

# HB4001



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

**HB4001**

Introduced 1/8/2020, by Rep. John Connor

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

625 ILCS 5/6-303.1 new

Amends the Illinois Vehicle Code. Relocates language providing that certain persons who drive with suspended or revoked driving privileges shall be issued a Uniform Traffic Citation. Makes corresponding changes. Effective immediately.

LRB101 14526 TAE 63423 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 changing  
5 Section 6-303 and by adding Section 6-303.1 as follows:

6 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

7 Sec. 6-303. Driving while driver's license, permit, or  
8 privilege to operate a motor vehicle is suspended or revoked.

9 (a) Except as otherwise provided in subsection (a-5) or  
10 Section 6-303.1 ~~(a-7)~~, any person who drives or is in actual  
11 physical control of a motor vehicle on any highway of this  
12 State at a time when such person's driver's license, permit, or  
13 privilege to do so or the privilege to obtain a driver's  
14 license or permit is revoked or suspended as provided by this  
15 Code or the law of another state, except as may be specifically  
16 allowed by a judicial driving permit issued prior to January 1,  
17 2009, monitoring device driving permit, family financial  
18 responsibility driving permit, probationary license to drive,  
19 or a restricted driving permit issued pursuant to this Code or  
20 under the law of another state, shall be guilty of a Class A  
21 misdemeanor.

22 (a-3) A second or subsequent violation of subsection (a) of  
23 this Section is a Class 4 felony if committed by a person whose

1 driving or operation of a motor vehicle is the proximate cause  
2 of a motor vehicle accident that causes personal injury or  
3 death to another. For purposes of this subsection, a personal  
4 injury includes any Type A injury as indicated on the traffic  
5 accident report completed by a law enforcement officer that  
6 requires immediate professional attention in either a doctor's  
7 office or a medical facility. A Type A injury includes severe  
8 bleeding wounds, distorted extremities, and injuries that  
9 require the injured party to be carried from the scene.

10 (a-5) Any person who violates this Section as provided in  
11 subsection (a) while his or her driver's license, permit, or  
12 privilege is revoked because of a violation of Section 9-3 of  
13 the Criminal Code of 1961 or the Criminal Code of 2012,  
14 relating to the offense of reckless homicide, or a violation of  
15 subparagraph (F) of paragraph (1) of subsection (d) of Section  
16 11-501 of this Code, relating to the offense of aggravated  
17 driving under the influence of alcohol, other drug or drugs, or  
18 intoxicating compound or compounds, or any combination thereof  
19 when the violation was a proximate cause of a death, or a  
20 similar provision of a law of another state, is guilty of a  
21 Class 4 felony. The person shall be required to undergo a  
22 professional evaluation, as provided in Section 11-501 of this  
23 Code, to determine if an alcohol, drug, or intoxicating  
24 compound problem exists and the extent of the problem, and to  
25 undergo the imposition of treatment as appropriate.

26 (a-7) (Blank). ~~Any person who violates this Section as~~

1 ~~provided in subsection (a) while his or her driver's license or~~  
2 ~~privilege to drive is suspended under Section 6-306.5 or 7-702~~  
3 ~~of this Code shall receive a Uniform Traffic Citation from the~~  
4 ~~law enforcement officer. A person who receives 3 or more~~  
5 ~~Uniform Traffic Citations under this subsection (a 7) without~~  
6 ~~paying any fees associated with the citations shall be guilty~~  
7 ~~of a Class A misdemeanor.~~

8 (a-10) A person's driver's license, permit, or privilege to  
9 obtain a driver's license or permit may be subject to multiple  
10 revocations, multiple suspensions, or any combination of both  
11 simultaneously. No revocation or suspension shall serve to  
12 negate, invalidate, cancel, postpone, or in any way lessen the  
13 effect of any other revocation or suspension entered prior or  
14 subsequent to any other revocation or suspension.

15 (b) (Blank).

16 (b-1) Except for a person under ~~subsection (a 7) of this~~  
17 Section 6-303.1, upon receiving a report of the conviction of  
18 any violation indicating a person was operating a motor vehicle  
19 during the time when the person's driver's license, permit, or  
20 privilege was suspended by the Secretary of State or the  
21 driver's licensing administrator of another state, except as  
22 specifically allowed by a probationary license, judicial  
23 driving permit, restricted driving permit, or monitoring  
24 device driving permit, the Secretary shall extend the  
25 suspension for the same period of time as the originally  
26 imposed suspension unless the suspension has already expired,

1 in which case the Secretary shall be authorized to suspend the  
2 person's driving privileges for the same period of time as the  
3 originally imposed suspension.

4 (b-2) Except as provided in subsection (b-6) or Section  
5 6-303.1 ~~(a-7)~~, upon receiving a report of the conviction of any  
6 violation indicating a person was operating a motor vehicle  
7 when the person's driver's license, permit, or privilege was  
8 revoked by the Secretary of State or the driver's license  
9 administrator of any other state, except as specifically  
10 allowed by a restricted driving permit issued pursuant to this  
11 Code or the law of another state, the Secretary shall not issue  
12 a driver's license for an additional period of one year from  
13 the date of such conviction indicating such person was  
14 operating a vehicle during such period of revocation.

15 (b-3) (Blank).

16 (b-4) When the Secretary of State receives a report of a  
17 conviction of any violation indicating a person was operating a  
18 motor vehicle that was not equipped with an ignition interlock  
19 device during a time when the person was prohibited from  
20 operating a motor vehicle not equipped with such a device, the  
21 Secretary shall not issue a driver's license to that person for  
22 an additional period of one year from the date of the  
23 conviction.

24 (b-5) Any person convicted of violating this Section shall  
25 serve a minimum term of imprisonment of 30 consecutive days or  
26 300 hours of community service when the person's driving

1 privilege was revoked or suspended as a result of a violation  
2 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
3 Code of 2012, relating to the offense of reckless homicide, or  
4 a violation of subparagraph (F) of paragraph (1) of subsection  
5 (d) of Section 11-501 of this Code, relating to the offense of  
6 aggravated driving under the influence of alcohol, other drug  
7 or drugs, or intoxicating compound or compounds, or any  
8 combination thereof when the violation was a proximate cause of  
9 a death, or a similar provision of a law of another state. The  
10 court may give credit toward the fulfillment of community  
11 service hours for participation in activities and treatment as  
12 determined by court services.

13 (b-6) Upon receiving a report of a first conviction of  
14 operating a motor vehicle while the person's driver's license,  
15 permit, or privilege was revoked where the revocation was for a  
16 violation of Section 9-3 of the Criminal Code of 1961 or the  
17 Criminal Code of 2012 relating to the offense of reckless  
18 homicide, or a violation of subparagraph (F) of paragraph (1)  
19 of subsection (d) of Section 11-501 of this Code, relating to  
20 the offense of aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, or any combination thereof when the violation was a  
23 proximate cause of a death, or a similar out-of-state offense,  
24 the Secretary shall not issue a driver's license for an  
25 additional period of 3 years from the date of such conviction.

26 (c) Except as provided in subsections (c-3) and (c-4), any

1 person convicted of violating this Section shall serve a  
2 minimum term of imprisonment of 10 consecutive days or 30 days  
3 of community service when the person's driving privilege was  
4 revoked or suspended as a result of:

5 (1) a violation of Section 11-501 of this Code or a  
6 similar provision of a local ordinance relating to the  
7 offense of operating or being in physical control of a  
8 vehicle while under the influence of alcohol, any other  
9 drug or any combination thereof; or

10 (2) a violation of paragraph (b) of Section 11-401 of  
11 this Code or a similar provision of a local ordinance  
12 relating to the offense of leaving the scene of a motor  
13 vehicle accident involving personal injury or death; or

14 (3) a statutory summary suspension or revocation under  
15 Section 11-501.1 of this Code.

16 Such sentence of imprisonment or community service shall  
17 not be subject to suspension in order to reduce such sentence.

18 (c-1) Except as provided in Section 6-303.1 and subsections  
19 ~~(a-7),~~ (c-5),~~7~~ and (d) of this Section, any person convicted of  
20 a second violation of this Section shall be ordered by the  
21 court to serve a minimum of 100 hours of community service. The  
22 court may give credit toward the fulfillment of community  
23 service hours for participation in activities and treatment as  
24 determined by court services.

25 (c-2) In addition to other penalties imposed under this  
26 Section, the court may impose on any person convicted a fourth

1 time of violating this Section any of the following:

2 (1) Seizure of the license plates of the person's  
3 vehicle.

4 (2) Immobilization of the person's vehicle for a period  
5 of time to be determined by the court.

6 (c-3) Any person convicted of a violation of this Section  
7 during a period of summary suspension imposed pursuant to  
8 Section 11-501.1 when the person was eligible for a monitoring  
9 device driving permit shall be guilty of a Class 4 felony and  
10 shall serve a minimum term of imprisonment of 30 days.

11 (c-4) Any person who has been issued a monitoring device  
12 driving permit or a restricted driving permit which requires  
13 the person to operate only motor vehicles equipped with an  
14 ignition interlock device and who is convicted of a violation  
15 of this Section as a result of operating or being in actual  
16 physical control of a motor vehicle not equipped with an  
17 ignition interlock device at the time of the offense shall be  
18 guilty of a Class 4 felony and shall serve a minimum term of  
19 imprisonment of 30 days.

20 (c-5) Any person convicted of a second violation of this  
21 Section is guilty of a Class 2 felony, is not eligible for  
22 probation or conditional discharge, and shall serve a mandatory  
23 term of imprisonment, if:

24 (1) the current violation occurred when the person's  
25 driver's license was suspended or revoked for a violation  
26 of Section 9-3 of the Criminal Code of 1961 or the Criminal



1 Code of 2012, relating to the offense of reckless homicide,  
2 or a violation of subparagraph (F) of paragraph (1) of  
3 subsection (d) of Section 11-501 of this Code, relating to  
4 the offense of aggravated driving under the influence of  
5 alcohol, other drug or drugs, or intoxicating compound or  
6 compounds, or any combination thereof when the violation  
7 was a proximate cause of a death, or a similar out-of-state  
8 offense; and

9 (2) the prior conviction under this Section occurred  
10 while the person's driver's license was suspended or  
11 revoked for a violation of Section 9-3 of the Criminal Code  
12 of 1961 or the Criminal Code of 2012 relating to the  
13 offense of reckless homicide, or a violation of  
14 subparagraph (F) of paragraph (1) of subsection (d) of  
15 Section 11-501 of this Code, relating to the offense of  
16 aggravated driving under the influence of alcohol, other  
17 drug or drugs, or intoxicating compound or compounds, or  
18 any combination thereof when the violation was a proximate  
19 cause of a death, or a similar out-of-state offense, or was  
20 suspended or revoked for a violation of Section 11-401 or  
21 11-501 of this Code, a similar out-of-state offense, a  
22 similar provision of a local ordinance, or a statutory  
23 summary suspension or revocation under Section 11-501.1 of  
24 this Code.

25 (d) Any person convicted of a second violation of this  
26 Section shall be guilty of a Class 4 felony and shall serve a

1 minimum term of imprisonment of 30 days or 300 hours of  
2 community service, as determined by the court, if:

3 (1) the current violation occurred when the person's  
4 driver's license was suspended or revoked for a violation  
5 of Section 11-401 or 11-501 of this Code, a similar  
6 out-of-state offense, a similar provision of a local  
7 ordinance, or a statutory summary suspension or revocation  
8 under Section 11-501.1 of this Code; and

9 (2) the prior conviction under this Section occurred  
10 while the person's driver's license was suspended or  
11 revoked for a violation of Section 11-401 or 11-501 of this  
12 Code, a similar out-of-state offense, a similar provision  
13 of a local ordinance, or a statutory summary suspension or  
14 revocation under Section 11-501.1 of this Code, or for a  
15 violation of Section 9-3 of the Criminal Code of 1961 or  
16 the Criminal Code of 2012, relating to the offense of  
17 reckless homicide, or a violation of subparagraph (F) of  
18 paragraph (1) of subsection (d) of Section 11-501 of this  
19 Code, relating to the offense of aggravated driving under  
20 the influence of alcohol, other drug or drugs, or  
21 intoxicating compound or compounds, or any combination  
22 thereof when the violation was a proximate cause of a  
23 death, or a similar out-of-state offense.

24 The court may give credit toward the fulfillment of  
25 community service hours for participation in activities and  
26 treatment as determined by court services.

1 (d-1) Except as provided in Section 6-303.1 and subsections  
2 ~~(a-7)~~, (d-2), (d-2.5), and (d-3) of this Section, any person  
3 convicted of a third or subsequent violation of this Section  
4 shall serve a minimum term of imprisonment of 30 days or 300  
5 hours of community service, as determined by the court. The  
6 court may give credit toward the fulfillment of community  
7 service hours for participation in activities and treatment as  
8 determined by court services.

9 (d-2) Any person convicted of a third violation of this  
10 Section is guilty of a Class 4 felony and must serve a minimum  
11 term of imprisonment of 30 days, if:

12 (1) the current violation occurred when the person's  
13 driver's license was suspended or revoked for a violation  
14 of Section 11-401 or 11-501 of this Code, or a similar  
15 out-of-state offense, or a similar provision of a local  
16 ordinance, or a statutory summary suspension or revocation  
17 under Section 11-501.1 of this Code; and

18 (2) the prior convictions under this Section occurred  
19 while the person's driver's license was suspended or  
20 revoked for a violation of Section 11-401 or 11-501 of this  
21 Code, a similar out-of-state offense, a similar provision  
22 of a local ordinance, or a statutory summary suspension or  
23 revocation under Section 11-501.1 of this Code, or for a  
24 violation of Section 9-3 of the Criminal Code of 1961 or  
25 the Criminal Code of 2012, relating to the offense of  
26 reckless homicide, or a violation of subparagraph (F) of

1 paragraph (1) of subsection (d) of Section 11-501 of this  
2 Code, relating to the offense of aggravated driving under  
3 the influence of alcohol, other drug or drugs, or  
4 intoxicating compound or compounds, or any combination  
5 thereof when the violation was a proximate cause of a  
6 death, or a similar out-of-state offense.

7 (d-2.5) Any person convicted of a third violation of this  
8 Section is guilty of a Class 1 felony, is not eligible for  
9 probation or conditional discharge, and must serve a mandatory  
10 term of imprisonment, if:

11 (1) the current violation occurred while the person's  
12 driver's license was suspended or revoked for a violation  
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
14 Code of 2012, relating to the offense of reckless homicide,  
15 or a violation of subparagraph (F) of paragraph (1) of  
16 subsection (d) of Section 11-501 of this Code, relating to  
17 the offense of aggravated driving under the influence of  
18 alcohol, other drug or drugs, or intoxicating compound or  
19 compounds, or any combination thereof when the violation  
20 was a proximate cause of a death, or a similar out-of-state  
21 offense. The person's driving privileges shall be revoked  
22 for the remainder of the person's life; and

23 (2) the prior convictions under this Section occurred  
24 while the person's driver's license was suspended or  
25 revoked for a violation of Section 9-3 of the Criminal Code  
26 of 1961 or the Criminal Code of 2012, relating to the

1 offense of reckless homicide, or a violation of  
2 subparagraph (F) of paragraph (1) of subsection (d) of  
3 Section 11-501 of this Code, relating to the offense of  
4 aggravated driving under the influence of alcohol, other  
5 drug or drugs, or intoxicating compound or compounds, or  
6 any combination thereof when the violation was a proximate  
7 cause of a death, or a similar out-of-state offense, or was  
8 suspended or revoked for a violation of Section 11-401 or  
9 11-501 of this Code, a similar out-of-state offense, a  
10 similar provision of a local ordinance, or a statutory  
11 summary suspension or revocation under Section 11-501.1 of  
12 this Code.

13 (d-3) Any person convicted of a fourth, fifth, sixth,  
14 seventh, eighth, or ninth violation of this Section is guilty  
15 of a Class 4 felony and must serve a minimum term of  
16 imprisonment of 180 days, if:

17 (1) the current violation occurred when the person's  
18 driver's license was suspended or revoked for a violation  
19 of Section 11-401 or 11-501 of this Code, a similar  
20 out-of-state offense, a similar provision of a local  
21 ordinance, or a statutory summary suspension or revocation  
22 under Section 11-501.1 of this Code; and

23 (2) the prior convictions under this Section occurred  
24 while the person's driver's license was suspended or  
25 revoked for a violation of Section 11-401 or 11-501 of this  
26 Code, a similar out-of-state offense, a similar provision

1 of a local ordinance, or a statutory summary suspension or  
2 revocation under Section 11-501.1 of this Code, or for a  
3 violation of Section 9-3 of the Criminal Code of 1961 or  
4 the Criminal Code of 2012, relating to the offense of  
5 reckless homicide, or a violation of subparagraph (F) of  
6 paragraph (1) of subsection (d) of Section 11-501 of this  
7 Code, relating to the offense of aggravated driving under  
8 the influence of alcohol, other drug or drugs, or  
9 intoxicating compound or compounds, or any combination  
10 thereof when the violation was a proximate cause of a  
11 death, or a similar out-of-state offense.

12 (d-3.5) Any person convicted of a fourth or subsequent  
13 violation of this Section is guilty of a Class 1 felony, is not  
14 eligible for probation or conditional discharge, must serve a  
15 mandatory term of imprisonment, and is eligible for an extended  
16 term, if:

17 (1) the current violation occurred when the person's  
18 driver's license was suspended or revoked for a violation  
19 of Section 9-3 of the Criminal Code of 1961 or the Criminal  
20 Code of 2012, relating to the offense of reckless homicide,  
21 or a violation of subparagraph (F) of paragraph (1) of  
22 subsection (d) of Section 11-501 of this Code, relating to  
23 the offense of aggravated driving under the influence of  
24 alcohol, other drug or drugs, or intoxicating compound or  
25 compounds, or any combination thereof when the violation  
26 was a proximate cause of a death, or a similar out-of-state

1 offense; and

2 (2) the prior convictions under this Section occurred  
3 while the person's driver's license was suspended or  
4 revoked for a violation of Section 9-3 of the Criminal Code  
5 of 1961 or the Criminal Code of 2012, relating to the  
6 offense of reckless homicide, or a violation of  
7 subparagraph (F) of paragraph (1) of subsection (d) of  
8 Section 11-501 of this Code, relating to the offense of  
9 aggravated driving under the influence of alcohol, other  
10 drug or drugs, or intoxicating compound or compounds, or  
11 any combination thereof when the violation was a proximate  
12 cause of a death, or a similar out-of-state offense, or was  
13 suspended or revoked for a violation of Section 11-401 or  
14 11-501 of this Code, a similar out-of-state offense, a  
15 similar provision of a local ordinance, or a statutory  
16 summary suspension or revocation under Section 11-501.1 of  
17 this Code.

18 (d-4) Any person convicted of a tenth, eleventh, twelfth,  
19 thirteenth, or fourteenth violation of this Section is guilty  
20 of a Class 3 felony, and is not eligible for probation or  
21 conditional discharge, if:

22 (1) the current violation occurred when the person's  
23 driver's license was suspended or revoked for a violation  
24 of Section 11-401 or 11-501 of this Code, or a similar  
25 out-of-state offense, or a similar provision of a local  
26 ordinance, or a statutory summary suspension or revocation

1 under Section 11-501.1 of this Code; and

2 (2) the prior convictions under this Section occurred  
3 while the person's driver's license was suspended or  
4 revoked for a violation of Section 11-401 or 11-501 of this  
5 Code, a similar out-of-state offense, a similar provision  
6 of a local ordinance, or a statutory suspension or  
7 revocation under Section 11-501.1 of this Code, or for a  
8 violation of Section 9-3 of the Criminal Code of 1961 or  
9 the Criminal Code of 2012, relating to the offense of  
10 reckless homicide, or a violation of subparagraph (F) of  
11 paragraph (1) of subsection (d) of Section 11-501 of this  
12 Code, relating to the offense of aggravated driving under  
13 the influence of alcohol, other drug or drugs, or  
14 intoxicating compound or compounds, or any combination  
15 thereof when the violation was a proximate cause of a  
16 death, or a similar out-of-state offense.

17 (d-5) Any person convicted of a fifteenth or subsequent  
18 violation of this Section is guilty of a Class 2 felony, and is  
19 not eligible for probation or conditional discharge, if:

20 (1) the current violation occurred when the person's  
21 driver's license was suspended or revoked for a violation  
22 of Section 11-401 or 11-501 of this Code, or a similar  
23 out-of-state offense, or a similar provision of a local  
24 ordinance, or a statutory summary suspension or revocation  
25 under Section 11-501.1 of this Code; and

26 (2) the prior convictions under this Section occurred



1 while the person's driver's license was suspended or  
2 revoked for a violation of Section 11-401 or 11-501 of this  
3 Code, a similar out-of-state offense, a similar provision  
4 of a local ordinance, or a statutory summary suspension or  
5 revocation under Section 11-501.1 of this Code, or for a  
6 violation of Section 9-3 of the Criminal Code of 1961 or  
7 the Criminal Code of 2012, relating to the offense of  
8 reckless homicide, or a violation of subparagraph (F) of  
9 paragraph (1) of subsection (d) of Section 11-501 of this  
10 Code, relating to the offense of aggravated driving under  
11 the influence of alcohol, other drug or drugs, or  
12 intoxicating compound or compounds, or any combination  
13 thereof when the violation was a proximate cause of a  
14 death, or a similar out-of-state offense.

15 (e) Any person in violation of this Section who is also in  
16 violation of Section 7-601 of this Code relating to mandatory  
17 insurance requirements, in addition to other penalties imposed  
18 under this Section, shall have his or her motor vehicle  
19 immediately impounded by the arresting law enforcement  
20 officer. The motor vehicle may be released to any licensed  
21 driver upon a showing of proof of insurance for the vehicle  
22 that was impounded and the notarized written consent for the  
23 release by the vehicle owner.

24 (f) For any prosecution under this Section, a certified  
25 copy of the driving abstract of the defendant shall be admitted  
26 as proof of any prior conviction.

1 (g) The motor vehicle used in a violation of this Section  
2 is subject to seizure and forfeiture as provided in Sections  
3 36-1 and 36-2 of the Criminal Code of 2012 if the person's  
4 driving privilege was revoked or suspended as a result of:

5 (1) a violation of Section 11-501 of this Code, a  
6 similar provision of a local ordinance, or a similar  
7 provision of a law of another state;

8 (2) a violation of paragraph (b) of Section 11-401 of  
9 this Code, a similar provision of a local ordinance, or a  
10 similar provision of a law of another state;

11 (3) a statutory summary suspension or revocation under  
12 Section 11-501.1 of this Code or a similar provision of a  
13 law of another state; or

14 (4) a violation of Section 9-3 of the Criminal Code of  
15 1961 or the Criminal Code of 2012 relating to the offense  
16 of reckless homicide, or a violation of subparagraph (F) of  
17 paragraph (1) of subsection (d) of Section 11-501 of this  
18 Code, relating to the offense of aggravated driving under  
19 the influence of alcohol, other drug or drugs, or  
20 intoxicating compound or compounds, or any combination  
21 thereof when the violation was a proximate cause of a  
22 death, or a similar provision of a law of another state.

23 (Source: P.A. 100-149, eff. 1-1-18; 100-575, eff. 1-8-18;  
24 100-1004, eff. 1-1-19; 101-81, eff. 7-12-19.)

25 (625 ILCS 5/6-303.1 new)

1       Sec. 6-303.1. Driving privileges suspended or revoked due  
2       to failure to pay civil penalties or child support. Any person  
3       who violates subsection (a) of Section 6-303 while his or her  
4       driver's license or privilege to drive is suspended under  
5       Section 6-306.5 or 7-702 of this Code shall receive a Uniform  
6       Traffic Citation from the law enforcement officer. A person who  
7       receives 3 or more Uniform Traffic Citations under this Section  
8       without paying any fees associated with the citations shall be  
9       guilty of a Class A misdemeanor.

10       Section 99. Effective date. This Act takes effect upon  
11       becoming law.