



Rep. Patrick Windhorst

Filed: 3/25/2024

10300HB4811ham001

LRB103 36366 RTM 70912 a

1 AMENDMENT TO HOUSE BILL 4811

2 AMENDMENT NO. _____. Amend House Bill 4811 on page 1, by
3 replacing line 5 with the following:

4 "changing Sections 6-205 and 11-506 as follows:

5 (625 ILCS 5/6-205)

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

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

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

14 2. Violation of Section 11-501 of this Code or a
15 similar provision of a local ordinance relating to the
16 offense of operating or being in physical control of a
17 vehicle while under the influence of alcohol, other drug

1 or drugs, intoxicating compound or compounds, or any
2 combination thereof;

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

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

9 5. Perjury or the making of a false affidavit or
10 statement under oath to the Secretary of State under this
11 Code or under any other law relating to the ownership or
12 operation of motor vehicles;

13 6. Conviction upon 3 charges of violation of Section
14 11-503 of this Code relating to the offense of reckless
15 driving committed within a period of 12 months;

16 7. Conviction of any offense defined in Section 4-102
17 of this Code if the person exercised actual physical
18 control over the vehicle during the commission of the
19 offense;

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

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

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 or the Criminal Code of 2012 arising from the use of a
25 motor vehicle;

26 11. Violation of Section 11-204.1 of this Code

1 relating to aggravated fleeing or attempting to elude a
2 peace officer;

3 12. Violation of paragraph (1) of subsection (b) of
4 Section 6-507, or a similar law of any other state,
5 relating to the unlawful operation of a commercial motor
6 vehicle;

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

13 14. Violation of paragraph (a) or (a-5) of Section
14 11-506 of this Code or a similar provision of a local
15 ordinance relating to the offense of street racing or
16 street sideshow;

17 15. A second or subsequent conviction of driving while
18 the person's driver's license, permit or privileges was
19 revoked for reckless homicide or a similar out-of-state
20 offense;

21 16. Any offense against any provision in this Code, or
22 any local ordinance, regulating the movement of traffic
23 when that offense was the proximate cause of the death of
24 any person. Any person whose driving privileges have been
25 revoked pursuant to this paragraph may seek to have the
26 revocation terminated or to have the length of revocation

1 reduced by requesting an administrative hearing with the
2 Secretary of State prior to the projected driver's license
3 application eligibility date;

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

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

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

26 (b) The Secretary of State shall also immediately revoke

1 the license or permit of any driver in the following
2 situations:

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

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

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

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

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

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

1 the most recent offense, whichever is later, provided the
2 person, in addition to all other requirements of the
3 Secretary, shows by clear and convincing evidence:

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

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

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

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

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

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

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

3 (3) If:

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

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

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

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

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

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

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

21 (6) In each case the Secretary of State may issue a
22 restricted driving permit for a period he deems appropriate,
23 except that the permit shall expire no later than 2 years from
24 the date of issuance. A restricted driving permit issued under
25 this Section shall be subject to cancellation, revocation, and
26 suspension by the Secretary of State in like manner and for

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

16 (c-5) (Blank).

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

1 years from the date of release from a term of imprisonment,
2 whichever is later.

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

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

1 appropriate, by additional periods of not more than 24 months
2 each.

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

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

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

22 (B) a statutory summary suspension or revocation under
23 Section 11-501.1; or

24 (C) a suspension pursuant to Section 6-203.1;
25 arising out of separate occurrences, that person, if issued a
26 restricted driving permit, may not operate a vehicle unless it

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

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

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

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

1 privileges revoked or a one-year period has elapsed during
2 which that person had a restricted driving permit which
3 required the use of an ignition interlock device on every
4 motor vehicle owned or operated by that person.

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

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

23 (e) This Section is subject to the provisions of the
24 Driver License Compact.

25 (f) Any revocation imposed upon any person under
26 subsections 2 and 3 of paragraph (b) that is in effect on

1 December 31, 1988 shall be converted to a suspension for a like
2 period of time.

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

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

1 (i) (Blank).

2 (j) In accordance with 49 C.F.R. 384, the Secretary of
3 State may not issue a restricted driving permit for the
4 operation of a commercial motor vehicle to a person holding a
5 CDL whose driving privileges have been revoked, suspended,
6 cancelled, or disqualified under any provisions of this Code.

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

12 (Source: P.A. 101-623, eff. 7-1-20; 102-299, eff. 8-6-21;
13 102-982, eff. 7-1-23.)".