

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 6-206.1 as follows:

6 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

7 Sec. 6-206.1. Judicial Driving Permit. Declaration of  
8 Policy. It is hereby declared a policy of the State of Illinois  
9 that the driver who is impaired by alcohol, other drug or  
10 drugs, or intoxicating compound or compounds is a threat to the  
11 public safety and welfare. Therefore, to provide a deterrent to  
12 such practice and to remove problem drivers from the highway, a  
13 statutory summary driver's license suspension is appropriate.  
14 It is also recognized that driving is a privilege and  
15 therefore, that in some cases the granting of limited driving  
16 privileges, where consistent with public safety, is warranted  
17 during the period of suspension in the form of a judicial  
18 driving permit to drive for the purpose of employment,  
19 receiving drug treatment or medical care, and educational  
20 pursuits, where no alternative means of transportation is  
21 available.

22 The following procedures shall apply whenever a first  
23 offender is arrested for any offense as defined in Section  
24 11-501 or a similar provision of a local ordinance:

25 (a) Subsequent to a notification of a statutory summary  
26 suspension of driving privileges as provided in Section  
27 11-501.1, the first offender as defined in Section 11-500 may  
28 petition the circuit court of venue for a Judicial Driving  
29 Permit, hereinafter referred as a JDP, to relieve undue  
30 hardship. The court may issue a court order, pursuant to the  
31 criteria contained in this Section, directing the Secretary of  
32 State to issue such a JDP to the petitioner. A JDP shall not

1 become effective prior to the 31st day of the original  
2 statutory summary suspension and shall always be subject to the  
3 following criteria:

4 1. If ordered for the purposes of employment, the JDP  
5 shall be only for the purpose of providing the petitioner  
6 the privilege of driving a motor vehicle between the  
7 petitioner's residence and the petitioner's place of  
8 employment and return; or within the scope of the  
9 petitioner's employment related duties, shall be effective  
10 only during and limited to those specific times and routes  
11 actually required to commute or perform the petitioner's  
12 employment related duties.

13 2. The court, by a court order, may also direct the  
14 Secretary of State to issue a JDP to allow transportation  
15 for the petitioner, or a household member of the  
16 petitioner's family, to receive alcohol, drug, or  
17 intoxicating compound treatment or medical care, if the  
18 petitioner is able to demonstrate that no alternative means  
19 of transportation is reasonably available. Such JDP shall  
20 be effective only during the specific times actually  
21 required to commute.

22 3. The court, by a court order, may also direct the  
23 Secretary of State to issue a JDP to allow transportation  
24 by the petitioner for educational purposes upon  
25 demonstrating that there are no alternative means of  
26 transportation reasonably available to accomplish those  
27 educational purposes. Such JDP shall be only for the  
28 purpose of providing transportation to and from the  
29 petitioner's residence and the petitioner's place of  
30 educational activity, and only during the specific times  
31 and routes actually required to commute or perform the  
32 petitioner's educational requirement.

33 4. The Court shall not issue an order granting a JDP  
34 to:

35 (i) Any person unless and until the court, after  
36 considering the results of a current professional

1 evaluation of the person's alcohol or other drug use by  
2 an agency pursuant to Section 15-10 of the Alcoholism  
3 and Other Drug Abuse and Dependency Act and other  
4 appropriate investigation of the person, is satisfied  
5 that granting the privilege of driving a motor vehicle  
6 on the highways will not endanger the public safety or  
7 welfare.

8 (ii) Any person who has been convicted of reckless  
9 homicide within the previous 5 years.

10 (iii) Any person whose privilege to operate a motor  
11 vehicle was invalid at the time of arrest for the  
12 current violation of Section 11-501, or a similar  
13 provision of a local ordinance, except in cases where  
14 the cause for a driver's license suspension has been  
15 removed at the time a JDP is effective. In any case,  
16 should the Secretary of State enter a suspension or  
17 revocation of driving privileges pursuant to the  
18 provisions of this Code while the JDP is in effect or  
19 pending, the Secretary shall take the prescribed  
20 action and provide a notice to the person and the court  
21 ordering the issuance of the JDP that all driving  
22 privileges, including those provided by the issuance  
23 of the JDP, have been withdrawn.

24 (iv) Any person under the age of 18 years.

25 (b) Prior to ordering the issuance of a JDP the Court  
26 should consider at least, but not be limited to, the following  
27 issues:

28 1. Whether the person is employed and no other means of  
29 commuting to the place of employment is available or that  
30 the person must drive as a condition of employment. The  
31 employer shall certify the hours of employment and the need  
32 and parameters necessary for driving as a condition to  
33 employment.

34 2. Whether the person must drive to secure alcohol or  
35 other medical treatment for himself or a family member.

36 3. Whether the person must drive for educational

1 purposes. The educational institution shall certify the  
2 person's enrollment in and academic schedule at the  
3 institution.

4 4. Whether the person has been repeatedly convicted of  
5 traffic violations or involved in motor vehicle accidents  
6 to a degree which indicates disrespect for public safety.

7 5. Whether the person has been convicted of a traffic  
8 violation in connection with a traffic accident resulting  
9 in the death of any person within the last 5 years.

10 6. Whether the person is likely to obey the limited  
11 provisions of the JDP.

12 7. Whether the person has any additional traffic  
13 violations pending in any court.

14 For purposes of this Section, programs conducting  
15 professional evaluations of a person's alcohol, other drug, or  
16 intoxicating compound use must report, to the court of venue,  
17 using a form prescribed by the Secretary of State. A copy of  
18 such evaluations shall be sent to the Secretary of State by the  
19 court. However, the evaluation information shall be privileged  
20 and only available to courts and to the Secretary of State, but  
21 shall not be admissible in the subsequent trial on the  
22 underlying charge.

23 (c) The scope of any court order issued for a JDP under  
24 this Section shall be limited to the operation of a motor  
25 vehicle as provided for in subsection (a) of this Section and  
26 shall specify the petitioner's residence, place of employment  
27 or location of educational institution, and the scope of job  
28 related duties, if relevant. The JDP shall also specify days of  
29 the week and specific hours of the day when the petitioner is  
30 able to exercise the limited privilege of operating a motor  
31 vehicle.

32 (c-1) If the petitioner is issued a citation for a  
33 violation of Section 6-303 during the period of a statutory  
34 summary suspension entered under Section 11-501.1 of this Code,  
35 or if the petitioner is charged with a violation of Section  
36 11-501 or a similar provision of a local ordinance or a similar

1 out of state offense which occurs after the current violation  
2 of Section 11-501 or a similar provision of a local ordinance,  
3 the court may not grant the petitioner a JDP unless the  
4 petitioner is acquitted or the citation or complaint is  
5 otherwise dismissed.

6 If the petitioner is issued a citation for a violation of  
7 Section 6-303 or a violation of Section 11-501 or a similar  
8 provision of a local ordinance or a similar out of state  
9 offense during the term of the JDP, the officer issuing the  
10 citation, or the law enforcement agency employing that officer,  
11 shall confiscate the JDP and immediately send the JDP and  
12 notice of the citation to the court that ordered the issuance  
13 of the JDP. Within 10 days of receipt, the issuing court, upon  
14 notice to the petitioner, shall conduct a hearing to consider  
15 cancellation of the JDP. If the court enters an order of  
16 cancellation, the court shall forward the order to the  
17 Secretary of State, and the Secretary shall cancel the JDP and  
18 notify the petitioner of the cancellation. If, however, the  
19 petitioner is convicted of the offense before the JDP has been  
20 cancelled, the court of venue shall send notice of conviction  
21 to the court that ordered issuance of the JDP. The court  
22 receiving the notice shall immediately enter an order of  
23 cancellation and forward the order to the Secretary of State.  
24 The Secretary shall cancel the JDP and notify the petitioner of  
25 the cancellation.

26 If the petitioner is issued a citation for any other  
27 traffic related offense during the term of the JDP, the officer  
28 issuing the citation, or the law enforcement agency employing  
29 that officer, shall send notice of the citation to the court  
30 that ordered issuance of the JDP. Upon receipt and notice to  
31 the petitioner and an opportunity for a hearing, the court  
32 shall determine whether the violation constitutes grounds for  
33 cancellation of the JDP. If the court enters an order of  
34 cancellation, the court shall forward the order to the  
35 Secretary of State, and the Secretary shall cancel the JDP and  
36 shall notify the petitioner of the cancellation. ~~If the~~

~~Petitioner, who has been granted a JDP, is issued a citation for a traffic related offense, including operating a motor vehicle outside the limitations prescribed in the JDP or a violation of Section 6-303, or is convicted of any such an offense during the term of the JDP, the court shall consider cancellation of the limited driving permit. In any case, if the Petitioner commits an offense, as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, the JDP shall be forwarded by the court of venue to the court ordering the issuance of the JDP, for cancellation. The court shall notify the Secretary of State of any such cancellation.~~

(d) The Secretary of State shall, upon receiving a court order from the court of venue, issue a JDP to a successful Petitioner under this Section. Such court order form shall also contain a notification, which shall be sent to the Secretary of State, providing the name, driver's license number and legal address of the successful petitioner, and the full and detailed description of the limitations of the JDP. This information shall be available only to the courts, police officers, and the Secretary of State, except during the actual period the JDP is valid, during which time it shall be a public record. The Secretary of State shall design and furnish to the courts an official court order form to be used by the courts when directing the Secretary of State to issue a JDP.

Any submitted court order that contains insufficient data or fails to comply with this Code shall not be utilized for JDP issuance or entered to the driver record but shall be returned to the issuing court indicating why the JDP cannot be so entered. A notice of this action shall also be sent to the JDP petitioner by the Secretary of State.

(e) The circuit court of venue may conduct the judicial hearing, as provided in Section 2-118.1, and the JDP hearing provided in this Section, concurrently. Such concurrent hearing shall proceed in the court in the same manner as in other civil proceedings.

1           (f) The circuit court of venue may, as a condition of the  
2 issuance of a JDP, prohibit the person from operating a motor  
3 vehicle not equipped with an ignition interlock device.

4           (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99; 91-127,  
5 eff. 1-1-00.)