

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  
5 changing Sections 2-118, 6-205, 6-206, 6-206.1, and 6-208 and  
6 by adding Section 6-203.2 as follows:

7 (625 ILCS 5/2-118) (from Ch. 95 1/2, par. 2-118)

8 Sec. 2-118. Hearings.

9 (a) Upon the suspension, revocation or denial of the  
10 issuance of a license, driving privileges, permit,  
11 registration or certificate of title under this Code of any  
12 person the Secretary of State shall immediately notify such  
13 person in writing and upon his written request shall, within  
14 20 days after receipt thereof, set a date for a formal hearing  
15 to commence within 90 calendar days from the date of the  
16 written request for all requests related to a suspension,  
17 revocation, or the denial of the issuance of a license,  
18 driving privileges, permit, registration, or certificate of  
19 title occurring after July 1, 2002, in the County of Sangamon,  
20 the County of Jefferson, or the County of Cook, as such person  
21 may specify, unless both parties agree that such hearing may  
22 be held in some other county. The Secretary may require the  
23 payment of a fee of not more than \$50 for the filing of any

1 petition, motion, or request for hearing conducted pursuant to  
2 this Section. These fees must be deposited into the Secretary  
3 of State DUI Administration Fund, a special fund created in  
4 the State treasury, and, subject to appropriation and as  
5 directed by the Secretary of State, shall be used for  
6 operation of the Department of Administrative Hearings of the  
7 Office of the Secretary of State and for no other purpose. The  
8 Secretary shall establish by rule the amount and the  
9 procedures, terms, and conditions relating to these fees.

10 (b) At any time after the suspension, revocation or denial  
11 of a license, driving privileges, permit, registration or  
12 certificate of title of any person as hereinbefore referred  
13 to, the Secretary of State, in his or her discretion and  
14 without the necessity of a request by such person, may hold  
15 such a hearing, upon not less than 10 days' notice in writing,  
16 in the Counties of Sangamon, Jefferson, or Cook or in any other  
17 county agreed to by the parties.

18 (c) Upon any such hearing, the Secretary of State, or his  
19 authorized agent may administer oaths and issue subpoenas for  
20 the attendance of witnesses and the production of relevant  
21 books and records and may require an examination of such  
22 person. Upon any such hearing, the Secretary of State shall  
23 either rescind or, good cause appearing therefor, continue,  
24 change or extend the Order of Revocation or Suspension, or  
25 upon petition therefore and subject to the provisions of this  
26 Code, issue a restricted driving permit or reinstate the

1 license or permit of such person.

2 (d) All hearings and hearing procedures shall comply with  
3 requirements of the Constitution, so that no person is  
4 deprived of due process of law nor denied equal protection of  
5 the laws. All hearings shall be held before the Secretary of  
6 State or before such persons as may be designated by the  
7 Secretary of State and appropriate records of such hearings  
8 shall be kept. Where a transcript of the hearing is taken, the  
9 person requesting the hearing shall have the opportunity to  
10 order a copy thereof at his own expense. The Secretary of State  
11 shall enter an order upon any hearing conducted under this  
12 Section, related to a suspension, revocation, or the denial of  
13 the issuance of a license, permit, registration, or  
14 certificate of title occurring after July 1, 2002, within 90  
15 days of its conclusion and shall immediately notify the person  
16 in writing of his or her action.

17 (d-5) Any hearing over which the Secretary of State has  
18 jurisdiction because of a person's implied consent to testing  
19 of the person's blood, breath, other bodily substance, or  
20 urine for the presence of alcohol, drugs, or intoxicating  
21 compounds may be conducted upon a review of the official  
22 police reports. Either party, however, may subpoena the  
23 arresting officer and any other law enforcement officer who  
24 was involved in the petitioner's arrest or processing after  
25 arrest, as well as any other person whose testimony may be  
26 probative to the issues at the hearing. The failure of a law

1 enforcement officer to answer the subpoena shall be considered  
2 grounds for a continuance if, in the hearing officer's  
3 discretion, the continuance is appropriate. The failure of the  
4 arresting officer to answer a subpoena shall not, in and of  
5 itself, be considered grounds for the rescission of an implied  
6 consent suspension. Rather, the hearing shall proceed on the  
7 basis of the other evidence available, and the hearing officer  
8 shall assign this evidence whatever probative value is deemed  
9 appropriate. The decision whether to rescind shall be based  
10 upon the totality of the evidence.

11 (e) The action of the Secretary of State in suspending,  
12 revoking or denying any license, permit, registration, or  
13 certificate of title shall be subject to judicial review in  
14 the Circuit Court of Sangamon County, in the Circuit Court of  
15 Jefferson County, or in the Circuit Court of Cook County, and  
16 the provisions of the Administrative Review Law, and all  
17 amendments and modifications thereto, and the rules adopted  
18 pursuant thereto, are hereby adopted and shall apply to and  
19 govern every action for the judicial review of final acts or  
20 decisions of the Secretary of State hereunder.

21 (f) If permitted by administrative rule, a person may  
22 request an informal hearing at a Secretary of State driver  
23 services facility subject to availability of an informal  
24 hearing officer. The Secretary shall adopt administrative  
25 rules regarding the conduct of informal hearings. Informal  
26 hearings are not subject to the Illinois Administrative

1 Procedure Act or the Administrative Review Law.

2 (Source: P.A. 99-697, eff. 7-29-16.)

3 (625 ILCS 5/6-203.2 new)

4 Sec. 6-203.2. Credit for ignition interlock use. A person  
5 whose license was suspended and was issued a monitoring device  
6 driving permit under Section 6-206.1 and who is subsequently  
7 convicted of the underlying charge, for the same incident,  
8 shall be given credit for time served on the monitoring device  
9 driving permit toward any mandatory ignition interlock  
10 requirement resulting from the conviction if the person had no  
11 ignition interlock violations, as defined by the Secretary,  
12 while on the monitoring device driving permit.

13 (625 ILCS 5/6-205)

14 Sec. 6-205. Mandatory revocation of license or permit;  
15 hardship cases.

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

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

22 2. Violation of Section 11-501 of this Code or a  
23 similar provision of a local ordinance relating to the  
24 offense of operating or being in physical control of a

1 vehicle while under the influence of alcohol, other drug  
2 or drugs, intoxicating compound or compounds, or any  
3 combination thereof;

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

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

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

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

17 7. Conviction of any offense defined in Section 4-102  
18 of this Code if the person exercised actual physical  
19 control over the vehicle during the commission of the  
20 offense;

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

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

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

1           11. Violation of Section 11-204.1 of this Code  
2 relating to aggravated fleeing or attempting to elude a  
3 peace officer;

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

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

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

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

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

1 reduced by requesting an administrative hearing with the  
2 Secretary of State prior to the projected driver's license  
3 application eligibility date;

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

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

19 19. Violation of subsection (a) of Section 11-1414 of  
20 this Code, or a similar provision of a local ordinance,  
21 relating to the offense of overtaking or passing of a  
22 school bus when the driver, in committing the violation,  
23 is involved in a motor vehicle crash that results in death  
24 to another and the violation is a proximate cause of the  
25 death.

26 (b) The Secretary of State shall also immediately revoke

1 the license or permit of any driver in the following  
2 situations:

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

8 2. Of any person when any other law of this State  
9 requires either the revocation or suspension of a license  
10 or permit;

11 3. Of any person adjudicated under the Juvenile Court  
12 Act of 1987 based on an offense determined to have been  
13 committed in furtherance of the criminal activities of an  
14 organized gang as provided in Section 5-710 of that Act,  
15 and that involved the operation or use of a motor vehicle  
16 or the use of a driver's license or permit. The revocation  
17 shall remain in effect for the period determined by the  
18 court.

19 (c) (1) Whenever a person is convicted of any of the  
20 offenses enumerated in this Section, ~~the court may recommend~~  
21 and the use of alcohol or other drugs is not stated as an  
22 element of the offense, the Secretary of State in his  
23 discretion, ~~without regard to whether the recommendation is~~  
24 ~~made by the court may,~~ upon application, issue to the person a  
25 restricted driving permit granting the privilege of driving a  
26 motor vehicle between the petitioner's residence and

1 petitioner's place of employment or within the scope of the  
2 petitioner's employment related duties, or to allow the  
3 petitioner to transport himself or herself or a family member  
4 of the petitioner's household to a medical facility for the  
5 receipt of necessary medical care or to allow the petitioner  
6 to transport himself or herself to and from alcohol or drug  
7 remedial or rehabilitative activity recommended by a licensed  
8 service provider, or to allow the petitioner to transport  
9 himself or herself or a family member of the petitioner's  
10 household to classes, as a student, at an accredited  
11 educational institution, or to allow the petitioner to  
12 transport children, elderly persons, or persons with  
13 disabilities who do not hold driving privileges and are living  
14 in the petitioner's household to and from daycare; if the  
15 petitioner is able to demonstrate that no alternative means of  
16 transportation is reasonably available and that the petitioner  
17 will not endanger the public safety or welfare; provided that  
18 the Secretary's discretion shall be limited to cases where  
19 undue hardship, as defined by the rules of the Secretary of  
20 State, would result from a failure to issue the restricted  
21 driving permit. If a person is convicted of any of the offenses  
22 enumerated in this Section and the use of alcohol or other  
23 drugs is stated as an element of the offense, the Secretary may  
24 in the Secretary's discretion, upon application, issue to the  
25 person a restricted driving permit granting the privilege of  
26 driving a motor vehicle without regard to hardship under the

1 parameters set forth by the Secretary. The Secretary may adopt  
2 administrative rules for the issuance of other types of  
3 restricted driving permits that may be issued prior to and  
4 after eligibility date for reinstatement in order to protect  
5 and further the public safety and welfare.

6 (1.5) A person subject to the provisions of paragraph 4 of  
7 subsection (b) of Section 6-208 of this Code may make  
8 application for a restricted driving permit at a hearing  
9 conducted under Section 2-118 of this Code after the  
10 expiration of 5 years from the effective date of the most  
11 recent revocation, or after 5 years from the date of release  
12 from a period of imprisonment resulting from a conviction of  
13 the most recent offense, whichever is later, provided the  
14 person, in addition to all other requirements of the  
15 Secretary, shows by clear and convincing evidence:

16 (A) a minimum of 3 years of uninterrupted abstinence  
17 from alcohol and the unlawful use or consumption of  
18 cannabis under the Cannabis Control Act, a controlled  
19 substance under the Illinois Controlled Substances Act, an  
20 intoxicating compound under the Use of Intoxicating  
21 Compounds Act, or methamphetamine under the  
22 Methamphetamine Control and Community Protection Act; and

23 (B) the successful completion of any rehabilitative  
24 treatment and involvement in any ongoing rehabilitative  
25 activity that may be recommended by a properly licensed  
26 service provider according to an assessment of the

1 person's alcohol or drug use under Section 11-501.01 of  
2 this Code.

3 In determining whether an applicant is eligible for a  
4 restricted driving permit under this paragraph (1.5), the  
5 Secretary may consider any relevant evidence, including, but  
6 not limited to, testimony, affidavits, records, and the  
7 results of regular alcohol or drug tests. Persons subject to  
8 the provisions of paragraph 4 of subsection (b) of Section  
9 6-208 of this Code and who have been convicted of more than one  
10 violation of paragraph (3), paragraph (4), or paragraph (5) of  
11 subsection (a) of Section 11-501 of this Code shall not be  
12 eligible to apply for a restricted driving permit.

13 A restricted driving permit issued under this paragraph  
14 (1.5) shall provide that the holder may only operate motor  
15 vehicles equipped with an ignition interlock device as  
16 required under paragraph (2) of subsection (c) of this Section  
17 and subparagraph (A) of paragraph 3 of subsection (c) of  
18 Section 6-206 of this Code. The Secretary may revoke a  
19 restricted driving permit or amend the conditions of a  
20 restricted driving permit issued under this paragraph (1.5) if  
21 the holder operates a vehicle that is not equipped with an  
22 ignition interlock device, or for any other reason authorized  
23 under this Code.

24 A restricted driving permit issued under this paragraph  
25 (1.5) shall be revoked, and the holder barred from applying  
26 for or being issued a restricted driving permit in the future,

1 if the holder is subsequently convicted of a violation of  
2 Section 11-501 of this Code, a similar provision of a local  
3 ordinance, ~~or~~ a similar offense in another state, or a similar  
4 offense committed on a military installation.

5 (2) If a person's license, ~~or~~ permit, or driving privilege  
6 is revoked or suspended due to one ~~2~~ or more convictions of  
7 violating Section 11-501 of this Code or a similar provision  
8 of a local ordinance, ~~or~~ a similar out-of-state offense, or a  
9 similar offense committed on a military installation, or  
10 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
11 of 2012, where the use of alcohol or other drugs is stated  
12 ~~recited~~ as an element of the offense, or a similar  
13 out-of-state offense, or a similar offense committed on a  
14 military installation ~~combination of these offenses, arising~~  
15 ~~out of separate occurrences,~~ that person, if issued a  
16 restricted driving permit, may not operate a vehicle unless it  
17 has been equipped with an ignition interlock device as defined  
18 in Section 1-129.1.

19 (3) If:

20 (A) a person's license, ~~or~~ permit, or driving  
21 privilege is revoked or suspended 2 or more times due to  
22 any combination of:

23 (i) a single conviction of violating Section  
24 11-501 of this Code or a similar provision of a local  
25 ordinance or a similar out-of-state offense, or a  
26 similar offense committed on a military installation,

1 or Section 9-3 of the Criminal Code of 1961 or the  
2 Criminal Code of 2012, where the use of alcohol or  
3 other drugs is stated ~~recited~~ as an element of the  
4 offense, or a similar out-of-state offense or a  
5 similar offense committed on a military installation;  
6 or

7 (ii) a statutory summary suspension or revocation  
8 under Section 11-501.1, a suspension under subsection  
9 (6) of paragraph (a) of Section 6-206 where alcohol or  
10 other drugs is stated as an element of the offense or a  
11 suspension under subsection (31) of paragraph (a) of  
12 Section 6-206; or

13 (iii) a suspension pursuant to Section 6-203.1; or

14 (iv) a single disposition of court supervision of  
15 violating Section 11-501 or a similar provision of a  
16 local ordinance or a similar out-of-state offense; or

17 (v) a single conviction of or disposition of court  
18 supervision of violating Section 11-503, a similar  
19 provision of a local ordinance or a similar  
20 out-of-state offense if the original charge was a  
21 violation of Section 11-501, or a similar provision of  
22 a local ordinance or a similar out-of-state offense;

23 arising out of separate occurrences; or

24 (B) a person has been convicted of one violation of  
25 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
26 of Section 11-501 of this Code, Section 9-3 of the

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

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

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

14 (5) The Secretary may grant an employment exception to ~~If~~  
15 ~~the restricted driving permit is issued for employment~~  
16 ~~purposes, then~~ the prohibition against operating a motor  
17 vehicle that is not equipped with an ignition interlock device  
18 if the person is operating ~~does not apply to the operation of~~  
19 an occupational vehicle owned or leased by that person's  
20 employer when used solely for employment purposes. For any  
21 person who, within a 5-year period, is convicted of a second or  
22 subsequent offense under Section 11-501 of this Code, or a  
23 similar provision of a local ordinance or similar out-of-state  
24 offense, or a similar offense committed on a military  
25 installation, this employment exemption does not apply until  
26 either a one-year period has elapsed during which that person

1 had his or her driving privileges revoked or a one-year period  
2 has elapsed during which that person had a restricted driving  
3 permit which required the use of an ignition interlock device  
4 on every motor vehicle owned or operated by that person.

5 (6) In each case the Secretary of State may issue a  
6 restricted driving permit for a period he deems appropriate,  
7 except that the permit shall expire no later than 2 years from  
8 the date of issuance. A restricted driving permit issued under  
9 this Section shall be subject to cancellation, revocation, and  
10 suspension by the Secretary of State in like manner and for  
11 like cause as a driver's license issued under this Code may be  
12 cancelled, revoked, or suspended; except that a conviction  
13 upon one or more offenses against laws or ordinances  
14 regulating the movement of traffic shall be deemed sufficient  
15 cause for the revocation, suspension, or cancellation of a  
16 restricted driving permit. The Secretary of State may, as a  
17 condition to the issuance of a restricted driving permit,  
18 require the petitioner to participate in a designated driver  
19 remedial or rehabilitative program. The Secretary of State is  
20 authorized to cancel a restricted driving permit if the permit  
21 holder does not successfully complete the program. However, if  
22 an individual's driving privileges have been revoked in  
23 accordance with paragraph 13 of subsection (a) of this  
24 Section, no restricted driving permit shall be issued until  
25 the individual has served 6 months of the revocation period.

26 (c-5) (Blank).

1 (c-6) If a person is convicted of a second violation of  
2 operating a motor vehicle while the person's driver's license,  
3 permit or privilege was revoked, where the revocation was for  
4 a violation of Section 9-3 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 relating to the offense of reckless  
6 homicide or subparagraph (F) of paragraph (1) of subsection  
7 (d) of Section 11-501 of this Code or a similar out-of-state  
8 offense or a similar offense committed on a military  
9 installation, the person's driving privileges shall be revoked  
10 pursuant to subdivision (a)(15) of this Section. The person  
11 may not make application for a license or permit until the  
12 expiration of five years from the effective date of the  
13 revocation or the expiration of five years from the date of  
14 release from a term of imprisonment, 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 subparagraph (F) of paragraph  
21 (1) of subsection (d) of Section 11-501 of this Code or a  
22 similar out-of-state offense or a similar offense committed on  
23 a military installation, the person may never apply for a  
24 license or permit.

25 (d) (1) Whenever a person under the age of 21 is convicted  
26 under Section 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense or a similar  
2 offense committed on a military installation, the Secretary of  
3 State shall revoke the driving privileges of that person. One  
4 year after the date of revocation, and upon application, the  
5 Secretary of State may, if satisfied that the person applying  
6 will not endanger the public safety or welfare, issue a  
7 restricted driving permit granting the privilege of driving a  
8 motor vehicle only without regard to hardship under the  
9 parameters set forth by the Secretary ~~between the hours of 5~~  
10 ~~a.m. and 9 p.m. or as otherwise provided by this Section~~ for a  
11 period of one year. After this one-year period, and upon  
12 reapplication for a license as provided in Section 6-106, upon  
13 payment of the appropriate reinstatement fee provided under  
14 paragraph (b) of Section 6-118, the Secretary of State, in his  
15 discretion, may reinstate the petitioner's driver's license  
16 and driving privileges, or extend the restricted driving  
17 permit as many times as the Secretary of State deems  
18 appropriate, by additional periods of not more than 24 months  
19 each.

20 (2) If a person's license, ~~or~~ permit, or driving privilege  
21 is revoked or suspended due to one ~~2~~ or more convictions of  
22 violating Section 11-501 of this Code or a similar provision  
23 of a local ordinance or a similar out-of-state offense, or a  
24 similar offense committed on a military installation, or  
25 Section 9-3 of the Criminal Code of 1961 or the Criminal Code  
26 of 2012, where the use of alcohol or other drugs is stated

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

8 (3) If a person's license, ~~or permit,~~ or driving privilege  
9 is revoked or suspended 2 or more times due to any combination  
10 of:

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

20 (B) a statutory summary suspension or revocation under  
21 Section 11-501.1, a suspension under paragraph (6) of  
22 subsection (a) of Section 6-206 where alcohol or other  
23 drugs is stated as an element of the offense, or a  
24 suspension under paragraph (31) of subsection (a) of  
25 Section 6-206; ~~or~~

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

1           (D) a single disposition of court supervision of  
2           violating Section 11-501 or a similar provision of a local  
3           ordinance or a similar out-of-state offense; or

4           (E) a single conviction or disposition of court  
5           supervision of violating Section 11-503, a similar  
6           provision of a local ordinance, or a similar out-of-state  
7           offense if the original charge was a violation of Section  
8           11-501 or a similar provision of a local ordinance or a  
9           similar out-of-state offense;

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

14           (3.5) If a person's license, ~~or~~ permit, or driving  
15           privilege is revoked or suspended due to a conviction for a  
16           violation of subparagraph (C) or (F) of paragraph (1) of  
17           subsection (d) of Section 11-501 of this Code, or a similar  
18           provision of a local ordinance or similar out-of-state  
19           offense, that person, if issued a restricted driving permit,  
20           may not operate a vehicle unless it has been equipped with an  
21           ignition interlock device as defined in Section 1-129.1.

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

1           (5) The Secretary may grant an employment exception to ~~If~~  
2 ~~the restricted driving permit is issued for employment~~  
3 ~~purposes, then~~ the prohibition against driving a vehicle that  
4 is not equipped with an ignition interlock device if the  
5 person is operating ~~does not apply to the operation of~~ an  
6 occupational vehicle owned or leased by that person's employer  
7 when used solely for employment purposes. For any person who,  
8 within a 5-year period, is convicted of a second or subsequent  
9 offense under Section 11-501 of this Code, or a similar  
10 provision of a local ordinance or similar out-of-state offense  
11 or a similar offense committed on a military installation,  
12 this employment exemption does not apply until either a  
13 one-year period has elapsed during which that person had his  
14 or her driving privileges revoked or a one-year period has  
15 elapsed during which that person had a restricted driving  
16 permit which required the use of an ignition interlock device  
17 on every motor vehicle owned or operated by that person.

18           (6) A restricted driving permit issued under this Section  
19 shall be subject to cancellation, revocation, and suspension  
20 by the Secretary of State in like manner and for like cause as  
21 a driver's license issued under this Code may be cancelled,  
22 revoked, or suspended; except that a conviction upon one or  
23 more offenses against laws or ordinances regulating the  
24 movement of traffic shall be deemed sufficient cause for the  
25 revocation, suspension, or cancellation of a restricted  
26 driving permit.

1 (d-5) The revocation of the license, permit, or driving  
2 privileges of a person convicted of a third or subsequent  
3 violation of Section 6-303 of this Code committed while his or  
4 her driver's license, permit, or privilege was revoked because  
5 of a violation of Section 9-3 of the Criminal Code of 1961 or  
6 the Criminal Code of 2012, relating to the offense of reckless  
7 homicide or subparagraph (F) of paragraph (1) of subsection  
8 (d) of Section 11-501 of this Code, or a similar provision of a  
9 law of another state or military installation, is permanent.  
10 The Secretary may not, at any time, issue a license or permit  
11 to that person.

12 (e) This Section is subject to the provisions of the  
13 Driver License Compact.

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

18 (g) The Secretary of State shall not issue a restricted  
19 driving permit to a person under the age of 16 years whose  
20 driving privileges have been revoked under any provisions of  
21 this Code.

22 (h) The Secretary of State shall require the use of  
23 ignition interlock devices for a period not less than 5 years  
24 on all vehicles owned by a person who has been convicted of a  
25 second or subsequent offense under Section 11-501 of this Code  
26 or a similar provision of a local ordinance or a similar

1 out-of-state offense or a similar offense committed on a  
2 military installation. The person must pay to the Secretary of  
3 State DUI Administration Fund an amount not to exceed \$30 for  
4 each month that he or she uses the device. The Secretary shall  
5 establish by rule and regulation the procedures for  
6 certification and use of the interlock system, the amount of  
7 the fee, and the procedures, terms, and conditions relating to  
8 these fees. During the time period in which a person is  
9 required to install an ignition interlock device under this  
10 subsection (h), that person shall only operate vehicles in  
11 which ignition interlock devices have been installed, except  
12 as allowed by subdivision (c) (5) or (d) (5) of this Section.  
13 Regardless of whether an exemption under subdivision (c) (5)  
14 or (d) (5) applies, every person subject to this subsection  
15 shall not be eligible for reinstatement until the person  
16 installs an ignition interlock device and maintains the  
17 ignition interlock device for 5 years.

18 (i) (Blank).

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

24 (k) The Secretary of State shall notify by mail any person  
25 whose driving privileges have been revoked under paragraph 16  
26 of subsection (a) of this Section that his or her driving

1 privileges and driver's license will be revoked 90 days from  
2 the date of the mailing of the notice.

3 (Source: P.A. 101-623, eff. 7-1-20; 102-299, eff. 8-6-21;  
4 102-982, eff. 7-1-23.)

5 (625 ILCS 5/6-206)

6 Sec. 6-206. Discretionary authority to suspend or revoke  
7 license or permit; right to a hearing.

8 (a) The Secretary of State is authorized to suspend or  
9 revoke the driving privileges of any person without  
10 preliminary hearing upon a showing of the person's records or  
11 other sufficient evidence that the person:

12 1. Has committed an offense for which mandatory  
13 revocation of a driver's license or permit is required  
14 upon conviction;

15 2. Has been convicted of not less than 3 offenses  
16 against traffic regulations governing the movement of  
17 vehicles committed within any 12-month period. No  
18 revocation or suspension shall be entered more than 6  
19 months after the date of last conviction;

20 3. Has been repeatedly involved as a driver in motor  
21 vehicle collisions or has been repeatedly convicted of  
22 offenses against laws and ordinances regulating the  
23 movement of traffic, to a degree that indicates lack of  
24 ability to exercise ordinary and reasonable care in the  
25 safe operation of a motor vehicle or disrespect for the

1 traffic laws and the safety of other persons upon the  
2 highway;

3 4. Has by the unlawful operation of a motor vehicle  
4 caused or contributed to a crash resulting in injury  
5 requiring immediate professional treatment in a medical  
6 facility or doctor's office to any person, except that any  
7 suspension or revocation imposed by the Secretary of State  
8 under the provisions of this subsection shall start no  
9 later than 6 months after being convicted of violating a  
10 law or ordinance regulating the movement of traffic, which  
11 violation is related to the crash, or shall start not more  
12 than one year after the date of the crash, whichever date  
13 occurs later;

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

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

20 7. Has refused or failed to submit to an examination  
21 provided for by Section 6-207 or has failed to pass the  
22 examination;

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

25 9. Has made a false statement or knowingly concealed a  
26 material fact or has used false information or

1 identification in any application for a license,  
2 identification card, or permit;

3 10. Has possessed, displayed, or attempted to  
4 fraudulently use any license, identification card, or  
5 permit not issued to the person;

6 11. Has operated a motor vehicle upon a highway of  
7 this State when the person's driving privilege or  
8 privilege to obtain a driver's license or permit was  
9 revoked or suspended unless the operation was authorized  
10 by a monitoring device driving permit, judicial driving  
11 permit issued prior to January 1, 2009, probationary  
12 license to drive, or restricted driving permit issued  
13 under this Code;

14 12. Has submitted to any portion of the application  
15 process for another person or has obtained the services of  
16 another person to submit to any portion of the application  
17 process for the purpose of obtaining a license,  
18 identification card, or permit for some other person;

19 13. Has operated a motor vehicle upon a highway of  
20 this State when the person's driver's license or permit  
21 was invalid under the provisions of Sections 6-107.1 and  
22 6-110;

23 14. Has committed a violation of Section 6-301,  
24 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
25 14B of the Illinois Identification Card Act or a similar  
26 offense in another state if, at the time of the offense,

1 the person held an Illinois driver's license or  
2 identification card;

3 15. Has been convicted of violating Section 21-2 of  
4 the Criminal Code of 1961 or the Criminal Code of 2012  
5 relating to criminal trespass to vehicles if the person  
6 exercised actual physical control over the vehicle during  
7 the commission of the offense, in which case the  
8 suspension shall be for one year;

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

11 17. Has refused to submit to a test, or tests, as  
12 required under Section 11-501.1 of this Code and the  
13 person has not sought a hearing as provided for in Section  
14 11-501.1;

15 18. (Blank);

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

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

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

25 22. Has used a motor vehicle in violating paragraph  
26 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of

1 the Criminal Code of 1961 or the Criminal Code of 2012  
2 relating to unlawful possession of weapons, in which case  
3 the suspension shall be for one year;

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

8 24. Has been convicted by a court-martial or punished  
9 by non-judicial punishment by military authorities of the  
10 United States at a military installation in Illinois or in  
11 another state of or for a traffic-related offense that is  
12 the same as or similar to an offense specified under  
13 Section 6-205 or 6-206 of this Code;

14 25. Has permitted any form of identification to be  
15 used by another in the application process in order to  
16 obtain or attempt to obtain a license, identification  
17 card, or permit;

18 26. Has altered or attempted to alter a license or has  
19 possessed an altered license, identification card, or  
20 permit;

21 27. (Blank);

22 28. Has been convicted for a first time of the illegal  
23 possession, while operating or in actual physical control,  
24 as a driver, of a motor vehicle, of any controlled  
25 substance prohibited under the Illinois Controlled  
26 Substances Act, any cannabis prohibited under the Cannabis

1 Control Act, or any methamphetamine prohibited under the  
2 Methamphetamine Control and Community Protection Act, in  
3 which case the person's driving privileges shall be  
4 suspended for one year. Any defendant found guilty of this  
5 offense while operating a motor vehicle shall have an  
6 entry made in the court record by the presiding judge that  
7 this offense did occur while the defendant was operating a  
8 motor vehicle and order the clerk of the court to report  
9 the violation to the Secretary of State;

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

24 30. Has been convicted a second or subsequent time for  
25 any combination of the offenses named in paragraph 29 of  
26 this subsection, in which case the person's driving

1 privileges shall be suspended for 5 years;

2 31. Has refused to submit to a test as required by  
3 Section 11-501.6 of this Code or Section 5-16c of the Boat  
4 Registration and Safety Act or has submitted to a test  
5 resulting in an alcohol concentration of 0.08 or more or  
6 any amount of a drug, substance, or compound resulting  
7 from the unlawful use or consumption of cannabis as listed  
8 in the Cannabis Control Act, a controlled substance as  
9 listed in the Illinois Controlled Substances Act, an  
10 intoxicating compound as listed in the Use of Intoxicating  
11 Compounds Act, or methamphetamine as listed in the  
12 Methamphetamine Control and Community Protection Act, in  
13 which case the penalty shall be as prescribed in Section  
14 6-208.1;

15 32. Has been convicted of Section 24-1.2 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012  
17 relating to the aggravated discharge of a firearm if the  
18 offender was located in a motor vehicle at the time the  
19 firearm was discharged, in which case the suspension shall  
20 be for 3 years;

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

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

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

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

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

12           38. Has been convicted of a violation of Section 6-20  
13 of the Liquor Control Act of 1934 or a similar provision of  
14 a local ordinance and the person was an occupant of a motor  
15 vehicle at the time of the violation;

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

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

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

25           42. Has committed a violation of subsection (a-1) of  
26 Section 11-1301.3 of this Code or a similar provision of a

1 local ordinance;

2 43. Has received a disposition of court supervision  
3 for a violation of subsection (a), (d), or (e) of Section  
4 6-20 of the Liquor Control Act of 1934 or a similar  
5 provision of a local ordinance and the person was an  
6 occupant of a motor vehicle at the time of the violation,  
7 in which case the suspension shall be for a period of 3  
8 months;

9 44. Is under the age of 21 years at the time of arrest  
10 and has been convicted of an offense against traffic  
11 regulations governing the movement of vehicles after  
12 having previously had his or her driving privileges  
13 suspended or revoked pursuant to subparagraph 36 of this  
14 Section;

15 45. Has, in connection with or during the course of a  
16 formal hearing conducted under Section 2-118 of this Code:  
17 (i) committed perjury; (ii) submitted fraudulent or  
18 falsified documents; (iii) submitted documents that have  
19 been materially altered; or (iv) submitted, as his or her  
20 own, documents that were in fact prepared or composed for  
21 another person;

22 46. Has committed a violation of subsection (j) of  
23 Section 3-413 of this Code;

24 47. Has committed a violation of subsection (a) of  
25 Section 11-502.1 of this Code;

26 48. Has submitted a falsified or altered medical

1           examiner's certificate to the Secretary of State or  
2           provided false information to obtain a medical examiner's  
3           certificate;

4           49. Has been convicted of a violation of Section  
5           11-1002 or 11-1002.5 that resulted in a Type A injury to  
6           another, in which case the driving privileges of the  
7           person shall be suspended for 12 months;

8           50. Has committed a violation of subsection (b-5) of  
9           Section 12-610.2 that resulted in great bodily harm,  
10          permanent disability, or disfigurement, in which case the  
11          driving privileges of the person shall be suspended for 12  
12          months;

13          51. Has committed a violation of Section 10-15 Of the  
14          Cannabis Regulation and Tax Act or a similar provision of  
15          a local ordinance while in a motor vehicle; or

16          52. Has committed a violation of subsection (b) of  
17          Section 10-20 of the Cannabis Regulation and Tax Act or a  
18          similar provision of a local ordinance.

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

26          (b) If any conviction forming the basis of a suspension or

1 revocation authorized under this Section is appealed, the  
2 Secretary of State may rescind or withhold the entry of the  
3 order of suspension or revocation, as the case may be,  
4 provided that a certified copy of a stay order of a court is  
5 filed with the Secretary of State. If the conviction is  
6 affirmed on appeal, the date of the conviction shall relate  
7 back to the time the original judgment of conviction was  
8 entered and the 6-month limitation prescribed shall not apply.

9 (c) 1. Upon suspending or revoking the driver's license,  
10 ~~or permit,~~ or driving privilege of any person as authorized in  
11 this Section, the Secretary of State shall immediately notify  
12 the person in writing of the revocation or suspension. The  
13 notice to be deposited in the United States mail, postage  
14 prepaid, to the last known address of the person.

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

1 setting forth the facts of the person's occupation. The  
2 affidavit shall also state the number of offenses committed  
3 while operating a vehicle in connection with the driver's  
4 regular occupation. The affidavit shall be accompanied by the  
5 driver's license. Upon receipt of a properly completed  
6 affidavit, the Secretary of State shall issue the driver a  
7 permit to operate a vehicle in connection with the driver's  
8 regular occupation only. Unless the permit is issued by the  
9 Secretary of State prior to the date of suspension, the  
10 privilege to drive any motor vehicle shall be suspended as set  
11 forth in the notice that was mailed under this Section. If an  
12 affidavit is received subsequent to the effective date of this  
13 suspension, a permit may be issued for the remainder of the  
14 suspension period.

15 The provisions of this subparagraph shall not apply to any  
16 driver required to possess a CDL for the purpose of operating a  
17 commercial motor vehicle.

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

22 3. At the conclusion of a hearing under Section 2-118 of  
23 this Code, the Secretary of State shall either rescind or  
24 continue an order of revocation or shall substitute an order  
25 of suspension; or, good cause appearing therefor, rescind,  
26 continue, change, or extend the order of suspension. If the

1 Secretary of State does not rescind the order and the use of  
2 alcohol or other drugs is not stated as an element of the  
3 offense, the Secretary may upon application, to relieve undue  
4 hardship (as defined by the rules of the Secretary of State),  
5 issue a restricted driving permit granting the privilege of  
6 driving a motor vehicle between the petitioner's residence and  
7 petitioner's place of employment or within the scope of the  
8 petitioner's employment-related duties, or to allow the  
9 petitioner to transport himself or herself, or a family member  
10 of the petitioner's household to a medical facility, to  
11 receive necessary medical care, to allow the petitioner to  
12 transport himself or herself to and from alcohol or drug  
13 remedial or rehabilitative activity recommended by a licensed  
14 service provider, or to allow the petitioner to transport  
15 himself or herself or a family member of the petitioner's  
16 household to classes, as a student, at an accredited  
17 educational institution, or to allow the petitioner to  
18 transport children, elderly persons, or persons with  
19 disabilities who do not hold driving privileges and are living  
20 in the petitioner's household to and from daycare. The  
21 petitioner must demonstrate that no alternative means of  
22 transportation is reasonably available and that the petitioner  
23 will not endanger the public safety or welfare. If a person is  
24 convicted of any offenses enumerated in this Section and the  
25 use of alcohol or other drugs is stated as an element of the  
26 offense, the Secretary may in the Secretary's discretion, upon

1 application, issue to the person a restricted driving permit  
2 granting the privilege of driving a motor vehicle without  
3 regard to hardship under the parameters set forth by the  
4 Secretary. The Secretary may adopt administrative rules for  
5 the issuance of other types of restricted driving permits that  
6 may be issued prior to and after eligibility date for  
7 reinstatement in order to protect and further the public  
8 safety and welfare.

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

24 (B) If a person's license, ~~or~~ permit, or driving  
25 privilege is revoked or suspended 2 or more times due to  
26 any combination of:

1 (i) a single conviction of violating Section  
2 11-501 of this Code or a similar provision of a local  
3 ordinance or a similar out-of-state offense or a  
4 similar offense committed on a military installation  
5 or Section 9-3 of the Criminal Code of 1961 or the  
6 Criminal Code of 2012, where the use of alcohol or  
7 other drugs is stated ~~recited~~ as an element of the  
8 offense, or a similar out-of-state offense or a  
9 similar offense committed on a military installation;  
10 or

11 (ii) a statutory summary suspension or revocation  
12 under Section 11-501.1 or a suspension under paragraph  
13 (6) of subsection (a) of Section 6-206 where alcohol  
14 or other drugs is stated as an element of the offense  
15 or a suspension under paragraph (31) of subsection (a)  
16 of Section 6-206; ~~or~~

17 (iii) a suspension under Section 6-203.1;

18 (iv) a single disposition of court supervision of  
19 violating Section 11-501 or a similar provision of a  
20 local ordinance or a similar out-of-state offense; or

21 (v) a single conviction or disposition of court  
22 supervision of violating Section 11-503, a similar  
23 provision of a local ordinance or a similar  
24 out-of-state offense if the original charge was a  
25 violation of Section 11-501 or a similar provision of  
26 a local ordinance or a similar out-of-state offense;

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

5 (B-5) If a person's license, ~~or~~ permit, or driving  
6 privilege is revoked or suspended due to a conviction for  
7 a violation of subparagraph (C) or (F) of paragraph (1) of  
8 subsection (d) of Section 11-501 of this Code, or a  
9 similar provision of a local ordinance or similar  
10 out-of-state offense or a similar offense committed on a  
11 military installation, that person, if issued a restricted  
12 driving permit, may not operate a vehicle unless it has  
13 been equipped with an ignition interlock device as defined  
14 in Section 1-129.1.

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

21 (D) The Secretary may grant an employment exception to  
22 ~~If the restricted driving permit is issued for employment~~  
23 ~~purposes, then~~ the prohibition against operating a motor  
24 vehicle that is not equipped with an ignition interlock  
25 device to a person operating ~~does not apply to the~~  
26 ~~operation of~~ an occupational vehicle owned or leased by

1 that person's employer when used solely for employment  
2 purposes. For any person who, within a 5-year period, is  
3 convicted of a second or subsequent offense under Section  
4 11-501 of this Code, or a similar provision of a local  
5 ordinance or similar out-of-state offense or a similar  
6 offense committed on a military installation, this  
7 employment exemption does not apply until either a  
8 one-year period has elapsed during which that person had  
9 his or her driving privileges revoked or a one-year period  
10 has elapsed during which that person had a restricted  
11 driving permit which required the use of an ignition  
12 interlock device on every motor vehicle owned or operated  
13 by that person.

14 (E) In each case the Secretary may issue a restricted  
15 driving permit for a period deemed appropriate, except  
16 that all permits shall expire no later than 2 years from  
17 the date of issuance. A restricted driving permit issued  
18 under this Section shall be subject to cancellation,  
19 revocation, and suspension by the Secretary of State in  
20 like manner and for like cause as a driver's license  
21 issued under this Code may be cancelled, revoked, or  
22 suspended; except that a conviction upon one or more  
23 offenses against laws or ordinances regulating the  
24 movement of traffic shall be deemed sufficient cause for  
25 the revocation, suspension, or cancellation of a  
26 restricted driving permit. The Secretary of State may, as

1 a condition to the issuance of a restricted driving  
2 permit, require the applicant to participate in a  
3 designated driver remedial or rehabilitative program. The  
4 Secretary of State is authorized to cancel a restricted  
5 driving permit if the permit holder does not successfully  
6 complete the program.

7 (F) A person subject to the provisions of paragraph 4  
8 of subsection (b) of Section 6-208 of this Code may make  
9 application for a restricted driving permit at a hearing  
10 conducted under Section 2-118 of this Code after the  
11 expiration of 5 years from the effective date of the most  
12 recent revocation or after 5 years from the date of  
13 release from a period of imprisonment resulting from a  
14 conviction of the most recent offense, whichever is later,  
15 provided the person, in addition to all other requirements  
16 of the Secretary, shows by clear and convincing evidence:

17 (i) a minimum of 3 years of uninterrupted  
18 abstinence from alcohol and the unlawful use or  
19 consumption of cannabis under the Cannabis Control  
20 Act, a controlled substance under the Illinois  
21 Controlled Substances Act, an intoxicating compound  
22 under the Use of Intoxicating Compounds Act, or  
23 methamphetamine under the Methamphetamine Control and  
24 Community Protection Act; and

25 (ii) the successful completion of any  
26 rehabilitative treatment and involvement in any

1 ongoing rehabilitative activity that may be  
2 recommended by a properly licensed service provider  
3 according to an assessment of the person's alcohol or  
4 drug use under Section 11-501.01 of this Code.

5 In determining whether an applicant is eligible for a  
6 restricted driving permit under this subparagraph (F), the  
7 Secretary may consider any relevant evidence, including,  
8 but not limited to, testimony, affidavits, records, and  
9 the results of regular alcohol or drug tests. Persons  
10 subject to the provisions of paragraph 4 of subsection (b)  
11 of Section 6-208 of this Code and who have been convicted  
12 of more than one violation of paragraph (3), paragraph  
13 (4), or paragraph (5) of subsection (a) of Section 11-501  
14 of this Code shall not be eligible to apply for a  
15 restricted driving permit under this subparagraph (F).

16 A restricted driving permit issued under this  
17 subparagraph (F) shall provide that the holder may only  
18 operate motor vehicles equipped with an ignition interlock  
19 device as required under paragraph (2) of subsection (c)  
20 of Section 6-205 of this Code and subparagraph (A) of  
21 paragraph 3 of subsection (c) of this Section. The  
22 Secretary may revoke a restricted driving permit or amend  
23 the conditions of a restricted driving permit issued under  
24 this subparagraph (F) if the holder operates a vehicle  
25 that is not equipped with an ignition interlock device, or  
26 for any other reason authorized under this Code.

1           A restricted driving permit issued under this  
2           subparagraph (F) shall be revoked, and the holder barred  
3           from applying for or being issued a restricted driving  
4           permit in the future, if the holder is convicted of a  
5           violation of Section 11-501 of this Code, a similar  
6           provision of a local ordinance, or a similar offense in  
7           another state or on a military installation.

8           (c-3) In the case of a suspension under paragraph 43 of  
9           subsection (a), reports received by the Secretary of State  
10          under this Section shall, except during the actual time the  
11          suspension is in effect, be privileged information and for use  
12          only by the courts, police officers, prosecuting authorities,  
13          the driver licensing administrator of any other state, the  
14          Secretary of State, or the parent or legal guardian of a driver  
15          under the age of 18. However, beginning January 1, 2008, if the  
16          person is a CDL holder, the suspension shall also be made  
17          available to the driver licensing administrator of any other  
18          state, the U.S. Department of Transportation, and the affected  
19          driver or motor carrier or prospective motor carrier upon  
20          request.

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

26          (c-5) The Secretary of State may, as a condition of the

1 reissuance of a driver's license or permit to an applicant  
2 whose driver's license or permit has been suspended before he  
3 or she reached the age of 21 years pursuant to any of the  
4 provisions of this Section, require the applicant to  
5 participate in a driver remedial education course and be  
6 retested under Section 6-109 of this Code.

7 (d) This Section is subject to the provisions of the  
8 Driver License Compact.

9 (e) The Secretary of State shall not issue a restricted  
10 driving permit to a person under the age of 16 years whose  
11 driving privileges have been suspended or revoked under any  
12 provisions of this Code.

13 (f) In accordance with 49 CFR 384, the Secretary of State  
14 may not issue a restricted driving permit for the operation of  
15 a commercial motor vehicle to a person holding a CDL whose  
16 driving privileges have been suspended, revoked, cancelled, or  
17 disqualified under any provisions of this Code.

18 (Source: P.A. 102-299, eff. 8-6-21; 102-558, eff. 8-20-21;  
19 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff.  
20 7-1-23; 103-154, eff. 6-30-23; 103-822, eff. 1-1-25.)

21 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

22 Sec. 6-206.1. Monitoring Device Driving Permit.  
23 Declaration of Policy. It is hereby declared a policy of the  
24 State of Illinois that the driver who is impaired by alcohol,  
25 other drug or drugs, or intoxicating compound or compounds is

1 a threat to the public safety and welfare. Therefore, to  
2 provide a deterrent to such practice, a statutory summary  
3 driver's license suspension or suspension pursuant to Section  
4 11-501.6 of this Code is appropriate. It is also recognized  
5 that driving is a privilege and therefore, that the granting  
6 of driving privileges, in a manner consistent with public  
7 safety, is warranted during the period of suspension in the  
8 form of a monitoring device driving permit. A person who  
9 drives and fails to comply with the requirements of the  
10 monitoring device driving permit commits a violation of  
11 Section 6-303 of this Code.

12 The following procedures shall apply whenever a first  
13 offender, as defined in Section 11-500 of this Code, is  
14 arrested for any offense as defined in Section 11-501 or a  
15 similar provision of a local ordinance and is subject to the  
16 provisions of Section 11-501.1 or is suspended pursuant to  
17 Section 11-501.6 of this Code:

18 (a) Upon mailing of the notice of suspension of driving  
19 privileges as provided in subsection (h) of Section 11-501.1  
20 or subsection (d) of Section 11-501.6 of this Code, the  
21 Secretary shall also send written notice informing the person  
22 that he or she will be issued a monitoring device driving  
23 permit (MDDP). The notice shall include, at minimum,  
24 information summarizing the procedure to be followed for  
25 issuance of the MDDP, installation of the breath alcohol  
26 ignition installation device (BAIID), as provided in this

1 Section, exemption from BAIID installation requirements, and  
2 procedures to be followed by those seeking indigent status, as  
3 provided in this Section. The notice shall also include  
4 information summarizing the procedure to be followed if the  
5 person wishes to decline issuance of the MDDP. ~~A copy of the~~  
6 ~~notice shall also be sent to the court of venue together with~~  
7 ~~the notice of suspension of driving privileges, as provided in~~  
8 ~~subsection (h) of Section 11-501.~~ However, a MDDP shall not be  
9 issued if the Secretary finds that:

10 (1) the offender's driver's license is otherwise  
11 invalid;

12 (2) death or great bodily harm to another resulted  
13 from the arrest for Section 11-501 or from the crash that  
14 resulted in the suspension pursuant to Section 11-501.6;

15 (3) the offender has been previously convicted of  
16 reckless homicide or aggravated driving under the  
17 influence involving death; or

18 (4) the offender is less than 18 years of age.

19 Any offender participating in the MDDP program must pay  
20 the Secretary a MDDP Administration Fee in an amount not to  
21 exceed \$30 per month, to be deposited into the Monitoring  
22 Device Driving Permit Administration Fee Fund. The Secretary  
23 shall establish by rule the amount and the procedures, terms,  
24 and conditions relating to these fees. The offender must have  
25 an ignition interlock device installed within 14 days of the  
26 date the Secretary issues the MDDP. The ignition interlock

1 device provider must notify the Secretary, in a manner and  
2 form prescribed by the Secretary, of the installation. If the  
3 Secretary does not receive notice of installation, the  
4 Secretary shall cancel the MDDP.

5 ~~Upon receipt of the notice, as provided in paragraph (a)~~  
6 ~~of this Section, the person may file a petition to decline~~  
7 ~~issuance of the MDDP with the court of venue. The court shall~~  
8 ~~admonish the offender of all consequences of declining~~  
9 ~~issuance of the MDDP including, but not limited to, the~~  
10 ~~enhanced penalties for driving while suspended. After being so~~  
11 ~~admonished, the offender shall be permitted, in writing, to~~  
12 ~~execute a notice declining issuance of the MDDP. This notice~~  
13 ~~shall be filed with the court and forwarded by the clerk of the~~  
14 ~~court to the Secretary. The offender may, at any time~~  
15 ~~thereafter, apply to the Secretary for issuance of a MDDP.~~

16 (a-1) A person issued a MDDP may drive for any purpose and  
17 at any time, subject to the rules adopted by the Secretary  
18 under subsection (g). The person must, at his or her own  
19 expense, drive only vehicles equipped with an ignition  
20 interlock device as defined in Section 1-129.1, but in no  
21 event shall such person drive a commercial motor vehicle.

22 (a-2) Persons who are issued a MDDP and must drive  
23 employer-owned vehicles in the course of their employment  
24 duties may seek permission to drive an employer-owned vehicle  
25 that does not have an ignition interlock device. The employer  
26 shall provide to the Secretary a form, as prescribed by the

1 Secretary, completed by the employer verifying that the  
2 employee must drive an employer-owned vehicle in the course of  
3 employment. If approved by the Secretary, the form must be in  
4 the driver's possession while operating an employer-owner  
5 vehicle not equipped with an ignition interlock device. No  
6 person may use this exemption to drive a school bus, school  
7 vehicle, or a vehicle designed to transport more than 15  
8 passengers. No person may use this exemption to drive an  
9 employer-owned motor vehicle that is owned by an entity that  
10 is wholly or partially owned by the person holding the MDDP, or  
11 by a family member of the person holding the MDDP. No person  
12 may use this exemption to drive an employer-owned vehicle that  
13 is made available to the employee for personal use. No person  
14 may drive the exempted vehicle more than 12 hours per day, 6  
15 days per week.

16 (a-3) Persons who are issued a MDDP and who must drive a  
17 farm tractor to and from a farm, within 50 air miles from the  
18 originating farm are exempt from installation of a BAIID on  
19 the farm tractor, so long as the farm tractor is being used for  
20 the exclusive purpose of conducting farm operations.

21 (b) (Blank).

22 (c) (Blank).

23 (c-1) If the holder of the MDDP is convicted of or receives  
24 court supervision for a violation of Section 6-206.2, 6-303,  
25 11-204, 11-204.1, 11-401, 11-501, 11-503, 11-506 or a similar  
26 provision of a local ordinance or a similar out-of-state

1 offense or is convicted of or receives court supervision for  
2 any offense for which alcohol or drugs is an element of the  
3 offense and in which a motor vehicle was involved (for an  
4 arrest other than the one for which the MDDP is issued), or  
5 de-installs the BAIID without prior authorization from the  
6 Secretary, the MDDP shall be cancelled.

7 (c-5) If the Secretary determines that the person seeking  
8 the MDDP is indigent, the Secretary shall provide the person  
9 with a written document as evidence of that determination, and  
10 the person shall provide that written document to an ignition  
11 interlock device provider. The provider shall install an  
12 ignition interlock device on that person's vehicle without  
13 charge to the person, and seek reimbursement from the Indigent  
14 BAIID Fund. If the Secretary has deemed an offender indigent,  
15 the BAIID provider shall also provide the normal monthly  
16 monitoring services and the de-installation without charge to  
17 the offender and seek reimbursement from the Indigent BAIID  
18 Fund. Any other monetary charges, such as a lockout fee or  
19 reset fee, shall be the responsibility of the MDDP holder. A  
20 BAIID provider may not seek a security deposit from the  
21 Indigent BAIID Fund.

22 (d) MDDP information shall be available only to the  
23 courts, police officers, and the Secretary, except during the  
24 actual period the MDDP is valid, during which time it shall be  
25 a public record.

26 (e) (Blank).

1 (f) (Blank).

2 (g) The Secretary shall adopt rules for implementing this  
3 Section. The rules adopted shall address issues including, but  
4 not limited to: compliance with the requirements of the MDDP;  
5 methods for determining compliance with those requirements;  
6 the consequences of noncompliance with those requirements;  
7 what constitutes a violation of the MDDP; methods for  
8 determining indigency; and the duties of a person or entity  
9 that supplies the ignition interlock device.

10 (h) The rules adopted under subsection (g) shall provide,  
11 at a minimum, that the person is not in compliance with the  
12 requirements of the MDDP if he or she:

13 (1) tampers or attempts to tamper with or circumvent  
14 the proper operation of the ignition interlock device;

15 (2) provides valid breath samples that register blood  
16 alcohol levels in excess of the number of times allowed  
17 under the rules;

18 (3) fails to provide evidence sufficient to satisfy  
19 the Secretary that the ignition interlock device has been  
20 installed in the designated vehicle or vehicles; or

21 (4) fails to follow any other applicable rules adopted  
22 by the Secretary.

23 (i) Any person or entity that supplies an ignition  
24 interlock device as provided under this Section shall, in  
25 addition to supplying only those devices which fully comply  
26 with all the rules adopted under subsection (g), provide the

1 Secretary, within 7 days of inspection, all monitoring reports  
2 of each person who has had an ignition interlock device  
3 installed. These reports shall be furnished in a manner or  
4 form as prescribed by the Secretary.

5 (j) Upon making a determination that a violation of the  
6 requirements of the MDDP has occurred, the Secretary shall  
7 extend the ~~summary~~ suspension period for an additional 3  
8 months beyond the originally imposed ~~summary~~ suspension  
9 period, during which time the person shall only be allowed to  
10 drive vehicles equipped with an ignition interlock device;  
11 provided further there are no limitations on the total number  
12 of times the summary suspension may be extended. The Secretary  
13 may, however, limit the number of extensions imposed for  
14 violations occurring during any one monitoring period, as set  
15 forth by rule. Any person whose ~~summary~~ suspension is extended  
16 pursuant to this Section shall have the right to contest the  
17 extension through a hearing with the Secretary, pursuant to  
18 Section 2-118 of this Code. If the ~~summary~~ suspension has  
19 already terminated prior to the Secretary receiving the  
20 monitoring report that shows a violation, the Secretary shall  
21 be authorized to suspend the person's driving privileges for 3  
22 months, provided that the Secretary may, by rule, limit the  
23 number of suspensions to be entered pursuant to this paragraph  
24 for violations occurring during any one monitoring period. Any  
25 person whose license is suspended pursuant to this paragraph,  
26 after the ~~summary~~ suspension had already terminated, shall

1 have the right to contest the suspension through a hearing  
2 with the Secretary, pursuant to Section 2-118 of this Code.  
3 The only permit the person shall be eligible for during this  
4 new suspension period is a MDDP.

5 (k) A person who has had his or her ~~summary~~ suspension  
6 extended for the third time, or has any combination of 3  
7 extensions and new suspensions, entered as a result of a  
8 violation that occurred while holding the MDDP, so long as the  
9 extensions and new suspensions relate to the same ~~summary~~  
10 suspension, shall have his or her vehicle impounded for a  
11 period of 30 days, at the person's own expense. A person who  
12 has his or her ~~summary~~ suspension extended for the fourth  
13 time, or has any combination of 4 extensions and new  
14 suspensions, entered as a result of a violation that occurred  
15 while holding the MDDP, so long as the extensions and new  
16 suspensions relate to the same ~~summary~~ suspension, shall have  
17 his or her vehicle subject to seizure and forfeiture. The  
18 Secretary shall notify the prosecuting authority of any third  
19 or fourth extensions or new suspension entered as a result of a  
20 violation that occurred while the person held a MDDP. Upon  
21 receipt of the notification, the prosecuting authority shall  
22 impound or forfeit the vehicle. The impoundment or forfeiture  
23 of a vehicle shall be conducted pursuant to the procedure  
24 specified in Article 36 of the Criminal Code of 2012.

25 (l) A person whose driving privileges have been suspended  
26 under Section 11-501.1 or Section 11-501.6 of this Code and

1 who had a MDDP that was cancelled, or would have been cancelled  
2 had notification of a violation been received prior to  
3 expiration of the MDDP, pursuant to subsection (c-1) of this  
4 Section, shall not be eligible for reinstatement when the  
5 ~~summary~~ suspension is scheduled to terminate. Instead, the  
6 person's driving privileges shall be suspended for a period of  
7 not less than twice the original ~~summary~~ suspension period, or  
8 for the length of any extensions entered under subsection (j),  
9 whichever is longer. During the period of suspension, the  
10 person shall be eligible only to apply for a restricted  
11 driving permit. If a restricted driving permit is granted, the  
12 offender may only operate vehicles equipped with a BAIID in  
13 accordance with this Section.

14 (m) Any person or entity that supplies an ignition  
15 interlock device under this Section shall, for each ignition  
16 interlock device installed, pay 5% of the total gross revenue  
17 received for the device, including monthly monitoring fees,  
18 into the Indigent BAIID Fund. This 5% shall be clearly  
19 indicated as a separate surcharge on each invoice that is  
20 issued. The Secretary shall conduct an annual review of the  
21 fund to determine whether the surcharge is sufficient to  
22 provide for indigent users. The Secretary may increase or  
23 decrease this surcharge requirement as needed.

24 (n) Any person or entity that supplies an ignition  
25 interlock device under this Section that is requested to  
26 provide an ignition interlock device to a person who presents

1 written documentation of indigency from the Secretary, as  
2 provided in subsection (c-5) of this Section, shall install  
3 the device on the person's vehicle without charge to the  
4 person and shall seek reimbursement from the Indigent BAIID  
5 Fund.

6 (o) The Indigent BAIID Fund is created as a special fund in  
7 the State treasury. The Secretary shall, subject to  
8 appropriation by the General Assembly, use all money in the  
9 Indigent BAIID Fund to reimburse ignition interlock device  
10 providers who have installed devices in vehicles of indigent  
11 persons. The Secretary shall make payments to such providers  
12 every 3 months. If the amount of money in the fund at the time  
13 payments are made is not sufficient to pay all requests for  
14 reimbursement submitted during that 3 month period, the  
15 Secretary shall make payments on a pro-rata basis, and those  
16 payments shall be considered payment in full for the requests  
17 submitted. If the amount of money in the fund exceeds the  
18 amount necessary to pay all requests for reimbursement during  
19 that 3-month period, the Secretary shall disburse the excess  
20 to the providers on a pro rata basis.

21 (p) The Monitoring Device Driving Permit Administration  
22 Fee Fund is created as a special fund in the State treasury.  
23 The Secretary shall, subject to appropriation by the General  
24 Assembly, use the money paid into this fund to offset its  
25 administrative costs for administering MDDPs.

26 (q) The Secretary is authorized to prescribe such forms as

1 it deems necessary to carry out the provisions of this  
2 Section.

3 (r) For purposes of this Section, "great bodily harm"  
4 means bodily injury that involves a substantial risk of death,  
5 extreme physical pain, protracted and obvious disfigurement,  
6 or protracted loss or impairment of the function of a bodily  
7 member, organ, or mental faculty.

8 (Source: P.A. 101-363, eff. 8-9-19; 101-593, eff. 12-4-19;  
9 102-699, eff. 4-19-22.)

10 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

11 Sec. 6-208. Period of suspension - application after  
12 revocation.

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

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

25 1. Except as provided in subparagraphs 1.3, 1.5, 2, 3,

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

23                1.3. If the person is convicted of a second or  
24                subsequent violation of Section 11-501 of this Code or a  
25                similar provision of a local ordinance or a similar  
26                out-of-state offense, or a similar offense committed on a

1 military installation, or Section 9-3 of the Criminal Code  
2 of 1961 or the Criminal Code of 2012, in which the use of  
3 alcohol or other drugs is stated ~~recited~~ as an element of  
4 the offense, or a similar out-of-state offense, or a  
5 similar offense committed on a military installation, ~~or a~~  
6 ~~combination of these offenses, arising out of separate~~  
7 ~~occurrences,~~ that person may not make application for a  
8 driver's license until:

9 (A) the person has first been issued a restricted  
10 driving permit by the Secretary of State; and

11 (B) the expiration of a ~~continuous~~ period of not  
12 less than 5 years following the issuance of the  
13 restricted driving permit during which the person had  
14 an ignition interlock installed and the person's  
15 restricted driving permit is not suspended, cancelled,  
16 or revoked for a violation of any provision of law, or  
17 any rule or regulation of the Secretary of State  
18 relating to the required use of an ignition interlock  
19 device.

20 1.5. If the person is convicted of a violation of  
21 Section 6-303 of this Code committed while his or her  
22 driver's license, permit, or privilege was revoked because  
23 of a violation of Section 9-3 of the Criminal Code of 1961  
24 or the Criminal Code of 2012, relating to the offense of  
25 reckless homicide or subparagraph (F) of paragraph (1) of  
26 subsection (d) of Section 11-501 of this Code, or a

1 similar provision of a law of another state, or a similar  
2 offense committed on a military installation, the person  
3 may not make application for a license or permit until the  
4 expiration of 3 years from the date of the conviction.

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

7 (A) Section 11-501 of this Code, ~~or~~ a similar  
8 provision of a local ordinance, a similar provision of  
9 a law of another state, or a similar offense committed  
10 on a military installation;

11 (B) Paragraph (b) of Section 11-401 of this Code, ~~or~~  
12 ~~or~~ a similar provision of a local ordinance, a similar  
13 provision of a law of another state, or a similar  
14 offense committed on a military installation;

15 (C) Section 9-3 of the Criminal Code of 1961 or the  
16 Criminal Code of 2012, relating to the offense of  
17 reckless homicide, a similar provision of a law of  
18 another state, or a similar offense committed on a  
19 military installation; or

20 (D) any combination of the above offenses  
21 committed at different instances;

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

1 offenses and similar offenses committed on a military  
2 installation.

3 2.5. If a person is convicted of a second violation of  
4 Section 6-303 of this Code committed while the person's  
5 driver's license, permit, or privilege was revoked because  
6 of a violation of Section 9-3 of the Criminal Code of 1961  
7 or the Criminal Code of 2012, relating to the offense of  
8 reckless homicide or subparagraph (F) of paragraph (1) of  
9 subsection (d) of Section 11-501 of this Code, or a  
10 similar provision of a law of another state, or a similar  
11 offense committed on a military installation, the person  
12 may not make application for a license or permit until the  
13 expiration of 5 years from the date of release from a term  
14 of imprisonment.

15 3. However, except as provided in subparagraph 4, if  
16 such person is convicted of committing a third violation  
17 or any combination of the above offenses, including  
18 similar out-of-state offenses and similar offenses  
19 committed on a military installation, contained in  
20 subparagraph 2, then such person may not make application  
21 for a license until after the expiration of 10 years from  
22 the effective date of the most recent revocation.

23 4. Except as provided in paragraph (1.5) of subsection  
24 (c) of Section 6-205 and subparagraph (F) of paragraph 3  
25 of subsection (c) of Section 6-206 of this Code, the  
26 person may not make application for a license if the

1 person is convicted of committing a fourth or subsequent  
2 violation of Section 11-501 of this Code or a similar  
3 provision of a local ordinance, Section 11-401 of this  
4 Code, Section 9-3 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, or a combination of these offenses,  
6 similar provisions of local ordinances, similar  
7 out-of-state offenses, or similar offenses committed on a  
8 military installation.

9 4.5. A bona fide resident of a foreign jurisdiction  
10 who is subject to the provisions of subparagraph 4 of this  
11 subsection (b) may make application for termination of the  
12 revocation after a period of 10 years from the effective  
13 date of the most recent revocation. However, if a person  
14 who has been granted a termination of revocation under  
15 this subparagraph 4.5 subsequently becomes a resident of  
16 this State, the revocation shall be reinstated and the  
17 person shall be subject to the provisions of subparagraph  
18 4.

19 5. The person may not make application for a license  
20 or permit if the person is convicted of a third or  
21 subsequent violation of Section 6-303 of this Code  
22 committed while his or her driver's license, permit, or  
23 privilege was revoked because of a violation of Section  
24 9-3 of the Criminal Code of 1961 or the Criminal Code of  
25 2012, relating to the offense of reckless homicide or  
26 subparagraph (F) of paragraph (1) of subsection (d) of

1       Section 11-501 of this Code, ~~or~~ a similar provision of a  
2       law of another state, or a similar offense committed on a  
3       military installation.

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

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

15      (c) (Blank).

16      (Source: P.A. 99-290, eff. 1-1-16; 99-296, eff. 1-1-16;  
17      99-642, eff. 7-28-16.)