



Rep. Dan Brady

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09800HB5897ham001

LRB098 16858 MLW 56011 a

1 AMENDMENT TO HOUSE BILL 5897

2 AMENDMENT NO. _____. Amend House Bill 5897 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-113 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.

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

4 (c) The Secretary of State may issue a probationary license
5 to a person whose driving privileges have been suspended
6 pursuant to subsection (d) of this Section or subsection (a)(2)
7 of Section 6-206 of this Code. This subsection (c) does not
8 apply to any driver required to possess a CDL for the purpose
9 of operating a commercial motor vehicle. The Secretary of State
10 shall promulgate rules pursuant to the Illinois Administrative
11 Procedure Act, setting forth the conditions and criteria for
12 the issuance and cancellation of probationary licenses.

13 (d) The Secretary of State may upon receiving satisfactory
14 evidence of any violation of the restrictions of such license
15 or permit suspend, revoke or cancel the same without
16 preliminary hearing, but the licensee or permittee shall be
17 entitled to a hearing as in the case of a suspension or
18 revocation.

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

22 (f) Whenever the holder of a restricted driving permit is
23 issued a citation for any of the following offenses including
24 similar local ordinances, the restricted driving permit is
25 immediately invalidated:

26 1. Reckless homicide resulting from the operation of a

1 motor vehicle;

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

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

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

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

12 The police officer issuing the citation shall confiscate
13 the restricted driving permit and forward it, along with the
14 citation, to the Clerk of the Circuit Court of the county in
15 which the citation was issued.

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

24 1. Possess a valid driver's license and have operated a
25 motor vehicle during daylight hours for a period of 12
26 months using vision aid arrangements other than standard

1 eyeglasses or contact lenses.

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

7 3. Successfully complete a road test administered
8 during nighttime hours.

9 The special restricted license holder must submit to the
10 Secretary annually a vision specialist report from his or her
11 ophthalmologist or optometrist that the special restricted
12 license holder's vision has not changed. If the special
13 restricted license holder fails to submit this vision
14 specialist report the special restricted license shall be
15 cancelled under Section 6-201 of this Code.

16 At a minimum, all drivers renewing this license must meet
17 the following requirements:

18 1. Successfully complete a road test administered
19 during nighttime hours.

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

25 (h) Any driver issued a special restricted license as
26 defined in subsection (g) whose privilege to drive during

1 nighttime hours has been suspended due to an accident occurring
2 during nighttime hours may request a hearing as provided in
3 Section 2-118 of this Code to contest that suspension. If it is
4 determined that the accident for which the driver was at fault
5 was not influenced by the driver's use of vision aid
6 arrangements other than standard eyeglasses or contact lenses,
7 the Secretary may reinstate that driver's privilege to drive
8 during nighttime hours.

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

10 (625 ILCS 5/6-201)

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

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

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

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

16 or

17 2. failed to give the required or correct information
18 in his application; or

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

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

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

1 6. has refused or neglected to submit an alcohol, drug,
2 and intoxicating compound evaluation or to submit to
3 examination or re-examination as required under this Act;
4 or

5 7. has been convicted of violating the Cannabis Control
6 Act, the Illinois Controlled Substances Act, the
7 Methamphetamine Control and Community Protection Act, or
8 the Use of Intoxicating Compounds Act while that individual
9 was in actual physical control of a motor vehicle. For
10 purposes of this Section, any person placed on probation
11 under Section 10 of the Cannabis Control Act, Section 410
12 of the Illinois Controlled Substances Act, or Section 70 of
13 the Methamphetamine Control and Community Protection Act
14 shall not be considered convicted. Any person found guilty
15 of this offense, while in actual physical control of a
16 motor vehicle, shall have an entry made in the court record
17 by the judge that this offense did occur while the person
18 was in actual physical control of a motor vehicle and order
19 the clerk of the court to report the violation to the
20 Secretary of State as such. After the cancellation, the
21 Secretary of State shall not issue a new license or permit
22 for a period of one year after the date of cancellation.
23 However, upon application, the Secretary of State may, if
24 satisfied that the person applying will not endanger the
25 public safety, or welfare, issue a restricted driving
26 permit granting the privilege of driving a motor vehicle

1 between the petitioner's residence and petitioner's place
2 of employment or within the scope of the petitioner's
3 employment related duties, or to allow transportation for
4 the petitioner or a household member of the petitioner's
5 family for the receipt of necessary medical care, or
6 provide transportation for the petitioner to and from
7 alcohol or drug remedial or rehabilitative activity
8 recommended by a licensed service provider, or for the
9 petitioner to attend classes, as a student, in an
10 accredited educational institution. The petitioner must
11 demonstrate that no alternative means of transportation is
12 reasonably available; provided that the Secretary's
13 discretion shall be limited to cases where undue hardship,
14 as defined by the rules of the Secretary of State, would
15 result from a failure to issue such restricted driving
16 permit. In each case the Secretary of State may issue such
17 restricted driving permit for such period as he deems
18 appropriate, except that such permit shall expire within
19 one year from the date of issuance. A restricted driving
20 permit issued hereunder shall be subject to cancellation,
21 revocation and suspension by the Secretary of State in like
22 manner and for like cause as a driver's license issued
23 hereunder may be cancelled, revoked or suspended; except
24 that a conviction upon one or more offenses against laws or
25 ordinances regulating the movement of traffic shall be
26 deemed sufficient cause for the revocation, suspension or

1 cancellation of a restricted driving permit. The Secretary
2 of State may, as a condition to the issuance of a
3 restricted driving permit, require the applicant to
4 participate in a driver remedial or rehabilitative
5 program. In accordance with 49 C.F.R. 384, the Secretary of
6 State may not issue a restricted driving permit for the
7 operation of a commercial motor vehicle to a person holding
8 a CDL whose driving privileges have been revoked,
9 suspended, cancelled, or disqualified under this Code; or

10 8. failed to submit a report as required by Section
11 6-116.5 of this Code; or

12 9. has been convicted of a sex offense as defined in
13 the Sex Offender Registration Act. The driver's license
14 shall remain cancelled until the driver registers as a sex
15 offender as required by the Sex Offender Registration Act,
16 proof of the registration is furnished to the Secretary of
17 State and the sex offender provides proof of current
18 address to the Secretary; or

19 10. is ineligible for a license or permit under Section
20 6-107, 6-107.1, or 6-108 of this Code; or

21 11. refused or neglected to appear at a Driver Services
22 facility to have the license or permit corrected and a new
23 license or permit issued or to present documentation for
24 verification of identity; or

25 12. failed to submit a medical examiner's certificate
26 or medical variance as required by 49 C.F.R. 383.71 or

1 submitted a fraudulent medical examiner's certificate or
2 medical variance; or

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

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

8 15. has submitted acceptable documentation indicating
9 out-of-state residency to the Secretary of State to be
10 released from the requirement of showing proof of financial
11 responsibility in this State.

12 (b) Upon such cancellation the licensee or permittee must
13 surrender the license or permit so cancelled to the Secretary
14 of State.

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

19 (d) The Secretary of State may adopt rules to implement
20 this Section.

21 (Source: P.A. 97-208, eff. 1-1-12; 97-229, eff. 7-28-11;
22 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-178, eff.
23 1-1-14.)

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

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

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2 license or permit upon determining that the holder thereof:

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4 or

5 2. failed to give the required or correct information
6 in his application; or

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

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

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

14 6. has refused or neglected to submit an alcohol, drug,
15 and intoxicating compound evaluation or to submit to
16 examination or re-examination as required under this Act;
17 or

18 7. has been convicted of violating the Cannabis Control
19 Act, the Illinois Controlled Substances Act, the
20 Methamphetamine Control and Community Protection Act, or
21 the Use of Intoxicating Compounds Act while that individual
22 was in actual physical control of a motor vehicle. For
23 purposes of this Section, any person placed on probation
24 under Section 10 of the Cannabis Control Act, Section 410
25 of the Illinois Controlled Substances Act, or Section 70 of
26 the Methamphetamine Control and Community Protection Act

1 shall not be considered convicted. Any person found guilty
2 of this offense, while in actual physical control of a
3 motor vehicle, shall have an entry made in the court record
4 by the judge that this offense did occur while the person
5 was in actual physical control of a motor vehicle and order
6 the clerk of the court to report the violation to the
7 Secretary of State as such. After the cancellation, the
8 Secretary of State shall not issue a new license or permit
9 for a period of one year after the date of cancellation.
10 However, upon application, the Secretary of State may, if
11 satisfied that the person applying will not endanger the
12 public safety, or welfare, issue a restricted driving
13 permit granting the privilege of driving a motor vehicle
14 between the petitioner's residence and petitioner's place
15 of employment or within the scope of the petitioner's
16 employment related duties, or to allow transportation for
17 the petitioner or a household member of the petitioner's
18 family for the receipt of necessary medical care, or
19 provide transportation for the petitioner to and from
20 alcohol or drug remedial or rehabilitative activity
21 recommended by a licensed service provider, or for the
22 petitioner to attend classes, as a student, in an
23 accredited educational institution. The petitioner must
24 demonstrate that no alternative means of transportation is
25 reasonably available; provided that the Secretary's
26 discretion shall be limited to cases where undue hardship,

1 as defined by the rules of the Secretary of State, would
2 result from a failure to issue such restricted driving
3 permit. In each case the Secretary of State may issue such
4 restricted driving permit for such period as he deems
5 appropriate, except that such permit shall expire within
6 one year from the date of issuance. A restricted driving
7 permit issued hereunder shall be subject to cancellation,
8 revocation and suspension by the Secretary of State in like
9 manner and for like cause as a driver's license issued
10 hereunder may be cancelled, revoked or suspended; except
11 that a conviction upon one or more offenses against laws or
12 ordinances regulating the movement of traffic shall be
13 deemed sufficient cause for the revocation, suspension or
14 cancellation of a restricted driving permit. The Secretary
15 of State may, as a condition to the issuance of a
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18 program. In accordance with 49 C.F.R. 384, the Secretary of
19 State may not issue a restricted driving permit for the
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23 8. failed to submit a report as required by Section
24 6-116.5 of this Code; or

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26 the Sex Offender Registration Act. The driver's license

1 shall remain cancelled until the driver registers as a sex
2 offender as required by the Sex Offender Registration Act,
3 proof of the registration is furnished to the Secretary of
4 State and the sex offender provides proof of current
5 address to the Secretary; or

6 10. is ineligible for a license or permit under Section
7 6-107, 6-107.1, or 6-108 of this Code; or

8 11. refused or neglected to appear at a Driver Services
9 facility to have the license or permit corrected and a new
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11 verification of identity; or

12 12. failed to submit a medical examiner's certificate
13 or medical variance as required by 49 C.F.R. 383.71 or
14 submitted a fraudulent medical examiner's certificate or
15 medical variance; or

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

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

21 15. has submitted acceptable documentation indicating
22 out-of-state residency to the Secretary of State to be
23 released from the requirement of showing proof of financial
24 responsibility in this State; or.

25 16. ~~15.~~ was convicted of fraud relating to the testing
26 or issuance of a CDL or CLP, in which case only the CDL or

1 CLP shall be cancelled. After cancellation, the Secretary
2 shall not issue a CLP or CDL for a period of one year from
3 the date of cancellation; or -

4 17. has a special restricted license under subsection
5 (g) of Section 6-113 of this Code and failed to submit the
6 required annual vision specialist report that the special
7 restricted license holder's vision has not changed; or

8 18. has a special restricted license under subsection
9 (g) of Section 6-113 of this Code and was convicted or
10 received court supervision for a violation of this Code
11 that occurred during nighttime hours or was involved in a
12 motor vehicle accident during nighttime hours in which the
13 restricted license holder was at fault.

14 (b) Upon such cancellation the licensee or permittee must
15 surrender the license or permit so cancelled to the Secretary
16 of State.

17 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
18 Secretary of State shall have exclusive authority to grant,
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24 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-176, eff.
25 7-1-14; 98-178, eff. 1-1-14; revised 9-19-13.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.".