**Section 1001.465 Cancellation of Driving Privileges; Hearing to Contest and Show Cause Hearing**

a) 14 Day Notice of Cancellation or Denial. The Secretary of State reserves the discretion to enter an order cancelling or denying the driving privileges of any person or petitioner, pursuant to IVC Sections 6-103, 6-108, 6-207 and/or 6-201(a), if the Secretary obtains specific, credible evidence that gives reasonable grounds to believe that the person or petitioner presents an imminent threat to the public safety and welfare or is a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle (see Section 6-103.4), or is otherwise not in compliance with the rules of the Secretary. The cancellation or denial will be effective 14 days after a letter of notification and the Order of Cancellation or Denial is sent to the petitioner or person whose driving privileges are being cancelled. The Order of Cancellation or Denial will state the grounds for the cancellation and inform the petitioner or person of the right to contest the Order.

1) If a petition to contest is received or postmarked prior to the effective date of the Order of Cancellation or Denial, the cancellation shall be stayed pending the outcome of the hearing to contest.

2) If a petition is received and filed within 60 days after the effective date of the Order of Cancellation or Denial, the cancellation shall remain in effect pending the outcome of the hearing.

3) If a petition to contest is received more than 60 days after the effective date of the Order of Cancellation or Denial, then the Order of Cancellation or Denial shall remain in effect and a hearing to contest shall not be granted.

b) Show Cause Hearing. The Secretary of State reserves the discretion to require any person or petitioner to show cause why driving privileges should not be cancelled or denied, pursuant to IVC Sections 6-103, 6-108, 6-207 and/or 6‑201(a), if the Secretary obtains specific, credible evidence that gives reasonable grounds to believe that the person or petitioner may present an imminent threat to the public safety and welfare or may be a user of alcohol or any other drug to a degree that renders the person incapable of safely driving a motor vehicle (see IVC Section 6-103.4), or might otherwise not be in compliance with the rules of the Secretary.

1) The person or petitioner will be issued a Notice to Show Cause, at the last known address, in the manner provided by statute and the rules of the Secretary of State. The Notice will specify the time, date and location of the hearing at which the person or petitioner will be required to show cause.

2) The failure of the person or petitioner to respond to the Notice to Show Cause will be processed as a default and will result in the entry of an Order of Cancellation.

c) Alcohol/Drug Related Cases. If the proposed cancellation or denial is based upon evidence that the person or petitioner may be a user of alcohol or any other drug to a degree that renders that person or petitioner incapable of safely driving a motor vehicle, the person or petitioner must satisfy the requirements of this Subpart D in order for the cancellation to be terminated or to be issued any further driving relief (see IVC Section 6-103.4).

d) All hearings conducted pursuant to this Section shall be conducted as formal hearings under IVC Section 2-118.

e) The driving privileges of a restricted driving permit holder whose alcohol/drug use was classified as High Risk Dependent shall not be cancelled based only on BAIID violations that show the permittee has failed to maintain abstinence.

(Source: Amended at 45 Ill. Reg. 14985, effective November 12, 2021)