

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 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) Any person who drives or is in actual physical control
10 of a motor vehicle on any highway of this State at a time when
11 such person's driver's license, permit or privilege to do so or
12 the privilege to obtain a driver's license or permit is revoked
13 or suspended as provided by this Code or the law of another
14 state, except as may be specifically allowed by a judicial
15 driving permit, family financial responsibility driving
16 permit, probationary license to drive, or a restricted driving
17 permit issued pursuant to this Code or under the law of another
18 state, shall be guilty of a Class A misdemeanor.

19 (b) The Secretary of State upon receiving a report of the
20 conviction of any violation indicating a person was operating a
21 motor vehicle during the time when said person's driver's
22 license, permit or privilege was suspended by the Secretary, by
23 the appropriate authority of another state, or pursuant to
24 Section 11-501.1; except as may be specifically allowed by a
25 probationary license to drive, judicial driving permit or
26 restricted driving permit issued pursuant to this Code or the
27 law of another state; shall extend the suspension for the same
28 period of time as the originally imposed suspension; however,
29 if the period of suspension has then expired, the Secretary
30 shall be authorized to suspend said person's driving privileges
31 for the same period of time as the originally imposed
32 suspension; and if the conviction was upon a charge which

1 indicated that a vehicle was operated during the time when the
2 person's driver's license, permit or privilege was revoked;
3 except as may be allowed by a restricted driving permit issued
4 pursuant to this Code or the law of another state; the
5 Secretary shall not issue a driver's license for an additional
6 period of one year from the date of such conviction indicating
7 such person was operating a vehicle during such period of
8 revocation.

9 (c) Any person convicted of violating this Section shall
10 serve a minimum term of imprisonment of 10 consecutive days or
11 30 days of community service when the person's driving
12 privilege was revoked or suspended as a result of:

13 (1) a violation of Section 11-501 of this Code or a
14 similar provision of a local ordinance relating to the
15 offense of operating or being in physical control of a
16 vehicle while under the influence of alcohol, any other
17 drug or any combination thereof; or

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

22 (3) a violation of Section 9-3 of the Criminal Code of
23 1961, as amended, relating to the offense of reckless
24 homicide; or

25 (4) a statutory summary suspension under Section
26 11-501.1 of this Code.

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

29 (c-1) Except as provided in subsection (d), any person
30 convicted of a second violation of this Section shall be
31 ordered by the court to serve a minimum of 100 hours of
32 community service.

33 (c-2) In addition to other penalties imposed under this
34 Section, the court may impose on any person convicted a fourth
35 time of violating this Section any of the following:

36 (1) Seizure of the license plates of the person's

1 vehicle.

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

4 (d) Any person convicted of a second violation of this
5 Section shall be guilty of a Class 4 felony and shall serve a
6 minimum term of imprisonment of 30 days or 300 hours of
7 community service, as determined by the court, if the
8 revocation or suspension was for a violation of Section 11-401
9 or 11-501 of this Code, or a similar out-of-state offense, or a
10 similar provision of a local ordinance, a violation of Section
11 9-3 of the Criminal Code of 1961, relating to the offense of
12 reckless homicide, or a similar out-of-state offense, or a
13 statutory summary suspension under Section 11-501.1 of this
14 Code.

15 (d-1) Except as provided in subsection (d-2) and subsection
16 (d-3), any person convicted of a third or subsequent violation
17 of this Section shall serve a minimum term of imprisonment of
18 30 days or 300 hours of community service, as determined by the
19 court.

20 (d-2) Any person convicted of a third violation of this
21 Section is guilty of a Class 4 felony and must serve a minimum
22 term of imprisonment of 30 days if the revocation or suspension
23 was for a violation of Section 11-401 or 11-501 of this Code,
24 or a similar out-of-state offense, or a similar provision of a
25 local ordinance, a violation of Section 9-3 of the Criminal
26 Code of 1961, relating to the offense of reckless homicide, or
27 a similar out-of-state offense, or a statutory summary
28 suspension under Section 11-501.1 of this Code.

29 (d-3) Any person convicted of a fourth, fifth, sixth,
30 seventh, eighth, or ninth ~~or subsequent~~ violation of this
31 Section is guilty of a Class 4 felony and must serve a minimum
32 term of imprisonment of 180 days if the revocation or
33 suspension was for a violation of Section 11-401 or 11-501 of
34 this Code, or a similar out-of-state offense, or a similar
35 provision of a local ordinance, a violation of Section 9-3 of
36 the Criminal Code of 1961, relating to the offense of reckless

1 homicide, or a similar out-of-state offense, or a statutory
2 summary suspension under Section 11-501.1 of this Code.

3 (d-4) Any person convicted of a tenth, eleventh, twelfth,
4 thirteenth, or fourteenth violation of this Section is guilty
5 of a Class 3 felony, and is not eligible for probation or
6 conditional discharge, if the revocation or suspension was for
7 a violation of Section 11-401 or 11-501 of this Code, or a
8 similar out-of-state offense, or a similar provision of a local
9 ordinance, a violation of Section 9-3 of the Criminal Code of
10 1961, relating to the offense of reckless homicide, or a
11 similar out-of-state offense, or a statutory summary
12 suspension under Section 11-501.1 of this Code.

13 (d-5) Any person convicted of a fifteenth or subsequent
14 violation of this Section is guilty of a Class 2 felony, and is
15 not eligible for probation or conditional discharge, if the
16 revocation or suspension was for a violation of Section 11-401
17 or 11-501 of this Code, or a similar out-of-state offense, or a
18 similar provision of a local ordinance, a violation of Section
19 9-3 of the Criminal Code of 1961, relating to the offense of
20 reckless homicide, or a similar out-of-state offense, or a
21 statutory summary suspension under Section 11-501.1 of this
22 Code.

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

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

35 (g) The motor vehicle used in a violation of this Section
36 is subject to seizure and forfeiture as provided in Sections

1 36-1 and 36-2 of the Criminal Code of 1961 if the person's
2 driving privilege was revoked or suspended as a result of a
3 violation listed in paragraph (1), (2), or (3) of subsection
4 (c) of this Section or as a result of a summary suspension as
5 provided in paragraph (4) of subsection (c) of this Section.

6 (Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01;
7 92-688, eff. 7-16-02.)