Code; or

1 11. refused or neglected to appear at a Driver Services
2 facility to have the license or permit corrected and a new
3 license or permit issued or to present documentation for
4 verification of identity; or

5 12. failed to submit a medical examiner's certificate
6 or medical variance as required by 49 C.F.R. 383.71 or
7 submitted a fraudulent medical examiner's certificate or
8 medical variance; or

9 13. has had his or her medical examiner's certificate,
10 medical variance, or both removed or rescinded by the
11 Federal Motor Carrier Safety Administration; or

12 14. failed to self-certify as to the type of driving in
13 which the CDL driver engages or expects to engage; or

14 15. has submitted acceptable documentation indicating
15 out-of-state residency to the Secretary of State to be
16 released from the requirement of showing proof of financial
17 responsibility in this State;~~;~~

18 16. ~~15.~~ was convicted of fraud relating to the testing
19 or issuance of a CDL or CLP, in which case only the CDL or
20 CLP shall be cancelled. After cancellation, the Secretary
21 shall not issue a CLP or CDL for a period of one year from
22 the date of cancellation;~~;~~

23 17. has a special restricted license under subsection
24 (g) of Section 6-113 of this Code and failed to submit the
25 required annual certification that the special restricted
26 license holder's vision has not changed.

1 (b) Upon such cancellation the licensee or permittee must
2 surrender the license or permit so cancelled to the Secretary
3 of State.

4 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
5 Secretary of State shall have exclusive authority to grant,
6 issue, deny, cancel, suspend and revoke driving privileges,
7 drivers' licenses and restricted driving permits.

8 (d) The Secretary of State may adopt rules to implement
9 this Section.

10 (Source: P.A. 97-208, eff. 1-1-12; 97-229, eff. 7-28-11;
11 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-176, eff.
12 7-1-14; 98-178, eff. 1-1-14; revised 9-19-13.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.