



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0303

Introduced 2/15/2005, by Sen. Antonio Munoz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205	from Ch. 95 1/2, par. 6-205
625 ILCS 5/6-206	from Ch. 95 1/2, par. 6-206
625 ILCS 5/6-206.2	
625 ILCS 5/6-208	from Ch. 95 1/2, par. 6-208
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
625 ILCS 5/11-501	from Ch. 95 1/2, par. 11-501

Amends the Illinois Vehicle Code. Amends provisions relating to the offense of driving under the influence of alcohol, drugs, or intoxicating compounds. Provides that a previous conviction of the offense of reckless homicide can be the basis of the revocation or suspension of a driver's license, where the use of drugs, alcohol, or intoxicating compounds was an element of the offense. Provides that the Secretary of State is authorized to suspend or revoke the driving privileges of a person who submits false information in connection with or during a hearing on a revocation or suspension. Provides that it is unlawful for a person required to drive only a vehicle equipped with an ignition interlock device to drive a vehicle without that device. Provides that, if a person is convicted a fourth time of DUI and at the time of the violation he or she (i) was transporting a person under the age of 16 or (ii) had a blood alcohol concentration of 0.16 or higher, the person is guilty of a Class 2 felony, regardless of the circumstances of his or her previous convictions.

LRB094 09700 DRH 39956 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 Sections 6-205, 6-206, 6-206.2, 6-208, 6-303, and 11-501 as
6 follows:

7 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

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

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

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

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

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

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

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

32 6. Conviction upon 3 charges of violation of Section

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

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

5 8. Violation of Section 11-504 of this Code relating to
6 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 of
9 1961 arising from the use of a motor vehicle;

10 11. Violation of Section 11-204.1 of this Code relating
11 to aggravated fleeing or attempting to elude a peace
12 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 of
20 that Section or a similar provision of a local ordinance
21 and the driver was less than 21 years of age at the time of
22 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 for
27 in Section 5-901 of the Juvenile Court Act of 1987 that the
28 minor has been adjudicated under that Act as having
29 committed an offense relating to motor vehicles prescribed
30 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) The following provisions of this subsection (c) apply
35 whenever ~~Whenever~~ a person is convicted of any of the offenses
36 enumerated in this Section: 7

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

26 (2) If a person's license or permit is ~~has been~~ revoked
27 or suspended due to 2 or more convictions of (i) violating
28 Section 11-501 of this Code or a similar provision of a
29 local ordinance or a similar out-of-state offense, (ii)
30 violating Section 9-3 of the Criminal Code of 1961, where
31 the use of alcohol, other drug or drugs, intoxicating
32 compound or compounds, or a combination thereof, was an
33 element of the offense, or a similar out-of-state offense,
34 or (iii) a combination of those offenses, arising out of
35 separate occurrences, that person, if issued a restricted
36 driving permit, may not operate a vehicle unless it has

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

3 (3) If a person's license or permit is ~~has been~~ revoked
4 or suspended 2 or more times ~~within a 10 year period~~ due to
5 a single conviction of violating Section 11-501 of this
6 Code or a similar provision of a local ordinance or a
7 similar out-of-state offense, or Section 9-3 of the
8 Criminal Code of 1961, where the use of alcohol, other drug
9 or drugs, intoxicating compound or compounds, or a
10 combination thereof, was an element of the offense, or a
11 similar out-of-state offense, and the person received a
12 statutory summary suspension under Section 11-501.1, or as
13 authorized under Section 6-203.1, within 10 years of the
14 date of the revocation for driving under the influence or
15 reckless homicide, 2 or more statutory summary
16 ~~suspensions, or combination of 2 offenses, or of an offense~~
17 ~~and a statutory summary suspension,~~ arising out of separate
18 occurrences, that person, if issued a restricted driving
19 permit, may not operate a vehicle unless it has been
20 equipped with an ignition interlock device as defined in
21 Section 1-129.1.

22 (4) The person must pay to the Secretary of State DUI
23 Administration Fund an amount not to exceed \$20 per month.
24 The Secretary shall establish by rule the amount and the
25 procedures, terms, and conditions relating to these fees.

26 (5) If the restricted driving permit is ~~was~~ issued for
27 employment purposes, then these provisions do ~~this~~
28 ~~provision does~~ not apply to the operation of an
29 occupational vehicle owned or leased by that person's
30 employer when used solely for employment purposes.

31 (6) In each case the Secretary of State may issue a
32 restricted driving permit for a period he deems
33 appropriate, except that the permit shall expire within one
34 year from the date of issuance. The Secretary may not,
35 however, issue a restricted driving permit to any person
36 whose current revocation is the result of a second or

1 subsequent conviction for (i) a violation of Section 11-501
2 of this Code or a similar provision of a local ordinance
3 ~~relating to the offense of operating or being in physical~~
4 ~~control of a motor vehicle while under the influence of~~
5 ~~alcohol, other drug or drugs, intoxicating compound or~~
6 ~~compounds~~, or any similar out-of-state offense, (ii) a
7 violation of Section 9-3 of the Criminal Code of 1961,
8 where the use of alcohol, other drug or drugs, intoxicating
9 compound or compounds, or any combination thereof, is an
10 element of the offense, or any similar out-of-state
11 offense, or (iii) a combination of those offenses, until
12 the expiration of at least one year from the date of the
13 revocation. A restricted driving permit issued under this
14 Section shall be subject to cancellation, revocation, and
15 suspension by the Secretary of State in like manner and for
16 like cause as a driver's license issued under this Code may
17 be cancelled, revoked, or suspended; except that a
18 conviction upon one or more offenses against laws or
19 ordinances regulating the movement of traffic shall be
20 deemed sufficient cause for the revocation, suspension, or
21 cancellation of a restricted driving permit. The Secretary
22 of State may, as a condition to the issuance of a
23 restricted driving permit, require the petitioner
24 ~~applicant~~ to participate in a designated driver remedial or
25 rehabilitative program. The Secretary of State is
26 authorized to cancel a restricted driving permit if the
27 permit holder does not successfully complete the program.
28 However, if an individual's driving privileges have been
29 revoked in accordance with paragraph 13 of subsection (a)
30 of this Section, no restricted driving permit shall be
31 issued until the individual has served 6 months of the
32 revocation period.

33 (d) Whenever a person under the age of 21 is convicted
34 under Section 11-501 of this Code or a similar provision of a
35 local ordinance, or a similar out-of-state offense, the
36 Secretary of State shall revoke the driving privileges of that

1 person. One year after the date of revocation, and upon
2 application, the Secretary of State may, if satisfied that the
3 person applying will not endanger the public safety or welfare,
4 issue a restricted driving permit granting the privilege of
5 driving a motor vehicle only between the hours of 5 a.m. and 9
6 p.m. or as otherwise provided by this Section for a period of
7 one year. After this one year period, and upon reapplication
8 for a license as provided in Section 6-106, upon payment of the
9 appropriate reinstatement fee provided under paragraph (b) of
10 Section 6-118, the Secretary of State, in his discretion, may
11 reinstate the petitioners driver's license and driving
12 privileges ~~issue the applicant a license,~~ or extend the
13 restricted driving permit as many times as the Secretary of
14 State deems appropriate, by additional periods of not more than
15 12 months each, ~~until the applicant attains 21 years of age.~~

16 If a person's license or permit has been revoked or
17 suspended due to 2 or more convictions of violating Section
18 11-501 of this Code or a similar provision of a local ordinance
19 or a similar out-of-state offense, arising out of separate
20 occurrences, that person, if issued a restricted driving
21 permit, may not operate a vehicle unless it has been equipped
22 with an ignition interlock device as defined in Section
23 1-129.1.

24 If a person's license or permit has been revoked or
25 suspended 2 or more times within a 10 year period due to a
26 single conviction of violating Section 11-501 of this Code or a
27 similar provision of a local ordinance or a similar
28 out-of-state offense, and a statutory summary suspension under
29 Section 11-501.1, or 2 or more statutory summary suspensions,
30 or combination of 2 offenses, or of an offense and a statutory
31 summary suspension, arising out of separate occurrences, that
32 person, if issued a restricted driving permit, may not operate
33 a vehicle unless it has been equipped with an ignition
34 interlock device as defined in Section 1-129.1. The person must
35 pay to the Secretary of State DUI Administration Fund an amount
36 not to exceed \$20 per month. The Secretary shall establish by

1 rule the amount and the procedures, terms, and conditions
2 relating to these fees. If the restricted driving permit was
3 issued for employment purposes, then this provision does not
4 apply to the operation of an occupational vehicle owned or
5 leased by that person's employer. A restricted driving permit
6 issued under this Section shall be subject to cancellation,
7 revocation, and suspension by the Secretary of State in like
8 manner and for like cause as a driver's license issued under
9 this Code may be cancelled, revoked, or suspended; except that
10 a conviction upon one or more offenses against laws or
11 ordinances regulating the movement of traffic shall be deemed
12 sufficient cause for the revocation, suspension, or
13 cancellation of a restricted driving permit. The revocation
14 periods contained in this subparagraph shall apply to similar
15 out-of-state convictions.

16 (e) This Section is subject to the provisions of the Driver
17 License Compact.

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

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

26 (h) The Secretary of State shall require the use of
27 ignition interlock devices on all vehicles owned by an
28 individual who has been convicted of a second or subsequent
29 offense under Section 11-501 of this Code or a similar
30 provision of a local ordinance. The Secretary shall establish
31 by rule and regulation the procedures for certification and use
32 of the interlock system.

33 (i) The Secretary of State may not issue a restricted
34 driving permit for a period of one year after a second or
35 subsequent revocation of driving privileges under clause
36 (a) (2) of this Section; however, one year after the date of a

1 second or subsequent revocation of driving privileges under
2 clause (a) (2) of this Section, the Secretary of State may, upon
3 application, issue a restricted driving permit under the terms
4 and conditions of subsection (c).

5 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
6 92-651, eff. 7-11-02; 92-834, eff. 8-22-02; 93-120, eff.
7 1-1-04.)

8 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

11 (a) The Secretary of State is authorized to suspend or
12 revoke the driving privileges of any person without preliminary
13 hearing upon a showing of the person's records or other
14 sufficient evidence that the person:

15 1. Has committed an offense for which mandatory
16 revocation of a driver's license or permit is required upon
17 conviction;

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

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

31 4. Has by the unlawful operation of a motor vehicle
32 caused or contributed to an accident resulting in death or
33 injury requiring immediate professional treatment in a
34 medical facility or doctor's office to any person, except
35 that any suspension or revocation imposed by the Secretary

1 of State under the provisions of this subsection shall
2 start no later than 6 months after being convicted of
3 violating a law or ordinance regulating the movement of
4 traffic, which violation is related to the accident, or
5 shall start not more than one year after the date of the
6 accident, whichever date occurs later;

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

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

13 7. Has refused or failed to submit to an examination
14 provided for by Section 6-207 or has failed to pass the
15 examination;

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

18 9. Has made a false statement or knowingly concealed a
19 material fact or has used false information or
20 identification in any application for a license,
21 identification card, or permit;

22 10. Has possessed, displayed, or attempted to
23 fraudulently use any license, identification card, or
24 permit not issued to the person;

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

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

36 13. Has operated a motor vehicle upon a highway of this

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

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

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

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

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

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

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

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

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

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

33 23. Has, as a driver, been convicted of committing a
34 violation of paragraph (a) of Section 11-502 of this Code
35 for a second or subsequent time within one year of a
36 similar violation;

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

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

11 26. Has altered or attempted to alter a license or has
12 possessed an altered license, identification card, or
13 permit;

14 27. Has violated Section 6-16 of the Liquor Control Act
15 of 1934;

16 28. Has been convicted of the illegal possession, while
17 operating or in actual physical control, as a driver, of a
18 motor vehicle, of any controlled substance prohibited
19 under the Illinois Controlled Substances Act or any
20 cannabis prohibited under the provisions of the Cannabis
21 Control Act, in which case the person's driving privileges
22 shall be suspended for one year, and any driver who is
23 convicted of a second or subsequent offense, within 5 years
24 of a previous conviction, for the illegal possession, while
25 operating or in actual physical control, as a driver, of a
26 motor vehicle, of any controlled substance prohibited
27 under the provisions of the Illinois Controlled Substances
28 Act or any cannabis prohibited under the Cannabis Control
29 Act shall be suspended for 5 years. Any defendant found
30 guilty of this offense while operating a motor vehicle,
31 shall have an entry made in the court record by the
32 presiding judge that this offense did occur while the
33 defendant was operating a motor vehicle and order the clerk
34 of the court to report the violation to the Secretary of
35 State;

36 29. Has been convicted of the following offenses that

1 were committed while the person was operating or in actual
2 physical control, as a driver, of a motor vehicle: criminal
3 sexual assault, predatory criminal sexual assault of a
4 child, aggravated criminal sexual assault, criminal sexual
5 abuse, aggravated criminal sexual abuse, juvenile pimping,
6 soliciting for a juvenile prostitute and the manufacture,
7 sale or delivery of controlled substances or instruments
8 used for illegal drug use or abuse in which case the
9 driver's driving privileges shall be suspended for one
10 year;

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

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

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

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

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

36 35. Has committed a violation of Section 11-1301.6 of

1 this Code;

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

8 37. Has committed a violation of subsection (c) of
9 Section 11-907 of this Code;

10 38. Has been convicted of a violation of Section 6-20
11 of the Liquor Control Act of 1934 or a similar provision of
12 a local ordinance;

13 39. Has committed a second or subsequent violation of
14 Section 11-1201 of this Code; ~~or~~

15 40. Has committed a violation of subsection (a-1) of
16 Section 11-908 of this Code; ~~or~~

17 41. ~~40.~~ Has committed a second or subsequent violation
18 of Section 11-605.1 of this Code within 2 years of the date
19 of the previous violation, in which case the suspension
20 shall be for 90 days; or ~~or~~

21 42. Has, in connection with or during the course of a
22 formal hearing conducted under Section 2-118 of this Code,
23 (i) committed perjury, (ii) submitted fraudulent or
24 falsified documents, (iii) submitted documents that have
25 been materially altered, or (iv) submitted documents as his
26 or her own that in fact were prepared or composed for
27 another person.

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

35 (b) If any conviction forming the basis of a suspension or
36 revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the
2 order of suspension or revocation, as the case may be, provided
3 that a certified copy of a stay order of a court is filed with
4 the Secretary of State. If the conviction is affirmed on
5 appeal, the date of the conviction shall relate back to the
6 time the original judgment of conviction was entered and the 6
7 month limitation prescribed shall not apply.

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

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

1 set forth in the notice that was mailed under this Section.
2 If an affidavit is received subsequent to the effective
3 date of this suspension, a permit may be issued for the
4 remainder of the suspension period.

5 The provisions of this subparagraph shall not apply to
6 any driver required to obtain a commercial driver's license
7 under Section 6-507 during the period of a disqualification
8 of commercial driving privileges under Section 6-514.

9 Any person who falsely states any fact in the affidavit
10 required herein shall be guilty of perjury under Section
11 6-302 and upon conviction thereof shall have all driving
12 privileges revoked without further rights.

13 3. At the conclusion of a hearing under Section 2-118
14 of this Code, the Secretary of State shall either rescind
15 or continue an order of revocation or shall substitute an
16 order of suspension; or, good cause appearing therefor,
17 rescind, continue, change, or extend the order of
18 suspension. If the Secretary of State does not rescind the
19 order and the petitioner is not a multiple offender
20 identified in subdivision (b) 4 of Section 6-208 of this
21 Code, the Secretary may upon application, to relieve undue
22 hardship as defined by the rules of the Secretary of State,
23 issue a restricted driving permit granting the privilege of
24 driving a motor vehicle between the petitioner's residence
25 and petitioner's place of employment or within the scope of
26 the petitioner's ~~his~~ employment related duties, or to allow
27 transportation for the petitioner, or a household member of
28 the petitioner's family, to receive necessary medical care
29 and ~~if the professional evaluation indicates,~~ provide
30 transportation to and from ~~for~~ alcohol or drug remedial or
31 rehabilitative activity recommended by a licensed service
32 provider, or for the petitioner to attend classes, as a
33 student, in an accredited educational institution. The ~~if~~
34 ~~the~~ petitioner must ~~is able to~~ demonstrate that no
35 alternative means of transportation is reasonably
36 available and the petitioner will not endanger the public

1 safety or welfare.

2 4. The following provisions of this subdivision (c)4
3 apply to any person issued a restricted driving permit
4 under subdivision (c)3 of this Section:

5 (A) If a person's license or permit is ~~has been~~
6 revoked or suspended due to 2 or more convictions of
7 violating Section 11-501 of this Code or a similar
8 provision of a local ordinance or a similar
9 out-of-state offense, or Section 9-3 of the Criminal
10 Code of 1961, where the use of alcohol, other drug or
11 drugs, intoxicating compound or compounds, or a
12 combination thereof, was an element of the offense, or
13 a similar out-of-state offense, or a combination of
14 those offenses, arising out of separate occurrences,
15 that person, if issued a restricted driving permit, may
16 not operate a vehicle unless it has been equipped with
17 an ignition interlock device as defined in Section
18 1-129.1.

19 (B) If a person's license or permit is ~~has been~~
20 revoked or suspended 2 or more times ~~within a 10 year~~
21 ~~period~~ due to a single conviction of violating Section
22 11-501 of this Code or a similar provision of a local
23 ordinance or a similar out-of-state offense, or
24 Section 9-3 of the Criminal Code of 1961, where the use
25 of alcohol, other drug or drugs, intoxicating compound
26 or compounds, or a combination thereof, was an element
27 of the offense, or a similar out-of-state offense, and
28 the person received a statutory summary suspension
29 under Section 11-501.1, or as authorized under Section
30 6-203.1, within 10 years of the date of the revocation
31 for driving under the influence or reckless homicide, 2
32 ~~or more statutory summary suspensions, or combination~~
33 ~~of 2 offenses, or of an offense and a statutory summary~~
34 ~~suspension,~~ arising out of separate occurrences, that
35 person, if issued a restricted driving permit, may not
36 operate a vehicle unless it has been equipped with an

1 ignition interlock device as defined in Section
2 1-129.1.

3 (C) The person must pay to the Secretary of State
4 DUI Administration Fund an amount not to exceed \$20 per
5 month. The Secretary shall establish by rule the amount
6 and the procedures, terms, and conditions relating to
7 these fees.

8 (D) If the restricted driving permit ~~is was~~ issued
9 for employment purposes, then these provisions do this
10 ~~provision does~~ not apply to the operation of an
11 occupational vehicle owned or leased by that person's
12 employer, if used solely for employment purposes.

13 (E) In each case the Secretary may issue a
14 restricted driving permit for a period deemed
15 appropriate, except that all permits shall expire
16 within one year from the date of issuance. The
17 Secretary may not, however, issue a restricted driving
18 permit to any person whose current revocation is the
19 result of a second or subsequent conviction for a
20 violation of Section 11-501 of this Code or a similar
21 provision of a local ordinance ~~relating to the offense~~
22 ~~of operating or being in physical control of a motor~~
23 ~~vehicle while under the influence of alcohol, other~~
24 ~~drug or drugs, intoxicating compound or compounds, or~~
25 any similar out-of-state offense, or Section 9-3 of the
26 Criminal Code of 1961, where the use of alcohol, other
27 drug or drugs, intoxicating compound or compounds, or a
28 combination thereof, was an element of the offense, or
29 a similar out-of-state offense, or any combination of
30 those offenses, until the expiration of at least one
31 year from the date of the revocation. A restricted
32 driving permit issued under this Section shall be
33 subject to cancellation, revocation, and suspension by
34 the Secretary of State in like manner and for like
35 cause as a driver's license issued under this Code may
36 be cancelled, revoked, or suspended; except that a

1 conviction upon one or more offenses against laws or
2 ordinances regulating the movement of traffic shall be
3 deemed sufficient cause for the revocation,
4 suspension, or cancellation of a restricted driving
5 permit. The Secretary of State may, as a condition to
6 the issuance of a restricted driving permit, require
7 the petitioner ~~applicant~~ to participate in a
8 designated driver remedial or rehabilitative program.
9 The Secretary of State is authorized to cancel a
10 restricted driving permit if the permit holder does not
11 successfully complete the program.

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

19 (d) This Section is subject to the provisions of the
20 Drivers License Compact.

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

25 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
26 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
27 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04; 93-667, eff.
28 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; revised
29 10-22-04.)

30 (625 ILCS 5/6-206.2)

31 Sec. 6-206.2. Violations relating to an ignition interlock
32 device.

33 (a) It is unlawful for any person whose driving privilege
34 is restricted by being prohibited from operating a motor
35 vehicle not equipped with an ignition interlock device to

1 operate a motor vehicle not equipped with an ignition interlock
2 device.

3 (a-1) It is unlawful for any person whose driving privilege
4 is restricted by being prohibited from operating a motor
5 vehicle not equipped with an ignition interlock device to
6 request or solicit any other person to blow into an ignition
7 interlock device or to start a motor vehicle equipped with the
8 device for the purpose of providing the person so restricted
9 with an operable motor vehicle.

10 (b) It is unlawful to blow into an ignition interlock
11 device or to start a motor vehicle equipped with the device for
12 the purpose of providing an operable motor vehicle to a person
13 whose driving privilege is restricted by being prohibited from
14 operating a motor vehicle not equipped with an ignition
15 interlock device.

16 (c) It is unlawful to tamper with, or circumvent the
17 operation of, an ignition interlock device.

18 (d) Except as provided in subsection (c)(17) of Section
19 5-6-3.1 of the Unified Code of Corrections or by rule, no
20 person shall knowingly rent, lease, or lend a motor vehicle to
21 a person known to have his or her driving privilege restricted
22 by being prohibited from operating a vehicle not equipped with
23 an ignition interlock device, unless the vehicle is equipped
24 with a functioning ignition interlock device. Any person whose
25 driving privilege is so restricted shall notify any person
26 intending to rent, lease, or loan a motor vehicle to the
27 restricted person of the driving restriction imposed upon him
28 or her.

29 A person convicted of a violation of this subsection shall
30 be punished by imprisonment for not more than 6 months or by a
31 fine of not more than \$5,000, or both.

32 (e) (Blank). ~~If a person prohibited under paragraph (2) or~~
33 ~~paragraph (3) of subsection (c-4) of Section 11-501 from~~
34 ~~driving any vehicle not equipped with an ignition interlock~~
35 ~~device nevertheless is convicted of driving a vehicle that is~~
36 ~~not equipped with the device, that person is prohibited from~~

1 ~~driving any vehicle not equipped with an ignition interlock~~
2 ~~device for an additional period of time equal to the initial~~
3 ~~time period that the person was required to use an ignition~~
4 ~~interlock device.~~

5 (Source: P.A. 91-127, eff. 1-1-00; 92-418, eff. 8-17-01.)

6 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

7 Sec. 6-208. Period of Suspension - Application After
8 Revocation.

9 (a) Except as otherwise provided by this Code or any other
10 law of this State, the Secretary of State shall not suspend a
11 driver's license, permit or privilege to drive a motor vehicle
12 on the highways for a period of more than one year.

13 (b) Any person whose license, permit or privilege to drive
14 a motor vehicle on the highways has been revoked shall not be
15 entitled to have such license, permit or privilege renewed or
16 restored. However, such person may, except as provided under
17 subsection (d) of Section 6-205, make application for a license
18 pursuant to Section 6-106 (i) if the revocation was for a cause
19 which has been removed or (ii) as provided in the following
20 subparagraphs:

21 1. Except as provided in subparagraphs 2, 3, and 4, the
22 person may make application for a license after the
23 expiration of one year from the effective date of the
24 revocation or, in the case of a violation of paragraph (b)
25 of Section 11-401 of this Code or a similar provision of a
26 local ordinance, after the expiration of 3 years from the
27 effective date of the revocation or, in the case of a
28 violation of Section 9-3 of the Criminal Code of 1961 or a
29 similar provision of a law of another state relating to the
30 offense of reckless homicide or a violation of subparagraph
31 (F) of paragraph 1 of subsection (d) of Section 11-501 of
32 this Code relating to aggravated driving under the
33 influence of alcohol, other drug or drugs, intoxicating
34 compound or compounds, or any combination thereof, if the
35 violation was the proximate cause of a death, after the

1 expiration of 2 years from the effective date of the
2 revocation or after the expiration of 24 months from the
3 date of release from a period of imprisonment as provided
4 in Section 6-103 of this Code, whichever is later.

5 2. If such person is convicted of committing a second
6 violation within a 20 year period of:

7 (A) Section 11-501 of this Code, or a similar
8 provision of a local ordinance; or

9 (B) Paragraph (b) of Section 11-401 of this Code,
10 or a similar provision of a local ordinance; or

11 (C) Section 9-3 of the Criminal Code of 1961, as
12 amended, relating to the offense of reckless homicide;
13 or

14 (D) any combination of the above offenses
15 committed at different instances;

16 then such person may not make application for a license
17 until after the expiration of 5 years from the effective
18 date of the most recent revocation. The 20 year period
19 shall be computed by using the dates the offenses were
20 committed and shall also include similar out-of-state
21 offenses.

22 3. However, except as provided in subparagraph 4, if
23 such person is convicted of committing a third, or
24 subsequent, violation or any combination of the above
25 offenses, including similar out-of-state offenses,
26 contained in subparagraph 2, then such person may not make
27 application for a license until after the expiration of 10
28 years from the effective date of the most recent
29 revocation.

30 4. The person may not make application for a license
31 and is not eligible to be issued a restricted driving
32 permit if the person is convicted of committing a fourth or
33 subsequent violation of Section 11-501 of this Code or a
34 similar provision of a local ordinance, Section 11-401 of
35 this Code, Section 9-3 of the Criminal Code of 1961, or a
36 combination of these offenses or similar provisions of

1 local ordinances or similar out-of-state offenses.

2 Notwithstanding any other provision of this Code, all
3 persons referred to in this paragraph (b) may not have their
4 privileges restored until the Secretary receives payment of the
5 required reinstatement fee pursuant to subsection (b) of
6 Section 6-118.

7 In no event shall the Secretary issue such license unless
8 and until such person has had a hearing pursuant to this Code
9 and the appropriate administrative rules and the Secretary is
10 satisfied, after a review or investigation of such person, that
11 to grant the privilege of driving a motor vehicle on the
12 highways will not endanger the public safety or welfare.

13 (c) (Blank).

14 (Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01;
15 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff.
16 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

17 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

20 (a) Any person who drives or is in actual physical control
21 of a motor vehicle on any highway of this State at a time when
22 such person's driver's license, permit or privilege to do so or
23 the privilege to obtain a driver's license or permit is revoked
24 or suspended as provided by this Code or the law of another
25 state, except as may be specifically allowed by a judicial
26 driving permit, family financial responsibility driving
27 permit, probationary license to drive, or a restricted driving
28 permit issued pursuant to this Code or under the law of another
29 state, shall be guilty of a Class A misdemeanor.

30 (b) The Secretary of State upon receiving a report of the
31 conviction of any violation indicating a person was operating a
32 motor vehicle during the time when said person's driver's
33 license, permit or privilege was suspended by the Secretary, by
34 the appropriate authority of another state, or pursuant to
35 Section 11-501.1; except as may be specifically allowed by a

1 probationary license to drive, judicial driving permit or
2 restricted driving permit issued pursuant to this Code or the
3 law of another state; shall extend the suspension for the same
4 period of time as the originally imposed suspension; however,
5 if the period of suspension has then expired, the Secretary
6 shall be authorized to suspend said person's driving privileges
7 for the same period of time as the originally imposed
8 suspension. If ~~, and if~~ the conviction was upon a charge which
9 indicated that a vehicle was operated during the time when the
10 person's driver's license, permit or privilege was revoked;
11 except as may be allowed by a restricted driving permit issued
12 pursuant to this Code or the law of another state, ~~or operated~~
13 during the time when the driver is prohibited from operating a
14 motor vehicle not equipped with an ignition interlock device, ~~+~~
15 the Secretary shall not issue a driver's license for an
16 additional period of one year from the date of such conviction
17 indicating such person was operating a vehicle during such
18 period of revocation.

19 (c) Any person convicted of violating this Section shall
20 serve a minimum term of imprisonment of 10 consecutive days or
21 30 days of community service when the person's driving
22 privilege was revoked or suspended as a result of:

23 (1) a violation of Section 11-501 of this Code or a
24 similar provision of a local ordinance relating to the
25 offense of operating or being in physical control of a
26 vehicle while under the influence of alcohol, any other
27 drug or any combination thereof; or

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

32 (3) a violation of Section 9-3 of the Criminal Code of
33 1961, as amended, relating to the offense of reckless
34 homicide; or

35 (4) a statutory summary suspension under Section
36 11-501.1 of this Code.

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

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

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

10 (1) Seizure of the license plates of the person's
11 vehicle.

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

14 (d) Any person convicted of a second violation of this
15 Section shall be guilty of a Class 4 felony and shall serve a
16 minimum term of imprisonment of 30 days or 300 hours of
17 community service, as determined by the court, if the
18 revocation or suspension was for a violation of Section 11-401
19 or 11-501 of this Code, or a similar out-of-state offense, or a
20 similar provision of a local ordinance, a violation of Section
21 9-3 of the Criminal Code of 1961, relating to the offense of
22 reckless homicide, or a similar out-of-state offense, or a
23 statutory summary suspension under Section 11-501.1 of this
24 Code.

25 (d-1) Except as provided in subsection (d-2) and subsection
26 (d-3), any person convicted of a third or subsequent violation
27 of this Section shall serve a minimum term of imprisonment of
28 30 days or 300 hours of community service, as determined by the
29 court.

30 (d-2) Any person convicted of a third violation of this
31 Section is guilty of a Class 4 felony and must serve a minimum
32 term of imprisonment of 30 days if the revocation or suspension
33 was for a violation of Section 11-401 or 11-501 of this Code,
34 or a similar out-of-state offense, or a similar provision of a
35 local ordinance, a violation of Section 9-3 of the Criminal
36 Code of 1961, relating to the offense of reckless homicide, or

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

3 (d-3) Any person convicted of a fourth or subsequent
4 violation of this Section is guilty of a Class 4 felony and
5 must serve a minimum term of imprisonment of 180 days if the
6 revocation or suspension was for a violation of Section 11-401
7 or 11-501 of this Code, or a similar out-of-state offense, or a
8 similar provision of a local ordinance, a violation of Section
9 9-3 of the Criminal Code of 1961, relating to the offense of
10 reckless homicide, or a similar out-of-state offense, or a
11 statutory summary suspension under Section 11-501.1 of this
12 Code.

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

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

25 (g) The motor vehicle used in a violation of this Section
26 is subject to seizure and forfeiture as provided in Sections
27 36-1 and 36-2 of the Criminal Code of 1961 if the person's
28 driving privilege was revoked or suspended as a result of a
29 violation listed in paragraph (1), (2), or (3) of subsection
30 (c) of this Section or as a result of a summary suspension as
31 provided in paragraph (4) of subsection (c) of this Section.

32 (Source: P.A. 91-692, eff. 4-13-00; 92-340, eff. 8-10-01;
33 92-688, eff. 7-16-02.)

34 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)
35 Sec. 11-501. Driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any
2 combination thereof.

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

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

8 (2) under the influence of alcohol;

9 (3) under the influence of any intoxicating compound or
10 combination of intoxicating compounds to a degree that
11 renders the person incapable of driving safely;

12 (4) under the influence of any other drug or
13 combination of drugs to a degree that renders the person
14 incapable of safely driving;

15 (5) under the combined influence of alcohol, other drug
16 or drugs, or intoxicating compound or compounds to a degree
17 that renders the person incapable of safely driving; or

18 (6) there is any amount of a drug, substance, or
19 compound in the person's breath, blood, or urine resulting
20 from the unlawful use or consumption of cannabis listed in
21 the Cannabis Control Act, a controlled substance listed in
22 the Illinois Controlled Substances Act, or an intoxicating
23 compound listed in the Use of Intoxicating Compounds Act.

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

29 (b-1) With regard to penalties imposed under this Section:

30 (1) Any reference to a prior violation of subsection
31 (a) or a similar provision includes any violation of a
32 provision of a local ordinance or a provision of a law of
33 another state that is similar to a violation of subsection
34 (a) of this Section.

35 (2) Any penalty imposed for driving with a license that
36 has been revoked for a previous violation of subsection (a)

1 of this Section shall be in addition to the penalty imposed
2 for any subsequent violation of subsection (a).

3 (b-2) Except as otherwise provided in this Section, any
4 person convicted of violating subsection (a) of this Section is
5 guilty of a Class A misdemeanor.

6 (b-3) In addition to any other criminal or administrative
7 sanction for any second conviction of violating subsection (a)
8 or a similar provision committed within 5 years of a previous
9 violation of subsection (a) or a similar provision, the
10 defendant shall be sentenced to a mandatory minimum of 5 days
11 of imprisonment or assigned a mandatory minimum of 240 hours of
12 community service as may be determined by the court.

13 (b-4) In the case of a third or subsequent violation
14 committed within 5 years of a previous violation of subsection
15 (a) or a similar provision, in addition to any other criminal
16 or administrative sanction, a mandatory minimum term of either
17 10 days of imprisonment or 480 hours of community service shall
18 be imposed.

19 (b-5) The imprisonment or assignment of community service
20 under subsections (b-3) and (b-4) shall not be subject to
21 suspension, nor shall the person be eligible for a reduced
22 sentence.

23 (c) (Blank).

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

31 (2) A person who violates subsection (a) a third time,
32 if the third violation occurs during a period in which his
33 or her driving privileges are revoked or suspended where
34 the revocation or suspension was for a violation of
35 subsection (a), Section 11-501.1, paragraph (b) of Section
36 11-401, or for reckless homicide as defined in Section 9-3

1 of the Criminal Code of 1961, is guilty of a Class 3
2 felony.

3 (2.1) A person who violates subsection (a) a third
4 time, if the third violation occurs during a period in
5 which his or her driving privileges are revoked or
6 suspended where the revocation or suspension was for a
7 violation of subsection (a), Section 11-501.1, subsection
8 (b) of Section 11-401, or for reckless homicide as defined
9 in Section 9-3 of the Criminal Code of 1961, is guilty of a
10 Class 3 felony; and if the person receives a term of
11 probation or conditional discharge, he or she shall be
12 required to serve a mandatory minimum of 10 days of
13 imprisonment or shall be assigned a mandatory minimum of
14 480 hours of community service, as may be determined by the
15 court, as a condition of the probation or conditional
16 discharge. This mandatory minimum term of imprisonment or
17 assignment of community service shall not be suspended or
18 reduced by the court.

19 (2.2) A person who violates subsection (a), if the
20 violation occurs during a period in which his or her
21 driving privileges are revoked or suspended where the
22 revocation or suspension was for a violation of subsection
23 (a) or Section 11-501.1, shall also be sentenced to an
24 additional mandatory minimum term of 30 consecutive days of
25 imprisonment, 40 days of 24-hour periodic imprisonment, or
26 720 hours of community service, as may be determined by the
27 court. This mandatory term of imprisonment or assignment of
28 community service shall not be suspended or reduced by the
29 court.

30 (3) A person who violates subsection (a) a fourth or
31 subsequent time, if the fourth or subsequent violation
32 occurs during a period in which his or her driving
33 privileges are revoked or suspended where the revocation or
34 suspension was for a violation of subsection (a), Section
35 11-501.1, paragraph (b) of Section 11-401, or for reckless
36 homicide as defined in Section 9-3 of the Criminal Code of

1 1961, is guilty of a Class 2 felony and is not eligible for
2 a sentence of probation or conditional discharge.

3 (c-2) (Blank).

4 (c-3) (Blank).

5 (c-4) (Blank).

6 (c-5) A person who violates subsection (a), if the person
7 was transporting a person under the age of 16 at the time of
8 the violation, is subject to an additional mandatory minimum
9 fine of \$1,000, an additional mandatory minimum 140 hours of
10 community service, which shall include 40 hours of community
11 service in a program benefiting children, and an additional 2
12 days of imprisonment. The imprisonment or assignment of
13 community service under this subsection (c-5) is not subject to
14 suspension, nor is the person eligible for a reduced sentence.

15 (c-6) Except as provided in subsections (c-7) and (c-8) a
16 person who violates subsection (a) a second time, if at the
17 time of the second violation the person was transporting a
18 person under the age of 16, is subject to an additional 10 days
19 of imprisonment, an additional mandatory minimum fine of
20 \$1,000, and an additional mandatory minimum 140 hours of
21 community service, which shall include 40 hours of community
22 service in a program benefiting children. The imprisonment or
23 assignment of community service under this subsection (c-6) is
24 not subject to suspension, nor is the person eligible for a
25 reduced sentence.

26 (c-7) Except as provided in subsection (c-8), any person
27 convicted of violating subsection (c-6) or a similar provision
28 within 10 years of a previous violation of subsection (a) or a
29 similar provision shall receive, in addition to any other
30 penalty imposed, a mandatory minimum 12 days imprisonment, an
31 additional 40 hours of mandatory community service in a program
32 benefiting children, and a mandatory minimum fine of \$1,750.
33 The imprisonment or assignment of community service under this
34 subsection (c-7) is not subject to suspension, nor is the
35 person eligible for a reduced sentence.

36 (c-8) Any person convicted of violating subsection (c-6) or

1 a similar provision within 5 years of a previous violation of
2 subsection (a) or a similar provision shall receive, in
3 addition to any other penalty imposed, an additional 80 hours
4 of mandatory community service in a program benefiting
5 children, an additional mandatory minimum 12 days of
6 imprisonment, and a mandatory minimum fine of \$1,750. The
7 imprisonment or assignment of community service under this
8 subsection (c-8) is not subject to suspension, nor is the
9 person eligible for a reduced sentence.

10 (c-9) Any person convicted a third time for violating
11 subsection (a) or a similar provision, if at the time of the
12 third violation the person was transporting a person under the
13 age of 16, is guilty of a Class 4 felony and shall receive, in
14 addition to any other penalty imposed, an additional mandatory
15 fine of \$1,000, an additional mandatory 140 hours of community
16 service, which shall include 40 hours in a program benefiting
17 children, and a mandatory minimum 30 days of imprisonment. The
18 imprisonment or assignment of community service under this
19 subsection (c-9) is not subject to suspension, nor is the
20 person eligible for a reduced sentence.

21 (c-10) Any person convicted of violating subsection (c-9)
22 or a similar provision a third time within 20 years of a
23 previous violation of subsection (a) or a similar provision is
24 guilty of a Class 4 felony and shall receive, in addition to
25 any other penalty imposed, an additional mandatory 40 hours of
26 community service in a program benefiting children, an
27 additional mandatory fine of \$3,000 ~~\$3000~~, and a mandatory
28 minimum 120 days of imprisonment. The imprisonment or
29 assignment of community service under this subsection (c-10) is
30 not subject to suspension, nor is the person eligible for a
31 reduced sentence.

32 (c-11) Any person convicted a fourth or subsequent time for
33 violating subsection (a) or a similar provision, if at the time
34 of the fourth or subsequent violation the person was
35 transporting a person under the age of 16, ~~and if the person's~~
36 ~~3 prior violations of subsection (a) or similar provision~~

1 ~~occurred while transporting a person under the age of 16 or~~
2 ~~while the alcohol concentration in his or her blood, breath, or~~
3 ~~urine was 0.16 or more based on the definition of blood,~~
4 ~~breath, or urine units in Section 11-501.2,~~ is guilty of a
5 Class 2 felony, is not eligible for probation or conditional
6 discharge, and is subject to a minimum fine of \$3,000.

7 (c-12) Any person convicted of a first violation of
8 subsection (a) or a similar provision, if the alcohol
9 concentration in his or her blood, breath, or urine was 0.16 or
10 more based on the definition of blood, breath, or urine units
11 in Section 11-501.2, shall be subject, in addition to any other
12 penalty that may be imposed, to a mandatory minimum of 100
13 hours of community service and a mandatory minimum fine of
14 \$500.

15 (c-13) Any person convicted of a second violation of
16 subsection (a) or a similar provision committed within 10 years
17 of a previous violation of subsection (a) or a similar
18 provision committed within 10 years of a previous violation of
19 subsection (a) or a similar provision, if at the time of the
20 second violation of subsection (a) the alcohol concentration in
21 his or her blood, breath, or urine was 0.16 or more based on
22 the definition of blood, breath, or urine units in Section
23 11-501.2, shall be subject, in addition to any other penalty
24 that may be imposed, to a mandatory minimum of 2 days of
25 imprisonment and a mandatory minimum fine of \$1,250.

26 (c-14) Any person convicted of a third violation of
27 subsection (a) or a similar provision within 20 years of a
28 previous violation of subsection (a) or a similar provision, if
29 at the time of the third violation of subsection (a) or a
30 similar provision the alcohol concentration in his or her
31 blood, breath, or urine was 0.16 or more based on the
32 definition of blood, breath, or urine units in Section
33 11-501.2, is guilty of a Class 4 felony and shall be subject,
34 in addition to any other penalty that may be imposed, to a
35 mandatory minimum of 90 days of imprisonment and a mandatory
36 minimum fine of \$2,500.

1 (c-15) Any person convicted of a fourth or subsequent
2 violation of subsection (a) or a similar provision, if at the
3 time of the fourth or subsequent violation the alcohol
4 concentration in his or her blood, breath, or urine was 0.16 or
5 more based on the definition of blood, breath, or urine units
6 in Section 11-501.2, ~~and if the person's 3 prior violations of~~
7 ~~subsection (a) or a similar provision occurred while~~
8 ~~transporting a person under the age of 16 or while the alcohol~~
9 ~~concentration in his or her blood, breath, or urine was 0.16 or~~
10 ~~more based on the definition of blood, breath, or urine units~~
11 ~~in Section 11-501.2,~~ is guilty of a Class 2 felony and is not
12 eligible for a sentence of probation or conditional discharge
13 and is subject to a minimum fine of \$2,500.

14 (d) (1) Every person convicted of committing a violation of
15 this Section shall be guilty of aggravated driving under
16 the influence of alcohol, other drug or drugs, or
17 intoxicating compound or compounds, or any combination
18 thereof if:

19 (A) the person committed a violation of subsection
20 (a) or a similar provision for the third or subsequent
21 time;

22 (B) the person committed a violation of subsection
23 (a) while driving a school bus with persons 18 years of
24 age or younger on board;

25 (C) the person in committing a violation of
26 subsection (a) was involved in a motor vehicle accident
27 that resulted in great bodily harm or permanent
28 disability or disfigurement to another, when the
29 violation was a proximate cause of the injuries;

30 (D) the person committed a violation of subsection
31 (a) for a second time and has been previously convicted
32 of violating Section 9-3 of the Criminal Code of 1961
33 or a similar provision of a law of another state
34 relating to reckless homicide in which the person was
35 determined to have been under the influence of alcohol,
36 other drug or drugs, or intoxicating compound or

1 compounds as an element of the offense or the person
2 has previously been convicted under subparagraph (C)
3 or subparagraph (F) of this paragraph (1);

4 (E) the person, in committing a violation of
5 subsection (a) while driving at any speed in a school
6 speed zone at a time when a speed limit of 20 miles per
7 hour was in effect under subsection (a) of Section
8 11-605 of this Code, was involved in a motor vehicle
9 accident that resulted in bodily harm, other than great
10 bodily harm or permanent disability or disfigurement,
11 to another person, when the violation of subsection (a)
12 was a proximate cause of the bodily harm; or

13 (F) the person, in committing a violation of
14 subsection (a), was involved in a motor vehicle,
15 snowmobile, all-terrain vehicle, or watercraft
16 accident that resulted in the death of another person,
17 when the violation of subsection (a) was a proximate
18 cause of the death.

19 (2) Except as provided in this paragraph (2), a person
20 convicted of aggravated driving under the influence of
21 alcohol, other drug or drugs, or intoxicating compound or
22 compounds, or any combination thereof is guilty of a Class
23 4 felony. For a violation of subparagraph (C) of paragraph
24 (1) of this subsection (d), the defendant, if sentenced to
25 a term of imprisonment, shall be sentenced to not less than
26 one year nor more than 12 years. Aggravated driving under
27 the influence of alcohol, other drug or drugs, or
28 intoxicating compound or compounds, or any combination
29 thereof as defined in subparagraph (F) of paragraph (1) of
30 this subsection (d) is a Class 2 felony, for which the
31 defendant, if sentenced to a term of imprisonment, shall be
32 sentenced to: (A) a term of imprisonment of not less than 3
33 years and not more than 14 years if the violation resulted
34 in the death of one person; or (B) a term of imprisonment
35 of not less than 6 years and not more than 28 years if the
36 violation resulted in the deaths of 2 or more persons. For

1 any prosecution under this subsection (d), a certified copy
2 of the driving abstract of the defendant shall be admitted
3 as proof of any prior conviction. Any person sentenced
4 under this subsection (d) who receives a term of probation
5 or conditional discharge must serve a minimum term of
6 either 480 hours of community service or 10 days of
7 imprisonment as a condition of the probation or conditional
8 discharge. This mandatory minimum term of imprisonment or
9 assignment of community service may not be suspended or
10 reduced by the court.

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

23 (e-1) Any person who is found guilty of or pleads guilty to
24 violating this Section, including any person receiving a
25 disposition of court supervision for violating this Section,
26 may be required by the Court to attend a victim impact panel
27 offered by, or under contract with, a County State's Attorney's
28 office, a probation and court services department, Mothers
29 Against Drunk Driving, or the Alliance Against Intoxicated
30 Motorists. All costs generated by the victim impact panel shall
31 be paid from fees collected from the offender or as may be
32 determined by the court.

33 (f) Every person found guilty of violating this Section,
34 whose operation of a motor vehicle while in violation of this
35 Section proximately caused any incident resulting in an
36 appropriate emergency response, shall be liable for the expense

1 of an emergency response as provided under Section 5-5-3 of the
2 Unified Code of Corrections.

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

6 (h) Blank.

7 (i) The Secretary of State shall require the use of
8 ignition interlock devices on all vehicles owned by an
9 individual who has been convicted of a second or subsequent
10 offense of this Section or a similar provision of a local
11 ordinance. The Secretary shall establish by rule and regulation
12 the procedures for certification and use of the interlock
13 system.

14 (j) In addition to any other penalties and liabilities, a
15 person who is found guilty of or pleads guilty to violating
16 subsection (a), including any person placed on court
17 supervision for violating subsection (a), shall be fined \$500,
18 payable to the circuit clerk, who shall distribute the money as
19 follows: 20% to the law enforcement agency that made the arrest
20 and 80% shall be forwarded to the State Treasurer for deposit
21 into the General Revenue Fund. If the person has been
22 previously convicted of violating subsection (a) or a similar
23 provision of a local ordinance, the fine shall be \$1,000. In
24 the event that more than one agency is responsible for the
25 arrest, the amount payable to law enforcement agencies shall be
26 shared equally. Any moneys received by a law enforcement agency
27 under this subsection (j) shall be used to purchase law
28 enforcement equipment that will assist in the prevention of
29 alcohol related criminal violence throughout the State. This
30 shall include, but is not limited to, in-car video cameras,
31 radar and laser speed detection devices, and alcohol breath
32 testers. Any moneys received by the Department of State Police
33 under this subsection (j) shall be deposited into the State
34 Police DUI Fund and shall be used to purchase law enforcement
35 equipment that will assist in the prevention of alcohol related
36 criminal violence throughout the State.

1 (k) The Secretary of State Police DUI Fund is created as a
2 special fund in the State treasury. All moneys received by the
3 Secretary of State Police under subsection (j) of this Section
4 shall be deposited into the Secretary of State Police DUI Fund
5 and, subject to appropriation, shall be used to purchase law
6 enforcement equipment to assist in the prevention of alcohol
7 related criminal violence throughout the State.

8 (l) Whenever an individual is sentenced for an offense
9 based upon an arrest for a violation of subsection (a) or a
10 similar provision of a local ordinance, and the professional
11 evaluation recommends remedial or rehabilitative treatment or
12 education, neither the treatment nor the education shall be the
13 sole disposition and either or both may be imposed only in
14 conjunction with another disposition. The court shall monitor
15 compliance with any remedial education or treatment
16 recommendations contained in the professional evaluation.
17 Programs conducting alcohol or other drug evaluation or
18 remedial education must be licensed by the Department of Human
19 Services. If the individual is not a resident of Illinois,
20 however, the court may accept an alcohol or other drug
21 evaluation or remedial education program in the individual's
22 state of residence. Programs providing treatment must be
23 licensed under existing applicable alcoholism and drug
24 treatment licensure standards.

25 (m) In addition to any other fine or penalty required by
26 law, an individual convicted of a violation of subsection (a),
27 Section 5-7 of the Snowmobile Registration and Safety Act,
28 Section 5-16 of the Boat Registration and Safety Act, or a
29 similar provision, whose operation of a motor vehicle,
30 snowmobile, or watercraft while in violation of subsection (a),
31 Section 5-7 of the Snowmobile Registration and Safety Act,
32 Section 5-16 of the Boat Registration and Safety Act, or a
33 similar provision proximately caused an incident resulting in
34 an appropriate emergency response, shall be required to make
35 restitution to a public agency for the costs of that emergency
36 response. The restitution may not exceed \$1,000 per public

1 agency for each emergency response. As used in this subsection
2 (m), "emergency response" means any incident requiring a
3 response by a police officer, a firefighter carried on the
4 rolls of a regularly constituted fire department, or an
5 ambulance.

6 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;
7 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;
8 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.
9 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800,
10 eff. 1-1-05; 93-840, eff. 7-30-04; revised 1-13-05.)