

1 AN ACT concerning driver's licenses.

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
5 changing Sections 6-205, 6-206, and 11-501 as follows:

6 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

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

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

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

15 2. Violation of Section 11-501 of this Code or a
16 similar provision of a local ordinance relating to the
17 offense of operating or being in physical control of a
18 vehicle while under the influence of alcohol, other drug
19 or drugs, intoxicating compound or compounds, or any
20 combination thereof;

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

24 4. Violation of Section 11-401 of this Code
25 relating to the offense of leaving the scene of a traffic
26 accident involving death or personal injury;

27 5. Perjury or the making of a false affidavit or
28 statement under oath to the Secretary of State under this
29 Code or under any other law relating to the ownership or
30 operation of motor vehicles;

31 6. Conviction upon 3 charges of violation of

1 Section 11-503 of this Code relating to the offense of
2 reckless driving committed within a period of 12 months;

3 7. Conviction of any offense defined in Section
4 4-102 of this Code;

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

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

8 10. Violation of Section 12-5 of the Criminal Code
9 of 1961 arising from the use of a motor vehicle;

10 11. Violation of Section 11-204.1 of this Code
11 relating to aggravated fleeing or attempting to elude a
12 police officer;

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

17 13. Violation of paragraph (a) of Section 11-502 of
18 this Code or a similar provision of a local ordinance if
19 the driver has been previously convicted of a violation
20 of that Section or a similar provision of a local
21 ordinance and the driver was less than 21 years of age at
22 the time of the offense.

23 (b) The Secretary of State shall also immediately revoke
24 the license or permit of any driver in the following
25 situations:

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

31 2. Of any person when any other law of this State
32 requires either the revocation or suspension of a license
33 or permit.

34 (c) Whenever a person is convicted of any of the

1 offenses enumerated in this Section, the court may recommend
2 and the Secretary of State in his discretion, without regard
3 to whether the recommendation is made by the court may, upon
4 application, issue to the person a restricted driving permit
5 granting the privilege of driving a motor vehicle between the
6 petitioner's residence and petitioner's place of employment
7 or within the scope of the petitioner's employment related
8 duties, or to allow transportation for the petitioner or a
9 household member of the petitioner's family for the receipt
10 of necessary medical care or, ~~if the professional evaluation~~
11 ~~indicates,~~ provide transportation for the petitioner to and
12 from ~~for~~ alcohol or drug remedial or rehabilitative activity
13 recommended by a licensed service provider, or for the
14 petitioner to attend classes, as a student, in an accredited
15 educational institution. ~~if~~ The petitioner must ~~is able to~~
16 demonstrate that no alternative means of transportation is
17 reasonably available and that the petitioner will not
18 endanger the public safety or welfare; provided that the
19 Secretary's discretion shall be limited to cases where undue
20 hardship, as defined by rules of the Secretary of State,
21 would result from a failure to issue the restricted driving
22 permit. However, those multiple offenders whose driving
23 privileges have been revoked pursuant to Section 6-208(b)(4)
24 of this Code shall not be eligible for the issuance of a
25 restricted driving permit.

26 If a person's license or permit has been revoked or
27 suspended due to 2 or more convictions of violating Section
28 11-501 of this Code or a similar provision of a local
29 ordinance or a similar out-of-state offense, arising out of
30 separate occurrences, that person, if issued a restricted
31 driving permit, may not operate a vehicle unless it has been
32 equipped with an ignition interlock device as defined in
33 Section 1-129.1.

34 If a person's license or permit has been revoked or

1 suspended 2 or more times within a 10 year period due to a
2 single conviction of violating Section 11-501 of this Code or
3 a similar provision of a local ordinance or a similar
4 out-of-state offense, and a statutory summary suspension
5 under Section 11-501.1, or 2 or more statutory summary
6 suspensions, or combination of 2 offenses, or of an offense
7 and a statutory summary suspension, arising out of separate
8 occurrences, that person, if issued a restricted driving
9 permit, may not operate a vehicle unless it has been equipped
10 with an ignition interlock device as defined in Section
11 1-129.1. The person must pay to the Secretary of State DUI
12 Administration Fund an amount not to exceed \$20 per month.
13 The Secretary shall establish by rule the amount and the
14 procedures, terms, and conditions relating to these fees. If
15 the restricted driving permit was issued for employment
16 purposes, then this provision does not apply to the operation
17 of an occupational vehicle owned or leased by that person's
18 employer. In each case the Secretary of State may issue a
19 restricted driving permit for a period he deems appropriate,
20 except that the permit shall expire within one year from the
21 date of issuance. The Secretary may not, however, issue a
22 restricted driving permit to any person whose current
23 revocation is the result of a second or subsequent conviction
24 for a violation of Section 11-501 of this Code or a similar
25 provision of a local ordinance relating to the offense of
26 operating or being in physical control of a motor vehicle
27 while under the influence of alcohol, other drug or drugs,
28 intoxicating compound or compounds, or any similar
29 out-of-state offense, or any combination thereof, until the
30 expiration of at least one year from the date of the
31 revocation. A restricted driving permit issued under this
32 Section shall be subject to cancellation, revocation, and
33 suspension by the Secretary of State in like manner and for
34 like cause as a driver's license issued under this Code may

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

16 (d) Whenever a person under the age of 21 is convicted
17 under Section 11-501 of this Code, ~~or~~ a similar provision of
18 a local ordinance, or a similar out-of-state offense, the
19 Secretary of State shall revoke the driving privileges of
20 that person. One year after the date of revocation, and upon
21 application, the Secretary of State may, if satisfied that
22 the person applying will not endanger the public safety or
23 welfare, issue a restricted driving permit granting the
24 privilege of driving a motor vehicle only between the hours
25 of 5 a.m. and 9 p.m. or as otherwise provided by this Section
26 for a period of one year. After this one year period, and
27 upon reapplication for a license as provided in Section
28 6-106, upon payment of the appropriate reinstatement fee
29 provided under paragraph (b) of Section 6-118, the Secretary
30 of State, in his discretion, may reinstate the petitioner's
31 driver's license and driving privileges ~~issue-the-applicant-a~~
32 ~~license~~, or extend the restricted driving permit as many
33 times as the Secretary of State deems appropriate, by
34 additional periods of not more than 12 months each, until the

1 petitioner applicant attains 21 years of age. These
2 restrictions apply regardless of whether the petitioner
3 attains 21 years of age prior to the date of eligibility for
4 reinstatement.

5 If a person's license or permit has been revoked or
6 suspended due to 2 or more convictions 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, arising out of
9 separate occurrences, that person, if issued a restricted
10 driving permit, may not operate a vehicle unless it has been
11 equipped with an ignition interlock device as defined in
12 Section 1-129.1.

13 If a person's license or permit has been revoked or
14 suspended 2 or more times within a 10 year period due to a
15 single conviction of violating Section 11-501 of this Code or
16 a similar provision of a local ordinance or a similar
17 out-of-state offense, and a statutory summary suspension
18 under Section 11-501.1, or 2 or more statutory summary
19 suspensions, or combination of 2 offenses, or of an offense
20 and a statutory summary suspension, arising out of separate
21 occurrences, that person, if issued a restricted driving
22 permit, may not operate a vehicle unless it has been equipped
23 with an ignition interlock device as defined in Section
24 1-129.1. The person must pay to the Secretary of State DUI
25 Administration Fund an amount not to exceed \$20 per month.
26 The Secretary shall establish by rule the amount and the
27 procedures, terms, and conditions relating to these fees. If
28 the restricted driving permit was issued for employment
29 purposes, then this provision does not apply to the operation
30 of an occupational vehicle owned or leased by that person's
31 employer. A restricted driving permit issued under this
32 Section shall be subject to cancellation, revocation, and
33 suspension by the Secretary of State in like manner and for
34 like cause as a driver's license issued under this Code may

1 be cancelled, revoked, or suspended; except that a conviction
2 upon one or more offenses against laws or ordinances
3 regulating the movement of traffic shall be deemed sufficient
4 cause for the revocation, suspension, or cancellation of a
5 restricted driving permit. The revocation periods contained
6 in this subparagraph shall apply to similar out-of-state
7 convictions.

8 (e) This Section is subject to the provisions of the
9 Driver License Compact.

10 (f) Any revocation imposed upon any person under
11 subsections 2 and 3 of paragraph (b) that is in effect on
12 December 31, 1988 shall be converted to a suspension for a
13 like period of time.

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

18 (h) The Secretary of State shall require the use of
19 ignition interlock devices on all vehicles owned by an
20 individual who has been convicted of a second or subsequent
21 offense under Section 11-501 of this Code or a similar
22 provision of a local ordinance. The Secretary shall
23 establish by rule and regulation the procedures for
24 certification and use of the interlock system.

25 (i) The Secretary of State may not issue a restricted
26 driving permit for a period of one year after a second or
27 subsequent revocation of driving privileges under clause
28 (a)(2) of this Section; however, one year after the date of a
29 second or subsequent revocation of driving privileges under
30 clause (a)(2) of this Section, the Secretary of State may,
31 upon application, issue a restricted driving permit under the
32 terms and conditions of subsection (c).

33 (Source: P.A. 91-357, eff. 7-29-99; 92-248, eff. 8-3-01;
34 92-418, eff. 8-17-01; 92-651, eff. 7-11-02; 92-834, eff.

1 8-22-02.)

2 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

3 Sec. 6-206. Discretionary authority to suspend or revoke
4 license or permit; Right to a hearing.

5 (a) The Secretary of State is authorized to suspend or
6 revoke the driving privileges of any person without
7 preliminary hearing upon a showing of the person's records or
8 other sufficient evidence that the person:

9 1. Has committed an offense for which mandatory
10 revocation of a driver's license or permit is required
11 upon conviction;

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

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

25 4. Has by the unlawful operation of a motor vehicle
26 caused or contributed to an accident resulting in death
27 or injury requiring immediate professional treatment in a
28 medical facility or doctor's office to any person, except
29 that any suspension or revocation imposed by the
30 Secretary of State under the provisions of this
31 subsection shall start no later than 6 months after being
32 convicted of violating a law or ordinance regulating the
33 movement of traffic, which violation is related to the

1 accident, or shall start not more than one year after the
2 date of the accident, whichever date occurs later;

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

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

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

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

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

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

21 11. Has operated a motor vehicle upon a highway of
22 this State when the person's driving privilege or
23 privilege to obtain a driver's license or permit was
24 revoked or suspended unless the operation was authorized
25 by a judicial driving permit, probationary license to
26 drive, or a restricted driving permit issued under this
27 Code;

28 12. Has submitted to any portion of the application
29 process for another person or has obtained the services
30 of another person to submit to any portion of the
31 application process for the purpose of obtaining a
32 license, identification card, or permit for some other
33 person;

34 13. Has operated a motor vehicle upon a highway of

1 this State when the person's driver's license or permit
2 was invalid under the provisions of Sections 6-107.1 and
3 6-110;

4 14. Has committed a violation of Section 6-301,
5 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
6 14B of the Illinois Identification Card Act;

7 15. Has been convicted of violating Section 21-2 of
8 the Criminal Code of 1961 relating to criminal trespass
9 to vehicles in which case, the suspension shall be for
10 one year;

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

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

17 18. Has, since issuance of a driver's license or
18 permit, been adjudged to be afflicted with or suffering
19 from any mental disability or disease;

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

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

25 21. Has been convicted of violating Section 11-402
26 of this Code relating to leaving the scene of an accident
27 resulting in damage to a vehicle in excess of \$1,000, in
28 which case the suspension shall be for one year;

29 22. Has used a motor vehicle in violating paragraph
30 (3), (4), (7), or (9) of subsection (a) of Section 24-1
31 of the Criminal Code of 1961 relating to unlawful use of
32 weapons, in which case the suspension shall be for one
33 year;

34 23. Has, as a driver, been convicted of committing

1 a violation of paragraph (a) of Section 11-502 of this
2 Code for a second or subsequent time within one year of a
3 similar violation;

4 24. Has been convicted by a court-martial or
5 punished by non-judicial punishment by military
6 authorities of the United States at a military
7 installation in Illinois of or for a traffic related
8 offense that is the same as or similar to an offense
9 specified under Section 6-205 or 6-206 of this Code;

10 25. Has permitted any form of identification to be
11 used by another in the application process in order to
12 obtain or attempt to obtain a license, identification
13 card, or permit;

14 26. Has altered or attempted to alter a license or
15 has possessed an altered license, identification card, or
16 permit;

17 27. Has violated Section 6-16 of the Liquor Control
18 Act of 1934;

19 28. Has been convicted of the illegal possession,
20 while operating or in actual physical control, as a
21 driver, of a motor vehicle, of any controlled substance
22 prohibited under the Illinois Controlled Substances Act
23 or any cannabis prohibited under the provisions of the
24 Cannabis Control Act, in which case the person's driving
25 privileges shall be suspended for one year, and any
26 driver who is convicted of a second or subsequent
27 offense, within 5 years of a previous conviction, for the
28 illegal possession, while operating or in actual physical
29 control, as a driver, of a motor vehicle, of any
30 controlled substance prohibited under the provisions of
31 the Illinois Controlled Substances Act or any cannabis
32 prohibited under the Cannabis Control Act shall be
33 suspended for 5 years. Any defendant found guilty of this
34 offense while operating a motor vehicle, shall have an

1 entry made in the court record by the presiding judge
2 that this offense did occur while the defendant was
3 operating a motor vehicle and order the clerk of the
4 court to report the violation to the Secretary of State;

5 29. Has been convicted of the following offenses
6 that were committed while the person was operating or in
7 actual physical control, as a driver, of a motor vehicle:
8 criminal sexual assault, predatory criminal sexual
9 assault of a child, aggravated criminal sexual assault,
10 criminal sexual abuse, aggravated criminal sexual abuse,
11 juvenile pimping, soliciting for a juvenile prostitute
12 and the manufacture, sale or delivery of controlled
13 substances or instruments used for illegal drug use or
14 abuse in which case the driver's driving privileges shall
15 be suspended for one year;

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

20 31. Has refused to submit to a test as required by
21 Section 11-501.6 or has submitted to a test resulting in
22 an alcohol concentration of 0.08 or more or any amount of
23 a drug, substance, or compound resulting from the
24 unlawful use or consumption of cannabis as listed in the
25 Cannabis Control Act, a controlled substance as listed in
26 the Illinois Controlled Substances Act, or an
27 intoxicating compound as listed in the Use of
28 Intoxicating Compounds Act, in which case the penalty
29 shall be as prescribed in Section 6-208.1;

30 32. Has been convicted of Section 24-1.2 of the
31 Criminal Code of 1961 relating to the aggravated
32 discharge of a firearm if the offender was located in a
33 motor vehicle at the time the firearm was discharged, in
34 which case the suspension shall be for 3 years;

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

5 34. Has committed a violation of Section 11-1301.5
6 of this Code;

7 35. Has committed a violation of Section 11-1301.6
8 of this Code;

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

15 37. Has committed a violation of subsection (c) of
16 Section 11-907 of this Code; ~~or~~

17 38. Has been convicted of a violation of Section
18 6-20 of the Liquor Control Act of 1934 or a similar
19 provision of a local ordinance; ~~or~~

20 39. ~~38.~~ Has committed a second or subsequent
21 violation of Section 11-1201 of this Code; ~~or~~

22 40. Has committed perjury, submitted fraudulent
23 documents, submitted documents that have been materially
24 altered, or submitted documents as his or her own that
25 were in fact prepared or composed for another person in
26 conjunction with or during the course of a formal hearing
27 conducted pursuant to Section 2-118 of this Code.

28 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
29 and 27 of this subsection, license means any driver's
30 license, any traffic ticket issued when the person's driver's
31 license is deposited in lieu of bail, a suspension notice
32 issued by the Secretary of State, a duplicate or corrected
33 driver's license, a probationary driver's license or a
34 temporary driver's license.

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

11 (c) 1. Upon suspending or revoking the driver's license
12 or permit of any person as authorized in this Section,
13 the Secretary of State shall immediately notify the
14 person in writing of the revocation or suspension. The
15 notice to be deposited in the United States mail, postage
16 prepaid, to the last known address of the person.

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

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

11 The provisions of this subparagraph shall not apply
12 to any driver required to obtain a commercial driver's
13 license under Section 6-507 during the period of a
14 disqualification of commercial driving privileges under
15 Section 6-514.

16 Any person who falsely states any fact in the
17 affidavit required herein shall be guilty of perjury
18 under Section 6-302 and upon conviction thereof shall
19 have all driving privileges revoked without further
20 rights.

21 3. At the conclusion of a hearing under Section
22 2-118 of this Code, the Secretary of State shall either
23 rescind or continue an order of revocation or shall
24 substitute an order of suspension; or, good cause
25 appearing therefor, rescind, continue, change, or extend
26 the order of suspension. If the Secretary of State does
27 not rescind the order, the Secretary may upon
28 application, to relieve undue hardship as defined by the
29 rules of the Secretary of State, issue a restricted
30 driving permit granting the privilege of driving a motor
31 vehicle between the petitioner's residence and
32 petitioner's place of employment or within the scope of
33 the petitioner's his employment related duties, or to
34 allow transportation for the petitioner, or a household

1 member of the petitioner's family, to receive necessary
2 medical care and ~~if---the---professional---evaluation~~
3 ~~indicates,~~ provide transportation to and from ~~for~~ alcohol
4 remedial or rehabilitative activity recommended by a
5 licensed service provider, or for the petitioner to
6 attend classes, as a student, in an accredited
7 educational institution. ~~if~~ The petitioner must ~~is--able~~
8 ~~to~~ demonstrate that no alternative means of
9 transportation is reasonably available and that the
10 petitioner will not endanger the public safety or
11 welfare. However, those multiple offenders whose driving
12 privileges have been revoked pursuant to Section
13 6-208(b)(4) of this Code shall not be eligible for the
14 issuance of a restricted driving permit.

15 If a person's license or permit has been revoked or
16 suspended due to 2 or more convictions of violating
17 Section 11-501 of this Code or a similar provision of a
18 local ordinance or a similar out-of-state offense,
19 arising out of separate occurrences, that person, if
20 issued a restricted driving permit, may not operate a
21 vehicle unless it has been equipped with an ignition
22 interlock device as defined in Section 1-129.1.

23 If a person's license or permit has been revoked or
24 suspended 2 or more times within a 10 year period due to
25 a single conviction of violating Section 11-501 of this
26 Code or a similar provision of a local ordinance or a
27 similar out-of-state offense, and a statutory summary
28 suspension under Section 11-501.1, or 2 or more statutory
29 summary suspensions, or combination of 2 offenses, or of
30 an offense and a statutory summary suspension, arising
31 out of separate occurrences, that person, if issued a
32 restricted driving permit, may not operate a vehicle
33 unless it has been equipped with an ignition interlock
34 device as defined in Section 1-129.1. The person must

1 pay to the Secretary of State DUI Administration Fund an
2 amount not to exceed \$20 per month. The Secretary shall
3 establish by rule the amount and the procedures, terms,
4 and conditions relating to these fees. If the restricted
5 driving permit was issued for employment purposes, then
6 this provision does not apply to the operation of an
7 occupational vehicle owned or leased by that person's
8 employer. In each case the Secretary may issue a
9 restricted driving permit for a period deemed
10 appropriate, except that all permits shall expire within
11 one year from the date of issuance. The Secretary may
12 not, however, issue a restricted driving permit to any
13 person whose current revocation is the result of a second
14 or subsequent conviction for a violation of Section
15 11-501 of this Code or a similar provision of a local
16 ordinance relating to the offense of operating or being
17 in physical control of a motor vehicle while under the
18 influence of alcohol, other drug or drugs, intoxicating
19 compound or compounds, or any similar out-of-state
20 offense, or any combination of those offenses, until the
21 expiration of at least one year from the date of the
22 revocation. A restricted driving permit issued under
23 this Section shall be subject to cancellation,
24 revocation, and suspension by the Secretary of State in
25 like manner and for like cause as a driver's license
26 issued under this Code may be cancelled, revoked, or
27 suspended; except that a conviction upon one or more
28 offenses against laws or ordinances regulating the
29 movement of traffic shall be deemed sufficient cause for
30 the revocation, suspension, or cancellation of a
31 restricted driving permit. The Secretary of State may,
32 as a condition to the issuance of a restricted driving
33 permit, require the petitioner ~~applicant~~ to participate
34 in a designated driver remedial or rehabilitative

1 program. The Secretary of State is authorized to cancel
2 a restricted driving permit if the permit holder does not
3 successfully complete the program.

4 (c-5) The Secretary of State may, as a condition of the
5 reissuance of a driver's license or permit to an applicant
6 whose driver's license or permit has been suspended before he
7 or she reached the age of 18 years pursuant to any of the
8 provisions of this Section, require the applicant to
9 participate in a driver remedial education course and be
10 retested under Section 6-109 of this Code.

11 (d) This Section is subject to the provisions of the
12 Drivers License Compact.

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

17 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
18 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
19 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)

20 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

21 Sec. 11-501. Driving while under the influence of
22 alcohol, other drug or drugs, intoxicating compound or
23 compounds or any combination thereof.

24 (a) A person shall not drive or be in actual physical
25 control of any vehicle within this State while:

26 (1) the alcohol concentration in the person's blood
27 or breath is 0.08 or more based on the definition of
28 blood and breath units in Section 11-501.2;

29 (2) under the influence of alcohol;

30 (3) under the influence of any intoxicating
31 compound or combination of intoxicating compounds to a
32 degree that renders the person incapable of driving
33 safely;

1 (4) under the influence of any other drug or
2 combination of drugs to a degree that renders the person
3 incapable of safely driving;

4 (5) under the combined influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds to a
6 degree that renders the person incapable of safely
7 driving; ~~or~~

8 (6) there is any amount of a drug, substance, or
9 compound in the person's breath, blood, or urine
10 resulting from the unlawful use or consumption of
11 cannabis listed in the Cannabis Control Act, a controlled
12 substance listed in the Illinois Controlled Substances
13 Act, or an intoxicating compound listed in the Use of
14 Intoxicating Compounds Act; or-

15 (7) having consumed any amount of an alcoholic
16 beverage if the person has, in any combination, a total
17 of 3 or more: (i) previous convictions or court assigned
18 supervisions for violating Section 11-501 or a similar
19 provision of a local ordinance; (ii) convictions in any
20 other state for a violation of driving under the
21 influence or a similar offense where the cause of action
22 is the same or substantially similar to this Code; or
23 (iii) implied consent suspensions, all arising from
24 separate incidents, and that have been reported to the
25 Secretary of State and permanently entered on the
26 violator's driving record pursuant to this Code.

27 (b) The fact that any person charged with violating this
28 Section is or has been legally entitled to use alcohol, other
29 drug or drugs, or intoxicating compound or compounds, or any
30 combination thereof, shall not constitute a defense against
31 any charge of violating this Section.

32 (c) Except as provided under paragraphs (c-3), (c-4),
33 and (d) of this Section, every person convicted of violating
34 this Section or a similar provision of a local ordinance,

1 shall be guilty of a Class A misdemeanor and, in addition to
2 any other criminal or administrative action, for any second
3 conviction of violating this Section or a similar provision
4 of a law of another state or local ordinance committed within
5 5 years of a previous violation of this Section or a similar
6 provision of a local ordinance shall be mandatorily sentenced
7 to a minimum of 5 days of imprisonment or assigned to a
8 minimum of 30 days of community service as may be determined
9 by the court. Every person convicted of violating this
10 Section or a similar provision of a local ordinance shall be
11 subject to an additional mandatory minimum fine of \$500 and
12 an additional mandatory 5 days of community service in a
13 program benefiting children if the person committed a
14 violation of paragraph (a) or a similar provision of a local
15 ordinance while transporting a person under age 16. Every
16 person convicted a second time for violating this Section or
17 a similar provision of a local ordinance within 5 years of a
18 previous violation of this Section or a similar provision of
19 a law of another state or local ordinance shall be subject to
20 an additional mandatory minimum fine of \$500 and an
21 additional 10 days of mandatory community service in a
22 program benefiting children if the current offense was
23 committed while transporting a person under age 16. The
24 imprisonment or assignment under this subsection shall not be
25 subject to suspension nor shall the person be eligible for
26 probation in order to reduce the sentence or assignment.

27 (c-1) (1) A person who violates this Section during a
28 period in which his or her driving privileges are revoked
29 or suspended, where the revocation or suspension was for
30 a violation of this Section, Section 11-501.1, paragraph
31 (b) of Section 11-401, or Section 9-3 of the Criminal
32 Code of 1961 is guilty of a Class 4 felony.

33 (2) A person who violates this Section a third time
34 during a period in which his or her driving privileges

1 are revoked or suspended where the revocation or
2 suspension was for a violation of this Section, Section
3 11-501.1, paragraph (b) of Section 11-401, or Section 9-3
4 of the Criminal Code of 1961 is guilty of a Class 3
5 felony.

6 (3) A person who violates this Section a fourth or
7 subsequent time during a period in which his or her
8 driving privileges are revoked or suspended where the
9 revocation or suspension was for a violation of this
10 Section, Section 11-501.1, paragraph (b) of Section
11 11-401, or Section 9-3 of the Criminal Code of 1961 is
12 guilty of a Class 2 felony.

13 (c-2) (Blank).

14 (c-3) Every person convicted of violating this Section
15 or a similar provision of a local ordinance who had a child
16 under age 16 in the vehicle at the time of the offense shall
17 have his or her punishment under this Act enhanced by 2 days
18 of imprisonment for a first offense, 10 days of imprisonment
19 for a second offense, 30 days of imprisonment for a third
20 offense, and 90 days of imprisonment for a fourth or
21 subsequent offense, in addition to the fine and community
22 service required under subsection (c) and the possible
23 imprisonment required under subsection (d). The imprisonment
24 or assignment under this subsection shall not be subject to
25 suspension nor shall the person be eligible for probation in
26 order to reduce the sentence or assignment.

27 (c-4) When a person is convicted of violating Section
28 11-501 of this Code or a similar provision of a local
29 ordinance, the following penalties apply when his or her
30 blood, breath, or urine was .16 or more based on the
31 definition of blood, breath, or urine units in Section
32 11-501.2 or when that person is convicted of violating this
33 Section while transporting a child under the age of 16:

34 (1) A person who is convicted of violating

1 subsection (a) of Section 11-501 of this Code a first
2 time, in addition to any other penalty that may be
3 imposed under subsection (c), is subject to a mandatory
4 minimum of 100 hours of community service and a minimum
5 fine of \$500.

6 (2) A person who is convicted of violating
7 subsection (a) of Section 11-501 of this Code a second
8 time within 10 years, in addition to any other penalty
9 that may be imposed under subsection (c), is subject to a
10 mandatory minimum of 2 days of imprisonment and a minimum
11 fine of \$1,250.

12 (3) A person who is convicted of violating
13 subsection (a) of Section 11-501 of this Code a third
14 time within 20 years is guilty of a Class 4 felony and,
15 in addition to any other penalty that may be imposed
16 under subsection (c), is subject to a mandatory minimum
17 of 90 days of imprisonment and a minimum fine of \$2,500.

18 (4) A person who is convicted of violating this
19 subsection (c-4) a fourth or subsequent time is guilty of
20 a Class 2 felony and, in addition to any other penalty
21 that may be imposed under subsection (c), is not eligible
22 for a sentence of probation or conditional discharge and
23 is subject to a minimum fine of \$2,500.

24 (d) (1) Every person convicted of committing a violation
25 of this Section shall be guilty of aggravated driving
26 under the influence of alcohol, other drug or drugs, or
27 intoxicating compound or compounds, or any combination
28 thereof if:

29 (A) the person committed a violation of this
30 Section, or a similar provision of a law of another
31 state or a local ordinance when the cause of action
32 is the same as or substantially similar to this
33 Section, for the third or subsequent time;

34 (B) the person committed a violation of

1 paragraph (a) while driving a school bus with
2 children on board;

3 (C) the person in committing a violation of
4 paragraph (a) was involved in a motor vehicle
5 accident that resulted in great bodily harm or
6 permanent disability or disfigurement to another,
7 when the violation was a proximate cause of the
8 injuries;

9 (D) the person committed a violation of
10 paragraph (a) for a second time and has been
11 previously convicted of violating Section 9-3 of the
12 Criminal Code of 1961 relating to reckless homicide
13 in which the person was determined to have been
14 under the influence of alcohol, other drug or drugs,
15 or intoxicating compound or compounds as an element
16 of the offense or the person has previously been
17 convicted under subparagraph (C) of this paragraph
18 (1); or

19 (E) the person, in committing a violation of
20 paragraph (a) while driving at any speed in a school
21 speed zone at a time when a speed limit of 20 miles
22 per hour was in effect under subsection (a) of
23 Section 11-605 of this Code, was involved in a motor
24 vehicle accident that resulted in bodily harm, other
25 than great bodily harm or permanent disability or
26 disfigurement, to another person, when the violation
27 of paragraph (a) was a proximate cause of the bodily
28 harm.

29 (2) Aggravated driving under the influence of
30 alcohol, other drug or drugs, or intoxicating compound or
31 compounds, or any combination thereof is a Class 4
32 felony. For a violation of subparagraph (C) of paragraph
33 (1) of this subsection (d), the defendant, if sentenced
34 to a term of imprisonment, shall be sentenced to not less

1 than one year nor more than 12 years. For any
2 prosecution under this subsection (d), a certified copy
3 of the driving abstract of the defendant shall be
4 admitted as proof of any prior conviction.

5 (e) After a finding of guilt and prior to any final
6 sentencing, or an order for supervision, for an offense based
7 upon an arrest for a violation of this Section or a similar
8 provision of a local ordinance, individuals shall be required
9 to undergo a professional evaluation to determine if an
10 alcohol, drug, or intoxicating compound abuse problem exists
11 and the extent of the problem, and undergo the imposition of
12 treatment as appropriate. Programs conducting these
13 evaluations shall be licensed by the Department of Human
14 Services. The cost of any professional evaluation shall be
15 paid for by the individual required to undergo the
16 professional evaluation.

17 (f) Every person found guilty of violating this Section,
18 whose operation of a motor vehicle while in violation of this
19 Section proximately caused any incident resulting in an
20 appropriate emergency response, shall be liable for the
21 expense of an emergency response as provided under Section
22 5-5-3 of the Unified Code of Corrections.

23 (g) The Secretary of State shall revoke the driving
24 privileges of any person convicted under this Section or a
25 similar provision of a local ordinance.

26 (h) Every person sentenced under paragraph (2) or (3) of
27 subsection (c-1) of this Section or subsection (d) of this
28 Section and who receives a term of probation or conditional
29 discharge shall be required to serve a minimum term of either
30 60 days community service or 10 days of imprisonment as a
31 condition of the probation or conditional discharge. This
32 mandatory minimum term of imprisonment or assignment of
33 community service shall not be suspended and shall not be
34 subject to reduction by the court.

1 (i) The Secretary of State shall require the use of
2 ignition interlock devices on all vehicles owned by an
3 individual who has been convicted of a second or subsequent
4 offense of this Section or a similar provision of a local
5 ordinance. The Secretary shall establish by rule and
6 regulation the procedures for certification and use of the
7 interlock system.

8 (j) In addition to any other penalties and liabilities,
9 a person who is found guilty of or pleads guilty to violating
10 this Section, including any person placed on court
11 supervision for violating this Section, shall be fined \$100,
12 payable to the circuit clerk, who shall distribute the money
13 to the law enforcement agency that made the arrest. If the
14 person has been previously convicted of violating this
15 Section or a similar provision of a local ordinance, the fine
16 shall be \$200. In the event that more than one agency is
17 responsible for the arrest, the \$100 or \$200 shall be shared
18 equally. Any moneys received by a law enforcement agency
19 under this subsection (j) shall be used to purchase law
20 enforcement equipment that will assist in the prevention of
21 alcohol related criminal violence throughout the State. This
22 shall include, but is not limited to, in-car video cameras,
23 radar and laser speed detection devices, and alcohol breath
24 testers. Any moneys received by the Department of State
25 Police under this subsection (j) shall be deposited into the
26 State Police DUI Fund and shall be used to purchase law
27 enforcement equipment that will assist in the prevention of
28 alcohol related criminal violence throughout the State.

29 (Source: P.A. 91-126, eff. 7-16-99; 91-357, eff. 7-29-99;
30 91-692, eff. 4-13-00; 91-822, eff. 6-13-00; 92-248, eff.
31 8-3-01; 92-418, eff. 8-17-01; 92-420, eff. 8-17-01; 92-429,
32 eff. 1-1-02; 92-431, eff. 1-1-02; 92-651, eff. 7-11-02.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.