

# HB3863



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB3863

Introduced 2/18/2025, by Rep. Bradley Fritts

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205

Amends the Illinois Vehicle Code. In provisions requiring the Secretary of State to immediately revoke the license, permit, or driving privileges of a driver upon receiving a report of the driver's conviction of certain offenses regulating the movement of traffic when that offense was the proximate cause of the death of a person, provides that the Secretary is not required to immediately revoke the license, permit, or driving privileges of the driver if the circuit court in which the conviction was entered makes a finding that the driver's retention of a license, a permit, or driving privileges does not endanger the public.

LRB104 12336 LNS 22514 b

A BILL FOR

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 Section 6-205 as follows:

6 (625 ILCS 5/6-205)

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

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

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

15 2. Violation of Section 11-501 of this Code or a  
16 similar provision of a local ordinance relating to the  
17 offense of operating or being in physical control of a  
18 vehicle while under the influence of alcohol, other drug  
19 or drugs, intoxicating compound or compounds, or any  
20 combination thereof;

21 3. Any felony under the laws of any State or the  
22 federal government in the commission of which a motor  
23 vehicle was used;

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

4           5. Perjury or the making of a false affidavit or  
5 statement under oath to the Secretary of State under this  
6 Code or under any other law relating to the ownership or  
7 operation of motor vehicles;

8           6. Conviction upon 3 charges of violation of Section  
9 11-503 of this Code relating to the offense of reckless  
10 driving committed within a period of 12 months;

11           7. Conviction of any offense defined in Section 4-102  
12 of this Code if the person exercised actual physical  
13 control over the vehicle during the commission of the  
14 offense;

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

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

18           10. Violation of Section 12-5 of the Criminal Code of  
19 1961 or the Criminal Code of 2012 arising from the use of a  
20 motor vehicle;

21           11. Violation of Section 11-204.1 of this Code  
22 relating to aggravated fleeing or attempting to elude a  
23 peace officer;

24           12. Violation of paragraph (1) of subsection (b) of  
25 Section 6-507, or a similar law of any other state,  
26 relating to the unlawful operation of a commercial motor

1 vehicle;

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

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

11 15. A second or subsequent conviction of driving while  
12 the person's driver's license, permit or privileges was  
13 revoked for reckless homicide or a similar out-of-state  
14 offense;

15 16. Any offense against any provision in this Code, or  
16 any local ordinance, regulating the movement of traffic  
17 when that offense was the proximate cause of the death of  
18 any person, unless the circuit court in which the  
19 conviction was entered makes a finding that the driver's  
20 retention of a license, a permit, or driving privileges  
21 does not endanger the public. Any person whose driving  
22 privileges have been revoked pursuant to this paragraph  
23 may seek to have the revocation terminated or to have the  
24 length of revocation reduced by requesting an  
25 administrative hearing with the Secretary of State prior  
26 to the projected driver's license application eligibility

1 date;

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

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

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

24 (b) The Secretary of State shall also immediately revoke  
25 the license or permit of any driver in the following  
26 situations:

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

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

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

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

1 medical facility for the receipt of necessary medical care or  
2 to allow the petitioner to transport himself or herself to and  
3 from alcohol or drug remedial or rehabilitative activity  
4 recommended by a licensed service provider, or to allow the  
5 petitioner to transport himself or herself or a family member  
6 of the petitioner's household to classes, as a student, at an  
7 accredited educational institution, or to allow the petitioner  
8 to transport children, elderly persons, or persons with  
9 disabilities who do not hold driving privileges and are living  
10 in the petitioner's household to and from daycare; if the  
11 petitioner is able to demonstrate that no alternative means of  
12 transportation is reasonably available and that the petitioner  
13 will not endanger the public safety or welfare; provided that  
14 the Secretary's discretion shall be limited to cases where  
15 undue hardship, as defined by the rules of the Secretary of  
16 State, would result from a failure to issue the restricted  
17 driving permit.

18 (1.5) A person subject to the provisions of paragraph 4 of  
19 subsection (b) of Section 6-208 of this Code may make  
20 application for a restricted driving permit at a hearing  
21 conducted under Section 2-118 of this Code after the  
22 expiration of 5 years from the effective date of the most  
23 recent revocation, or after 5 years from the date of release  
24 from a period of imprisonment resulting from a conviction of  
25 the most recent offense, whichever is later, provided the  
26 person, in addition to all other requirements of the

1 Secretary, shows by clear and convincing evidence:

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

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

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

25 A restricted driving permit issued under this paragraph  
26 (1.5) shall provide that the holder may only operate motor

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

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

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

1 (3) If:

2 (A) a person's license or permit is revoked or  
3 suspended 2 or more times due to any combination of:

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

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

13 (iii) a suspension pursuant to Section 6-203.1;  
14 arising out of separate occurrences; or

15 (B) a person has been convicted of one violation of  
16 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
17 of Section 11-501 of this Code, Section 9-3 of the  
18 Criminal Code of 1961 or the Criminal Code of 2012,  
19 relating to the offense of reckless homicide where the use  
20 of alcohol or other drugs was recited as an element of the  
21 offense, or a similar provision of a law of another state;  
22 that person, if issued a restricted driving permit, may not  
23 operate a vehicle unless it has been equipped with an ignition  
24 interlock device as defined in Section 1-129.1.

25 (4) The person issued a permit conditioned on the use of an  
26 ignition interlock device must pay to the Secretary of State

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

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

19 (6) In each case the Secretary of State may issue a  
20 restricted driving permit for a period he deems appropriate,  
21 except that the permit shall expire no later than 2 years from  
22 the date of issuance. A restricted driving permit issued under  
23 this Section shall be subject to cancellation, revocation, and  
24 suspension by the Secretary of State in like manner and for  
25 like cause as a driver's license issued under this Code may be  
26 cancelled, revoked, or suspended; except that a conviction

1 upon one or more offenses against laws or ordinances  
2 regulating the movement of traffic shall be deemed sufficient  
3 cause for the revocation, suspension, or cancellation of a  
4 restricted driving permit. The Secretary of State may, as a  
5 condition to the issuance of a restricted driving permit,  
6 require the petitioner to participate in a designated driver  
7 remedial or rehabilitative program. The Secretary of State is  
8 authorized to cancel a restricted driving permit if the permit  
9 holder does not successfully complete the program. However, if  
10 an individual's driving privileges have been revoked in  
11 accordance with paragraph 13 of subsection (a) of this  
12 Section, no restricted driving permit shall be issued until  
13 the individual has served 6 months of the revocation period.

14 (c-5) (Blank).

15 (c-6) If a person is convicted of a second violation of  
16 operating a motor vehicle while the person's driver's license,  
17 permit or privilege was revoked, where the revocation was for  
18 a violation of Section 9-3 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012 relating to the offense of reckless  
20 homicide or a similar out-of-state offense, the person's  
21 driving privileges shall be revoked pursuant to subdivision  
22 (a)(15) of this Section. The person may not make application  
23 for a license or permit until the expiration of five years from  
24 the effective date of the revocation or the expiration of five  
25 years from the date of release from a term of imprisonment,  
26 whichever is later.

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

8 (d) (1) Whenever a person under the age of 21 is convicted  
9 under Section 11-501 of this Code or a similar provision of a  
10 local ordinance or a similar out-of-state offense, the  
11 Secretary of State shall revoke the driving privileges of that  
12 person. One year after the date of revocation, and upon  
13 application, the Secretary of State may, if satisfied that the  
14 person applying will not endanger the public safety or  
15 welfare, issue a restricted driving permit granting the  
16 privilege of driving a motor vehicle only between the hours of  
17 5 a.m. and 9 p.m. or as otherwise provided by this Section for  
18 a period of one year. After this one-year period, and upon  
19 reapplication for a license as provided in Section 6-106, upon  
20 payment of the appropriate reinstatement fee provided under  
21 paragraph (b) of Section 6-118, the Secretary of State, in his  
22 discretion, may reinstate the petitioner's driver's license  
23 and driving privileges, or extend the restricted driving  
24 permit as many times as the Secretary of State deems  
25 appropriate, by additional periods of not more than 24 months  
26 each.

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

12           (3) If a person's license or permit is revoked or  
13 suspended 2 or more times due to any combination of:

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

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

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

1           (3.5) If a person's license or permit is revoked or  
2 suspended due to a conviction for a violation of subparagraph  
3 (C) or (F) of paragraph (1) of subsection (d) of Section 11-501  
4 of this Code, or a similar provision of a local ordinance or  
5 similar out-of-state offense, that person, if issued a  
6 restricted driving permit, may not operate a vehicle unless it  
7 has been equipped with an ignition interlock device as defined  
8 in Section 1-129.1.

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

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

1 required the use of an ignition interlock device on every  
2 motor vehicle owned or operated by that person.

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

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

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

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

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

5           (h) The Secretary of State shall require the use of  
6 ignition interlock devices for a period not less than 5 years  
7 on all vehicles owned by a person who has been convicted of a  
8 second or subsequent offense under Section 11-501 of this Code  
9 or a similar provision of a local ordinance. The person must  
10 pay to the Secretary of State DUI Administration Fund an  
11 amount not to exceed \$30 for each month that he or she uses the  
12 device. The Secretary shall establish by rule and regulation  
13 the procedures for certification and use of the interlock  
14 system, the amount of the fee, and the procedures, terms, and  
15 conditions relating to these fees. During the time period in  
16 which a person is required to install an ignition interlock  
17 device under this subsection (h), that person shall only  
18 operate vehicles in which ignition interlock devices have been  
19 installed, except as allowed by subdivision (c) (5) or (d) (5)  
20 of this Section. Regardless of whether an exemption under  
21 subdivision (c) (5) or (d) (5) applies, every person subject  
22 to this subsection shall not be eligible for reinstatement  
23 until the person installs an ignition interlock device and  
24 maintains the ignition interlock device for 5 years.

25           (i) (Blank).

26           (j) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the  
2 operation of a commercial motor vehicle to a person holding a  
3 CDL whose driving privileges have been revoked, suspended,  
4 cancelled, or disqualified under any provisions of this Code.

5 (k) The Secretary of State shall notify by mail any person  
6 whose driving privileges have been revoked under paragraph 16  
7 of subsection (a) of this Section that his or her driving  
8 privileges and driver's license will be revoked 90 days from  
9 the date of the mailing of the notice.

10 (Source: P.A. 101-623, eff. 7-1-20; 102-299, eff. 8-6-21;  
11 102-982, eff. 7-1-23.)