



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0663

Introduced 2/6/2007, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205
625 ILCS 5/6-206

from Ch. 95 1/2, par. 6-205
from Ch. 95 1/2, par. 6-206

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke (rather than may, within 6 months of the date of conviction or one year of the date of the accident, revoke or suspend) the driving privileges of any person who has been convicted of an offense that involved the unlawful operation of a motor vehicle and caused or contributed to an accident resulting in the death of any person.

LRB095 04110 DRH 24148 b

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 and 6-206 as follows:

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

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

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

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

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

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

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

4 5. Perjury or the making of a false affidavit or
5 statement under oath to the Secretary of State under this
6 Code or under any other law relating to the ownership or
7 operation of motor vehicles;

8 6. Conviction upon 3 charges of violation of Section
9 11-503 of this Code relating to the offense of reckless
10 driving committed within a period of 12 months;

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

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

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

16 10. Violation of Section 12-5 of the Criminal Code of
17 1961 arising from the use of a motor vehicle;

18 11. Violation of Section 11-204.1 of this Code relating
19 to aggravated fleeing or attempting to elude a peace
20 officer;

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

25 13. Violation of paragraph (a) of Section 11-502 of
26 this Code or a similar provision of a local ordinance if

1 the driver has been previously convicted of a violation of
2 that Section or a similar provision of a local ordinance
3 and the driver was less than 21 years of age at the time of
4 the offense.

5 (b) The Secretary of State shall also immediately revoke
6 the license or permit of any driver in the following
7 situations:

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

13 2. Of any person when any other law of this State
14 requires either the revocation or suspension of a license
15 or permit; ~~or~~

16 3. Of any person who has been convicted of an offense
17 that involved the unlawful operation of a motor vehicle and
18 caused or contributed to an accident resulting in the death
19 of any person.

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

1 scope of the petitioner's employment related duties, or to
2 allow transportation for the petitioner or a household member
3 of the petitioner's family for the receipt of necessary medical
4 care or, if the professional evaluation indicates, provide
5 transportation for the petitioner for alcohol remedial or
6 rehabilitative activity, or for the petitioner to attend
7 classes, as a student, in an accredited educational
8 institution; if the petitioner is able to demonstrate that no
9 alternative means of transportation is reasonably available
10 and the petitioner will not endanger the public safety or
11 welfare; provided that the Secretary's discretion shall be
12 limited to cases where undue hardship would result from a
13 failure to issue the restricted driving permit.

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

22 If a person's license or permit has been revoked or
23 suspended 2 or more times within a 10 year period due to a
24 single conviction of violating Section 11-501 of this Code or a
25 similar provision of a local ordinance or a similar
26 out-of-state offense, and a statutory summary suspension under

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

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

18 (d) Whenever a person under the age of 21 is convicted
19 under Section 11-501 of this Code or a similar provision of a
20 local ordinance, the Secretary of State shall revoke the
21 driving privileges of that person. One year after the date of
22 revocation, and upon application, the Secretary of State may,
23 if satisfied that the person applying will not endanger the
24 public safety or welfare, issue a restricted driving permit
25 granting the privilege of driving a motor vehicle only between
26 the hours of 5 a.m. and 9 p.m. or as otherwise provided by this

1 Section for a period of one year. After this one year period,
2 and upon reapplication for a license as provided in Section
3 6-106, upon payment of the appropriate reinstatement fee
4 provided under paragraph (b) of Section 6-118, the Secretary of
5 State, in his discretion, may issue the applicant a license, or
6 extend the restricted driving permit as many times as the
7 Secretary of State deems appropriate, by additional periods of
8 not more than 12 months each, until the applicant attains 21
9 years of age.

10 If a person's license or permit has been revoked or
11 suspended due to 2 or more convictions of violating Section
12 11-501 of this Code or a similar provision of a local ordinance
13 or a similar out-of-state offense, arising out of separate
14 occurrences, that person, if issued a restricted driving
15 permit, may not operate a vehicle unless it has been equipped
16 with an ignition interlock device as defined in Section
17 1-129.1.

18 If a person's license or permit has been revoked or
19 suspended 2 or more times within a 10 year period due to a
20 single conviction of violating Section 11-501 of this Code or a
21 similar provision of a local ordinance or a similar
22 out-of-state offense, and a statutory summary suspension under
23 Section 11-501.1, or 2 or more statutory summary suspensions,
24 or combination of 2 offenses, or of an offense and a statutory
25 summary suspension, arising out of separate occurrences, that
26 person, if issued a restricted driving permit, may not operate

1 a vehicle unless it has been equipped with an ignition
2 interlock device as defined in Section 1-129.1. The person must
3 pay to the Secretary of State DUI Administration Fund an amount
4 not to exceed \$20 per month. The Secretary shall establish by
5 rule the amount and the procedures, terms, and conditions
6 relating to these fees. If the restricted driving permit was
7 issued for employment purposes, then this provision does not
8 apply to the operation of an occupational vehicle owned or
9 leased by that person's employer. A restricted driving permit
10 issued under this Section shall be subject to cancellation,
11 revocation, and suspension by the Secretary of State in like
12 manner and for like cause as a driver's license issued under
13 this Code may be cancelled, revoked, or suspended; except that
14 a conviction upon one or more offenses against laws or
15 ordinances regulating the movement of traffic shall be deemed
16 sufficient cause for the revocation, suspension, or
17 cancellation of a restricted driving permit. The revocation
18 periods contained in this subparagraph shall apply to similar
19 out-of-state convictions.

20 (e) This Section is subject to the provisions of the Driver
21 License Compact.

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

26 (g) The Secretary of State shall not issue a restricted

1 driving permit to a person under the age of 16 years whose
2 driving privileges have been revoked under any provisions of
3 this Code.

4 (h) The Secretary of State shall require the use of
5 ignition interlock devices on all vehicles owned by an
6 individual who has been convicted of a second or subsequent
7 offense under Section 11-501 of this Code or a similar
8 provision of a local ordinance. The Secretary shall establish
9 by rule and regulation the procedures for certification and use
10 of the interlock system.

11 (i) The Secretary of State may not issue a restricted
12 driving permit for a period of one year after a second or
13 subsequent revocation of driving privileges under clause
14 (a)(2) of this Section; however, one year after the date of a
15 second or subsequent revocation of driving privileges under
16 clause (a)(2) of this Section, the Secretary of State may, upon
17 application, issue a restricted driving permit under the terms
18 and conditions of subsection (c).

19 (j) In accordance with 49 C.F.R. 384, the Secretary of
20 State may not issue a restricted driving permit for the
21 operation of a commercial motor vehicle to a person holding a
22 CDL whose driving privileges have been revoked under any
23 provisions of this Code.

24 (Source: P.A. 93-120, eff. 1-1-04; 94-307, eff. 9-30-05.)

25 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

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

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

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

23 4. Has by the unlawful operation of a motor vehicle
24 caused or contributed to an accident resulting in ~~death or~~
25 injury requiring immediate professional treatment in a
26 medical facility or doctor's office to any person, except

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

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

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

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

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

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

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

26 11. Has operated a motor vehicle upon a highway of this

1 State when the person's driving privilege or privilege to
2 obtain a driver's license or permit was revoked or
3 suspended unless the operation was authorized by a judicial
4 driving permit, probationary license to drive, or a
5 restricted driving permit issued under this Code;

6 12. Has submitted to any portion of the application
7 process for another person or has obtained the services of
8 another person to submit to any portion of the application
9 process for the purpose of obtaining a license,
10 identification card, or permit for some other person;

11 13. Has operated a motor vehicle upon a highway of this
12 State when the person's driver's license or permit was
13 invalid under the provisions of Sections 6-107.1 and 6-110;

14 14. Has committed a violation of Section 6-301,
15 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
16 of the Illinois Identification Card Act;

17 15. Has been convicted of violating Section 21-2 of the
18 Criminal Code of 1961 relating to criminal trespass to
19 vehicles in which case, the suspension shall be for one
20 year;

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

23 17. Has refused to submit to a test, or tests, as
24 required under Section 11-501.1 of this Code and the person
25 has not sought a hearing as provided for in Section
26 11-501.1;

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

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

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

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

13 22. Has used a motor vehicle in violating paragraph
14 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
15 the Criminal Code of 1961 relating to unlawful use of
16 weapons, in which case the suspension shall be for one
17 year;

18 23. Has, as a driver, been convicted of committing a
19 violation of paragraph (a) of Section 11-502 of this Code
20 for a second or subsequent time within one year of a
21 similar violation;

22 24. Has been convicted by a court-martial or punished
23 by non-judicial punishment by military authorities of the
24 United States at a military installation in Illinois of or
25 for a traffic related offense that is the same as or
26 similar to an offense specified under Section 6-205 or

1 6-206 of this Code;

2 25. Has permitted any form of identification to be used
3 by another in the application process in order to obtain or
4 attempt to obtain a license, identification card, or
5 permit;

6 26. Has altered or attempted to alter a license or has
7 possessed an altered license, identification card, or
8 permit;

9 27. Has violated Section 6-16 of the Liquor Control Act
10 of 1934;

11 28. Has been convicted of the illegal possession, while
12 operating or in actual physical control, as a driver, of a
13 motor vehicle, of any controlled substance prohibited
14 under the Illinois Controlled Substances Act, any cannabis
15 prohibited under the Cannabis Control Act, or any
16 methamphetamine prohibited under the Methamphetamine
17 Control and Community Protection Act, in which case the
18 person's driving privileges shall be suspended for one
19 year, and any driver who is convicted of a second or
20 subsequent offense, within 5 years of a previous
21 conviction, for the illegal possession, while operating or
22 in actual physical control, as a driver, of a motor
23 vehicle, of any controlled substance prohibited under the
24 Illinois Controlled Substances Act, any cannabis
25 prohibited under the Cannabis Control Act, or any
26 methamphetamine prohibited under the Methamphetamine

1 Control and Community Protection Act shall be suspended for
2 5 years. Any defendant found guilty of this offense while
3 operating a motor vehicle, shall have an entry made in the
4 court record by the presiding judge that this offense did
5 occur while the defendant was operating a motor vehicle and
6 order the clerk of the court to report the violation to the
7 Secretary of State;

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

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

23 31. Has refused to submit to a test as required by
24 Section 11-501.6 or has submitted to a test resulting in an
25 alcohol concentration of 0.08 or more or any amount of a
26 drug, substance, or compound resulting from the unlawful

1 use or consumption of cannabis as listed in the Cannabis
2 Control Act, a controlled substance as listed in the
3 Illinois Controlled Substances Act, or an intoxicating
4 compound as listed in the Use of Intoxicating Compounds
5 Act, in which case the penalty shall be as prescribed in
6 Section 6-208.1;

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

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

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

18 35. Has committed a violation of Section 11-1301.6 of
19 this Code;

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

26 37. Has committed a violation of subsection (c) of

1 Section 11-907 of this Code;

2 38. Has been convicted of a violation of Section 6-20
3 of the Liquor Control Act of 1934 or a similar provision of
4 a local ordinance;

5 39. Has committed a second or subsequent violation of
6 Section 11-1201 of this Code;

7 40. Has committed a violation of subsection (a-1) of
8 Section 11-908 of this Code;

9 41. Has committed a second or subsequent violation of
10 Section 11-605.1 of this Code within 2 years of the date of
11 the previous violation, in which case the suspension shall
12 be for 90 days; or

13 42. Has committed a violation of subsection (a-1) of
14 Section 11-1301.3 of this Code.

15 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
16 and 27 of this subsection, license means any driver's license,
17 any traffic ticket issued when the person's driver's license is
18 deposited in lieu of bail, a suspension notice issued by the
19 Secretary of State, a duplicate or corrected driver's license,
20 a probationary driver's license or a temporary driver's
21 license.

22 (b) If any conviction forming the basis of a suspension or
23 revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be, provided
26 that a certified copy of a stay order of a court is filed with

1 the Secretary of State. If the conviction is affirmed on
2 appeal, the date of the conviction shall relate back to the
3 time the original judgment of conviction was entered and the 6
4 month limitation prescribed shall not apply.

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

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

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

12 The provisions of this subparagraph shall not apply to
13 any driver required to possess a CDL for the purpose of
14 operating a commercial motor vehicle.

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

19 3. At the conclusion of a hearing under Section 2-118
20 of this Code, the Secretary of State shall either rescind
21 or continue an order of revocation or shall substitute an
22 order of suspension; or, good cause appearing therefor,
23 rescind, continue, change, or extend the order of
24 suspension. If the Secretary of State does not rescind the
25 order, the Secretary may upon application, to relieve undue
26 hardship, issue a restricted driving permit granting the

1 privilege of driving a motor vehicle between the
2 petitioner's residence and petitioner's place of
3 employment or within the scope of his employment related
4 duties, or to allow transportation for the petitioner, or a
5 household member of the petitioner's family, to receive
6 necessary medical care and if the professional evaluation
7 indicates, provide transportation for alcohol remedial or
8 rehabilitative activity, or for the petitioner to attend
9 classes, as a student, in an accredited educational
10 institution; if the petitioner is able to demonstrate that
11 no alternative means of transportation is reasonably
12 available and the petitioner will not endanger the public
13 safety or welfare.

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

22 If a person's license or permit has been revoked or
23 suspended 2 or more times within a 10 year period due to a
24 single conviction of violating Section 11-501 of this Code
25 or a similar provision of a local ordinance or a similar
26 out-of-state offense, and a statutory summary suspension

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

1 least one year from the date of the revocation. A
2 restricted driving permit issued under this Section shall
3 be subject to cancellation, revocation, and suspension by
4 the Secretary of State in like manner and for like cause as
5 a driver's license issued under this Code may be cancelled,
6 revoked, or suspended; except that a conviction upon one or
7 more offenses against laws or ordinances regulating the
8 movement of traffic shall be deemed sufficient cause for
9 the revocation, suspension, or cancellation of a
10 restricted driving permit. The Secretary of State may, as a
11 condition to the issuance of a restricted driving permit,
12 require the applicant to participate in a designated driver
13 remedial or rehabilitative program. The Secretary of State
14 is authorized to cancel a restricted driving permit if the
15 permit holder does not successfully complete the program.

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

23 (d) This Section is subject to the provisions of the
24 Drivers License Compact.

25 (e) The Secretary of State shall not issue a restricted
26 driving permit to a person under the age of 16 years whose

1 driving privileges have been suspended or revoked under any
2 provisions of this Code.

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

8 (Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04;
9 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff.
10 9-30-05; 94-556, eff. 9-11-05; 94-930, eff. 6-26-06.)