



Rep. Jay Hoffman

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10400SB1922ham001

LRB104 08405 LNS 25351 a

1 AMENDMENT TO SENATE BILL 1922

2 AMENDMENT NO. _____. Amend Senate Bill 1922 on page 1, by
3 replacing line 5 with "changing Sections 6-206 and 11-907 as
4 follows:

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

1 revocation or suspension shall be entered more than 6
2 months after the date of last conviction;

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

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

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

24 6. Has been lawfully convicted of an offense or
25 offenses in another state, including the authorization
26 contained in Section 6-203.1, which if committed within

1 this State would be grounds for suspension or revocation;

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

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

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

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

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

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

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

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

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

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

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

23 18. (Blank);

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

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

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

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

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

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

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

26 26. Has altered or attempted to alter a license or has

1 possessed an altered license, identification card, or
2 permit;

3 27. (Blank);

4 28. Has been convicted for a first time of the 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, in
11 which case the person's driving privileges shall be
12 suspended for one year. Any defendant found guilty of this
13 offense while operating a motor vehicle shall have an
14 entry made in the court record by the presiding judge that
15 this offense did occur while the defendant was operating a
16 motor vehicle and order the clerk of the court to report
17 the violation to the Secretary of State;

18 29. Has been convicted of the following offenses that
19 were committed while the person was operating or in actual
20 physical control, as a driver, of a motor vehicle:
21 criminal sexual assault, predatory criminal sexual assault
22 of a child, aggravated criminal sexual assault, criminal
23 sexual abuse, aggravated criminal sexual abuse, juvenile
24 pimping, soliciting for a juvenile prostitute, promoting
25 juvenile prostitution as described in subdivision (a)(1),
26 (a)(2), or (a)(3) of Section 11-14.4 of the Criminal Code

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

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

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

23 32. Has been convicted of Section 24-1.2 of the
24 Criminal Code of 1961 or the Criminal Code of 2012
25 relating to the aggravated discharge of a firearm if the
26 offender was located in a motor vehicle at the time the

1 firearm was discharged, in which case the suspension shall
2 be for 3 years;

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

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

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

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

17 37. Has committed a violation of subsection (c) and
18 (c-5), or (c-10) of Section 11-907 of this Code that
19 resulted in damage to the property of another or the death
20 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 daycare. The petitioner must demonstrate
3 that no alternative means of transportation is reasonably
4 available and that the petitioner will not endanger the public
5 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.)".