



Rep. Ryan Spain

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10400HB4382ham002

LRB104 16369 LNS 35962 a

1 AMENDMENT TO HOUSE BILL 4382

2 AMENDMENT NO. _____. Amend House Bill 4382 on page 1,
3 immediately below line 3, by inserting the following:

4 "Section 1. This Act may be referred to as DJ's Law."; and

5 on page 1, line 5, by replacing "Section 6-107" with "Sections
6 6-107 and 6-206"; and

7 by replacing line 23 on page 5 through line 5 on page 6 with
8 the following: "step-siblings, children, or stepchildren of
9 the driver. If a graduated driver's license holder is
10 convicted of violating this subsection and that violation
11 results in bodily harm or permanent disability to another,
12 then the holder's graduated driver's license shall be
13 suspended for 6 months. If a graduated"; and

14 on page 6, by replacing line 16 with "Code. If a graduated

1 driver's license holder's license is suspended or revoked for
2 a violation of this subsection that results in bodily harm or
3 permanent disability to another, the provisions of this
4 subsection shall resume upon termination of the suspension or
5 revocation period and shall remain in effect either until a
6 period of 6 consecutive months has elapsed without an
7 additional violation under this subsection or until the
8 graduated driver's license holder turns 18, whichever occurs
9 later, notwithstanding any other provision of this
10 subsection."; and

11 on page 7, after line 3, by inserting the following:

12 "(625 ILCS 5/6-206)

13 (Text of Section before amendment by P.A. 104-400)

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

16 (a) The Secretary of State is authorized to suspend or
17 revoke the driving privileges of any person without
18 preliminary hearing upon a showing of the person's records or
19 other sufficient evidence that the person:

20 1. Has committed an offense for which mandatory
21 revocation of a driver's license or permit is required
22 upon conviction;

23 2. Has been convicted of not less than 3 offenses
24 against traffic regulations governing the movement of

1 vehicles committed within any 12-month period. No
2 revocation or suspension shall be entered more than 6
3 months after the date of last conviction;

4 3. Has been repeatedly involved as a driver in motor
5 vehicle collisions or has been repeatedly convicted of
6 offenses against laws and ordinances regulating the
7 movement of traffic, to a degree that indicates lack of
8 ability to exercise ordinary and reasonable care in the
9 safe operation of a motor vehicle or disrespect for the
10 traffic laws and the safety of other persons upon the
11 highway;

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

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

25 6. Has been lawfully convicted of an offense or
26 offenses in another state, including the authorization

1 contained in Section 6-203.1, which if committed within
2 this State would be grounds for suspension or revocation;

3 7. Has refused or failed to submit to an examination
4 provided for by Section 6-207 or has failed to pass the
5 examination;

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

8 9. Has made a false statement or knowingly concealed a
9 material fact or has used false information or
10 identification in any application for a license,
11 identification card, or permit;

12 10. Has possessed, displayed, or attempted to
13 fraudulently use any license, identification card, or
14 permit not issued to the person;

15 11. Has operated a motor vehicle upon a highway of
16 this State when the person's driving privilege or
17 privilege to obtain a driver's license or permit was
18 revoked or suspended unless the operation was authorized
19 by a monitoring device driving permit, judicial driving
20 permit issued prior to January 1, 2009, probationary
21 license to drive, or restricted driving permit issued
22 under this Code;

23 12. Has submitted to any portion of the application
24 process for another person or has obtained the services of
25 another person to submit to any portion of the application
26 process for the purpose of obtaining a license,

1 identification card, or permit for some other person;

2 13. Has operated a motor vehicle upon a highway of
3 this State when the person's driver's license or permit
4 was invalid under the provisions of Sections 6-107.1 and
5 6-110;

6 14. Has committed a violation of Section 6-301,
7 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
8 14B of the Illinois Identification Card Act or a similar
9 offense in another state if, at the time of the offense,
10 the person held an Illinois driver's license or
11 identification card;

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

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

20 17. Has refused to submit to a test, or tests, as
21 required under Section 11-501.1 of this Code and the
22 person has not sought a hearing as provided for in Section
23 11-501.1;

24 18. (Blank);

25 19. Has committed a violation of paragraph (a) or (b)
26 of Section 6-101 relating to driving without a driver's

1 license;

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

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

8 22. Has used a motor vehicle in violating paragraph
9 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
10 the Criminal Code of 1961 or the Criminal Code of 2012
11 relating to unlawful possession of weapons, in which case
12 the suspension shall be for one year;

13 23. Has, as a driver, been convicted of committing a
14 violation of paragraph (a) of Section 11-502 of this Code
15 for a second or subsequent time within one year of a
16 similar violation;

17 24. Has been convicted by a court-martial or punished
18 by non-judicial punishment by military authorities of the
19 United States at a military installation in Illinois or in
20 another state of or for a traffic-related offense that is
21 the same as or similar to an offense specified under
22 Section 6-205 or 6-206 of this Code;

23 25. Has permitted any form of identification to be
24 used by another in the application process in order to
25 obtain or attempt to obtain a license, identification
26 card, or permit;

1 26. Has altered or attempted to alter a license or has
2 possessed an altered license, identification card, or
3 permit;

4 27. (Blank);

5 28. Has been convicted for a first time of the illegal
6 possession, while operating or in actual physical control,
7 as a driver, of a motor vehicle, of any controlled
8 substance prohibited under the Illinois Controlled
9 Substances Act, any cannabis prohibited under the Cannabis
10 Control Act, or any methamphetamine prohibited under the
11 Methamphetamine Control and Community Protection Act, in
12 which case the person's driving privileges shall be
13 suspended for one year. Any defendant found guilty of this
14 offense while operating a motor vehicle shall have an
15 entry made in the court record by the presiding judge that
16 this offense did occur while the defendant was operating a
17 motor vehicle and order the clerk of the court to report
18 the violation to the Secretary of State;

19 29. Has been convicted of the following offenses that
20 were committed while the person was operating or in actual
21 physical control, as a driver, of a motor vehicle:
22 criminal sexual assault, predatory criminal sexual assault
23 of a child, aggravated criminal sexual assault, criminal
24 sexual abuse, aggravated criminal sexual abuse, juvenile
25 pimping, soliciting for a sexually exploited child,
26 promoting commercial sexual exploitation of a child as

1 described in subdivision (a)(1), (a)(2), or (a)(3) of
2 Section 11-14.4 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, and the manufacture, sale or
4 delivery of controlled substances or instruments used for
5 illegal drug use or abuse in which case the driver's
6 driving privileges shall be suspended for one year;

7 30. Has been convicted a second or subsequent time for
8 any combination of the offenses named in paragraph 29 of
9 this subsection, in which case the person's driving
10 privileges shall be suspended for 5 years;

11 31. Has refused to submit to a test as required by
12 Section 11-501.6 of this Code or Section 5-16c of the Boat
13 Registration and Safety Act or has submitted to a test
14 resulting in an alcohol concentration of 0.08 or more or
15 any amount of a drug, substance, or compound resulting
16 from the unlawful use or consumption of cannabis as listed
17 in the Cannabis Control Act, a controlled substance as
18 listed in the Illinois Controlled Substances Act, an
19 intoxicating compound as listed in the Use of Intoxicating
20 Compounds Act, or methamphetamine as listed in the
21 Methamphetamine Control and Community Protection Act, in
22 which case the penalty shall be as prescribed in Section
23 6-208.1;

24 32. Has been convicted of Section 24-1.2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012
26 relating to the aggravated discharge of a firearm if the

1 offender was located in a motor vehicle at the time the
2 firearm was discharged, in which case the suspension shall
3 be for 3 years;

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

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

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

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

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

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

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

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

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

8 42. Has committed a violation of subsection (a-1) of
9 Section 11-1301.3 of this Code or a similar provision of a
10 local ordinance;

11 43. Has received a disposition of court supervision
12 for a violation of subsection (a), (d), or (e) of Section
13 6-20 of the Liquor Control Act of 1934 or a similar
14 provision of a local ordinance and the person was an
15 occupant of a motor vehicle at the time of the violation,
16 in which case the suspension shall be for a period of 3
17 months;

18 44. Is under the age of 21 years at the time of arrest
19 and has been convicted of an offense against traffic
20 regulations governing the movement of vehicles after
21 having previously had his or her driving privileges
22 suspended or revoked pursuant to subparagraph 36 of this
23 Section;

24 45. Has, in connection with or during the course of a
25 formal hearing conducted under Section 2-118 of this Code:
26 (i) committed perjury; (ii) submitted fraudulent or

1 falsified documents; (iii) submitted documents that have
2 been materially altered; or (iv) submitted, as his or her
3 own, documents that were in fact prepared or composed for
4 another person;

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

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

9 48. Has submitted a falsified or altered medical
10 examiner's certificate to the Secretary of State or
11 provided false information to obtain a medical examiner's
12 certificate;

13 49. Has been convicted of a violation of Section
14 11-1002 or 11-1002.5 that resulted in a Type A injury to
15 another, in which case the driving privileges of the
16 person shall be suspended for 12 months;

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

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

25 52. Has committed a violation of subsection (b) of
26 Section 10-20 of the Cannabis Regulation and Tax Act or a

1 similar provision of a local ordinance.

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

9 (b) If any conviction forming the basis of a suspension or
10 revocation authorized under this Section is appealed, the
11 Secretary of State may rescind or withhold the entry of the
12 order of suspension or revocation, as the case may be,
13 provided that a certified copy of a stay order of a court is
14 filed with the Secretary of State. If the conviction is
15 affirmed on appeal, the date of the conviction shall relate
16 back to the time the original judgment of conviction was
17 entered and the 6-month limitation prescribed shall not apply.

18 (c) 1. Upon suspending or revoking the driver's license or
19 permit of any person as authorized in this Section, the
20 Secretary of State shall immediately notify the person in
21 writing of the revocation or suspension. The notice to be
22 deposited in the United States mail, postage prepaid, to the
23 last known address of the person.

24 2. If the Secretary of State suspends the driver's license
25 of a person under subsection 2 of paragraph (a) of this
26 Section, a person's privilege to operate a vehicle as an

1 occupation shall not be suspended, provided an affidavit is
2 properly completed, the appropriate fee received, and a permit
3 issued prior to the effective date of the suspension, unless 5
4 offenses were committed, at least 2 of which occurred while
5 operating a commercial vehicle in connection with the driver's
6 regular occupation. All other driving privileges shall be
7 suspended by the Secretary of State. Any driver prior to
8 operating a vehicle for occupational purposes only must submit
9 the affidavit on forms to be provided by the Secretary of State
10 setting forth the facts of the person's occupation. The
11 affidavit shall also state the number of offenses committed
12 while operating a vehicle in connection with the driver's
13 regular occupation. The affidavit shall be accompanied by the
14 driver's license. Upon receipt of a properly completed
15 affidavit, the Secretary of State shall issue the driver a
16 permit to operate a vehicle in connection with the driver's
17 regular occupation only. Unless the permit is issued by the
18 Secretary of State prior to the date of suspension, the
19 privilege to drive any motor vehicle shall be suspended as set
20 forth in the notice that was mailed under this Section. If an
21 affidavit is received subsequent to the effective date of this
22 suspension, a permit may be issued for the remainder of the
23 suspension period.

24 The provisions of this subparagraph shall not apply to any
25 driver required to possess a CDL for the purpose of operating a
26 commercial motor vehicle.

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

5 3. At the conclusion of a hearing under Section 2-118 of
6 this Code, the Secretary of State shall either rescind or
7 continue an order of revocation or shall substitute an order
8 of suspension; or, good cause appearing therefor, rescind,
9 continue, change, or extend the order of suspension. If the
10 Secretary of State does not rescind the order, the Secretary
11 may upon application, to relieve undue hardship (as defined by
12 the rules of the Secretary of State), issue a restricted
13 driving permit granting the privilege of driving a motor
14 vehicle between the petitioner's residence and petitioner's
15 place of employment or within the scope of the petitioner's
16 employment-related duties, or to allow the petitioner to
17 transport himself or herself, or a family member of the
18 petitioner's household to a medical facility, to receive
19 necessary medical care, to allow the petitioner to transport
20 himself or herself to and from alcohol or drug remedial or
21 rehabilitative activity recommended by a licensed service
22 provider, or to allow the petitioner to transport himself or
23 herself or a family member of the petitioner's household to
24 classes, as a student, at an accredited educational
25 institution, or to allow the petitioner to transport children,
26 elderly persons, or persons with disabilities who do not hold

1 driving privileges and are living in the petitioner's
2 household to and from day care ~~daycare~~. The petitioner must
3 demonstrate that no alternative means of transportation is
4 reasonably available and that the petitioner will not endanger
5 the public safety or welfare.

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

18 (B) If a person's license or permit is revoked or
19 suspended 2 or more times due to any combination of:

20 (i) a single conviction of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense or Section
23 9-3 of the Criminal Code of 1961 or the Criminal Code
24 of 2012, where the use of alcohol or other drugs is
25 recited as an element of the offense, or a similar
26 out-of-state offense; or

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

3 (iii) a suspension under Section 6-203.1;
4 arising out of separate occurrences; that person, if
5 issued a restricted driving permit, may not operate a
6 vehicle unless it has been equipped with an ignition
7 interlock device as defined in Section 1-129.1.

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

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

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

1 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, this employment
6 exemption does not apply until either a one-year period
7 has elapsed during which that person had his or her
8 driving privileges revoked or a one-year period has
9 elapsed during which that person had a restricted driving
10 permit which required the use of an ignition interlock
11 device on every motor vehicle owned or operated by that
12 person.

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

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

6 (F) A person subject to the provisions of paragraph 4
7 of 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
12 release from a period of imprisonment resulting from a
13 conviction of the most recent offense, whichever is later,
14 provided the person, in addition to all other requirements
15 of the Secretary, shows by clear and convincing evidence:

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

24 (ii) the successful completion of any
25 rehabilitative treatment and involvement in any
26 ongoing rehabilitative activity that may be

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

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

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

26 A restricted driving permit issued under this

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

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

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

25 (c-5) The Secretary of State may, as a condition of the
26 reissuance of a driver's license or permit to an applicant

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

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

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

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

17 (Source: P.A. 102-299, eff. 8-6-21; 102-558, eff. 8-20-21;
18 102-749, eff. 1-1-23; 102-813, eff. 5-13-22; 102-982, eff.
19 7-1-23; 103-154, eff. 6-30-23; 103-822, eff. 1-1-25; 103-1071,
20 eff. 7-1-25; revised 10-27-25.)

21 (Text of Section after amendment by P.A. 104-400)

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

24 (a) The Secretary of State is authorized to suspend or
25 revoke the driving privileges of any person without

1 preliminary hearing upon a showing of the person's records or
2 other sufficient evidence that the person:

3 1. Has committed an offense for which mandatory
4 revocation of a driver's license or permit is required
5 upon conviction;

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

11 3. Has been repeatedly involved as a driver in motor
12 vehicle collisions or has been repeatedly convicted of
13 offenses against laws and ordinances regulating the
14 movement of traffic, to a degree that indicates lack of
15 ability to exercise ordinary and reasonable care in the
16 safe operation of a motor vehicle or disrespect for the
17 traffic laws and the safety of other persons upon the
18 highway;

19 4. Has by the unlawful operation of a motor vehicle
20 caused or contributed to a crash resulting in injury
21 requiring immediate professional treatment in a medical
22 facility or doctor's office to any person, except that any
23 suspension or revocation imposed by the Secretary of State
24 under the provisions of this subsection shall start no
25 later than 6 months after being convicted of violating a
26 law or ordinance regulating the movement of traffic, which

1 violation is related to the crash, or shall start not more
2 than one year after the date of the crash, whichever date
3 occurs later;

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

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

10 7. Has refused or failed to submit to an examination
11 provided for by Section 6-207 or has failed to pass the
12 examination;

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

15 9. Has made a false statement or knowingly concealed a
16 material fact or has used false information or
17 identification in any application for a license,
18 identification card, or permit;

19 10. Has possessed, displayed, or attempted to
20 fraudulently use any license, identification card, or
21 permit not issued to the person;

22 11. Has operated a motor vehicle upon a highway of
23 this State when the person's driving privilege or
24 privilege to obtain a driver's license or permit was
25 revoked or suspended unless the operation was authorized
26 by a monitoring device driving permit, judicial driving

1 permit issued prior to January 1, 2009, probationary
2 license to drive, or restricted driving permit issued
3 under this Code;

4 12. Has submitted to any portion of the application
5 process for another person or has obtained the services of
6 another person to submit to any portion of the application
7 process for the purpose of obtaining a license,
8 identification card, or permit for some other person;

9 13. Has operated a motor vehicle upon a highway of
10 this State when the person's driver's license or permit
11 was invalid under the provisions of Sections 6-107.1 and
12 6-110;

13 14. Has committed a violation of Section 6-301,
14 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or
15 14B of the Illinois Identification Card Act or a similar
16 offense in another state if, at the time of the offense,
17 the person held an Illinois driver's license or
18 identification card;

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

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

1 17. Has refused to submit to a test, or tests, as
2 required under Section 11-501.1 of this Code and the
3 person has not sought a hearing as provided for in Section
4 11-501.1;

5 18. (Blank);

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

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

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

15 22. Has used a motor vehicle in violating paragraph
16 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
17 the Criminal Code of 1961 or the Criminal Code of 2012
18 relating to unlawful possession of weapons, in which case
19 the suspension shall be for one year;

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

24 24. Has been convicted by a court-martial or punished
25 by non-judicial punishment by military authorities of the
26 United States at a military installation in Illinois or in

1 another state of or for a traffic-related offense that is
2 the same as or similar to an offense specified under
3 Section 6-205 or 6-206 of this Code;

4 25. Has permitted any form of identification to be
5 used by another in the application process in order to
6 obtain or attempt to obtain a license, identification
7 card, or permit;

8 26. Has altered or attempted to alter a license or has
9 possessed an altered license, identification card, or
10 permit;

11 27. (Blank);

12 28. Has been convicted for a first time of the illegal
13 possession, while operating or in actual physical control,
14 as a driver, of a motor vehicle, of any controlled
15 substance prohibited under the Illinois Controlled
16 Substances Act, any cannabis prohibited under the Cannabis
17 Control Act, or any methamphetamine prohibited under the
18 Methamphetamine Control and Community Protection Act, in
19 which case the person's driving privileges shall be
20 suspended for one year. Any defendant found guilty of this
21 offense while operating a motor vehicle shall have an
22 entry made in the court record by the presiding judge that
23 this offense did occur while the defendant was operating a
24 motor vehicle and order the clerk of the court to report
25 the violation to the Secretary of State;

26 29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual
2 physical control, as a driver, of a motor vehicle:
3 criminal sexual assault, predatory criminal sexual assault
4 of a child, aggravated criminal sexual assault, criminal
5 sexual abuse, aggravated criminal sexual abuse, juvenile
6 pimping, soliciting for a sexually exploited child,
7 promoting commercial sexual exploitation of a child as
8 described in subdivision (a)(1), (a)(2), or (a)(3) of
9 Section 11-14.4 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, and the manufacture, sale or
11 delivery of controlled substances or instruments used for
12 illegal drug use or abuse in which case the driver's
13 driving privileges shall be suspended for one year;

14 30. Has been convicted a second or subsequent time for
15 any combination of the offenses named in paragraph 29 of
16 this subsection, in which case the person's driving
17 privileges shall be suspended for 5 years;

18 31. Has refused to submit to a test as required by
19 Section 11-501.6 of this Code or Section 5-16c of the Boat
20 Registration and Safety Act or has submitted to a test
21 resulting in an alcohol concentration of 0.08 or more or
22 any amount of a drug, substance, or compound resulting
23 from the unlawful use or consumption of cannabis as listed
24 in the Cannabis Control Act, a controlled substance as
25 listed in the Illinois Controlled Substances Act, an
26 intoxicating compound as listed in the Use of Intoxicating

1 Compounds Act, or methamphetamine as listed in the
2 Methamphetamine Control and Community Protection Act, in
3 which case the penalty shall be as prescribed in Section
4 6-208.1;

5 32. Has been convicted of Section 24-1.2 of the
6 Criminal Code of 1961 or the Criminal Code of 2012
7 relating to the aggravated discharge of a firearm if the
8 offender was located in a motor vehicle at the time the
9 firearm was discharged, in which case the suspension shall
10 be for 3 years;

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

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

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

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

25 37. Has committed a violation of subsection (c),
26 (c-5), or (c-10) of Section 11-907 of this Code that

1 resulted in damage to the property of another or the death
2 or injury of another;

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

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

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

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

16 42. Has committed a violation of subsection (a-1) of
17 Section 11-1301.3 of this Code or a similar provision of a
18 local ordinance;

19 43. Has received a disposition of court supervision
20 for a violation of subsection (a), (d), or (e) of Section
21 6-20 of the Liquor Control Act of 1934 or a similar
22 provision of a local ordinance and the person was an
23 occupant of a motor vehicle at the time of the violation,
24 in which case the suspension shall be for a period of 3
25 months;

26 44. Is under the age of 21 years at the time of arrest

1 and has been convicted of an offense against traffic
2 regulations governing the movement of vehicles after
3 having previously had his or her driving privileges
4 suspended or revoked pursuant to subparagraph 36 of this
5 Section;

6 45. Has, in connection with or during the course of a
7 formal hearing conducted under Section 2-118 of this Code:
8 (i) committed perjury; (ii) submitted fraudulent or
9 falsified documents; (iii) submitted documents that have
10 been materially altered; or (iv) submitted, as his or her
11 own, documents that were in fact prepared or composed for
12 another person;

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

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

17 48. Has submitted a falsified or altered medical
18 examiner's certificate to the Secretary of State or
19 provided false information to obtain a medical examiner's
20 certificate;

21 49. Has been convicted of a violation of Section
22 11-1002 or 11-1002.5 that resulted in a Type A injury to
23 another, in which case the driving privileges of the
24 person shall be suspended for 12 months;

25 50. Has committed a violation of subsection (b-5) of
26 Section 12-610.2 that resulted in great bodily harm,

1 permanent disability, or disfigurement, in which case the
2 driving privileges of the person shall be suspended for 12
3 months;

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

7 52. Has committed a violation of subsection (b) of
8 Section 10-20 of the Cannabis Regulation and Tax Act or a
9 similar provision of a local ordinance; or-

10 53. Has been convicted of a violation of subsection
11 (g) of Section 6-107 of this Code that resulted in bodily
12 harm or permanent disability to another.

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

20 (b) If any conviction forming the basis of a suspension or
21 revocation authorized under this Section is appealed, the
22 Secretary of State may rescind or withhold the entry of the
23 order of suspension or revocation, as the case may be,
24 provided that a certified copy of a stay order of a court is
25 filed with the Secretary of State. If the conviction is
26 affirmed on appeal, the date of the conviction shall relate

1 back to the time the original judgment of conviction was
2 entered and the 6-month limitation prescribed shall not apply.

3 (c) 1. Upon suspending or revoking the driver's license or
4 permit of any person as authorized in this Section, the
5 Secretary of State shall immediately notify the person in
6 writing of the revocation or suspension. The notice to be
7 deposited in the United States mail, postage prepaid, to the
8 last known address of the person.

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

1 permit to operate a vehicle in connection with the driver's
2 regular occupation only. Unless the permit is issued by the
3 Secretary of State prior to the date of suspension, the
4 privilege to drive any motor vehicle shall be suspended as set
5 forth in the notice that was mailed under this Section. If an
6 affidavit is received subsequent to the effective date of this
7 suspension, a permit may be issued for the remainder of the
8 suspension period.

9 The provisions of this subparagraph shall not apply to any
10 driver required to possess a CDL for the purpose of operating a
11 commercial motor vehicle.

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

16 3. At the conclusion of a hearing under Section 2-118 of
17 this Code, the Secretary of State shall either rescind or
18 continue an order of revocation or shall substitute an order
19 of suspension; or, good cause appearing therefor, rescind,
20 continue, change, or extend the order of suspension. If the
21 Secretary of State does not rescind the order, the Secretary
22 may upon application, to relieve undue hardship (as defined by
23 the rules of the Secretary of State), issue a restricted
24 driving permit granting the privilege of driving a motor
25 vehicle between the petitioner's residence and petitioner's
26 place of employment or within the scope of the petitioner's

1 employment-related duties, or to allow the petitioner to
2 transport himself or herself, or a family member of the
3 petitioner's household to a medical facility, to receive
4 necessary medical care, to allow the petitioner to transport
5 himself or herself to and from alcohol or drug remedial or
6 rehabilitative activity recommended by a licensed service
7 provider, or to allow the petitioner to transport himself or
8 herself or a family member of the petitioner's household to
9 classes, as a student, at an accredited educational
10 institution, or to allow the petitioner to transport children,
11 elderly persons, or persons with disabilities who do not hold
12 driving privileges and are living in the petitioner's
13 household to and from day care ~~daycare~~. The petitioner must
14 demonstrate that no alternative means of transportation is
15 reasonably available and that the petitioner will not endanger
16 the public safety or welfare.

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

1 vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1.

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

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

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

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

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

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

1 (C) The person issued a permit conditioned upon the
2 use of an ignition interlock device must pay to the
3 Secretary of State DUI Administration Fund an amount not
4 to exceed \$30 per month. The Secretary shall establish by
5 rule the amount and the procedures, terms, and conditions
6 relating to these fees.

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

24 (E) In each case the Secretary may issue a restricted
25 driving permit for a period deemed appropriate, except
26 that all permits shall expire no later than 2 years from

1 the date of issuance. A restricted driving permit issued
2 under this Section shall be subject to cancellation,
3 revocation, and suspension by the Secretary of State in
4 like manner and for like cause as a driver's license
5 issued under this Code may be cancelled, revoked, or
6 suspended; except that a conviction upon one or more
7 offenses against laws or ordinances regulating the
8 movement of traffic shall be deemed sufficient cause for
9 the revocation, suspension, or cancellation of a
10 restricted driving permit. The Secretary of State may, as
11 a condition to the issuance of a restricted driving
12 permit, require the applicant to participate in a
13 designated driver remedial or rehabilitative program. The
14 Secretary of State is authorized to cancel a restricted
15 driving permit if the permit holder does not successfully
16 complete the program.

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

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

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

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

26 A restricted driving permit issued under this

1 subparagraph (F) shall provide that the holder may only
2 operate motor vehicles equipped with an ignition interlock
3 device as required under paragraph (2) of subsection (c)
4 of Section 6-205 of this Code and subparagraph (A) of
5 paragraph 3 of subsection (c) of this Section. The
6 Secretary may revoke a restricted driving permit or amend
7 the conditions of a restricted driving permit issued under
8 this subparagraph (F) if the holder operates a vehicle
9 that is not equipped with an ignition interlock device, or
10 for any other reason authorized under this Code.

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

18 (c-3) In the case of a suspension under paragraph 43 of
19 subsection (a), reports received by the Secretary of State
20 under this Section shall, except during the actual time the
21 suspension is in effect, be privileged information and for use
22 only by the courts, police officers, prosecuting authorities,
23 the driver licensing administrator of any other state, the
24 Secretary of State, or the parent or legal guardian of a driver
25 under the age of 18. However, beginning January 1, 2008, if the
26 person is a CDL holder, the suspension shall also be made

1 available to the driver licensing administrator of any other
2 state, the U.S. Department of Transportation, and the affected
3 driver or motor carrier or prospective motor carrier upon
4 request.

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

10 (c-5) The Secretary of State may, as a condition of the
11 reissuance of a driver's license or permit to an applicant
12 whose driver's license or permit has been suspended before he
13 or she reached the age of 21 years pursuant to any of the
14 provisions of this Section, require the applicant to
15 participate in a driver remedial education course and be
16 retested under Section 6-109 of this Code.

17 (d) This Section is subject to the provisions of the
18 Driver License Compact.

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

23 (f) In accordance with 49 CFR 384, the Secretary of State
24 may not issue a restricted driving permit for the operation of
25 a commercial motor vehicle to a person holding a CDL whose
26 driving privileges have been suspended, revoked, cancelled, or

1 disqualified under any provisions of this Code.

2 (Source: P.A. 103-154, eff. 6-30-23; 103-822, eff. 1-1-25;
3 103-1071, eff. 7-1-25; 104-400, eff. 6-1-26; revised
4 10-27-25.)"; and

5 on page 7, by replacing lines 4 through 5 with the following:

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

13 Section 99. Effective date. This Act takes effect January
14 1, 2027."