



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3697

Introduced 2/25/2009, by Rep. Paul D. Froehlich

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-111.1a	from Ch. 95 1/2, par. 1-171.01
625 ILCS 5/1-197.5	from Ch. 95 1/2, par. 1-203.1
625 ILCS 5/6-102	from Ch. 95 1/2, par. 6-102
625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110
625 ILCS 5/6-203.1	from Ch. 95 1/2, par. 6-203.1
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 5/6-208	from Ch. 95 1/2, par. 6-208
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
625 ILCS 5/6-601	from Ch. 95 1/2, par. 6-601
625 ILCS 5/11-500	from Ch. 95 1/2, par. 11-500
625 ILCS 25/4b	

Amends the Illinois Vehicle Code. Provides that a graduated license may not be issued, renewed, or continued to be used by a person who has been convicted of driving without a license in another state or has been convicted under the Use of Intoxicating Compounds Act. Provides that upon a second conviction of driving while the person's driving privileges were revoked or suspended and the revocation or suspension was for the offense of reckless homicide or a similar out-of-state offense, the Secretary of State shall immediately revoke that person's driving privileges for 5 years, and for a third or subsequent conviction of the same, the revocation is permanent. Amends the definition of "first-time offender" in relation to driving under the influence offenses to include any person who has not had his or her driver's license suspended in this State as the result of refusal of chemical testing in another state. Makes other changes. Amends the Child Passenger Protection Act to provide that a Section requiring every person under the age of 18 years to secure a child between 8 and 18 years old in a properly adjusted and fastened seat safety belt or an appropriate child restraint system also applies to each driver over the age of 18 years who was convicted certain traffic violations in the 6 months prior to the driver's 18th birthday (rather than within 6 months of the birthday), until 6 consecutive months have elapsed without an additional violation. Effective immediately.

LRB096 11603 AJT 22103 b

1 AN ACT concerning the Secretary of State.

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 1-111.1a, 1-197.5, 6-102, 6-103, 6-107, 6-110,
6 6-203.1, 6-205, 6-206, 6-208, 6-303, 6-601, and 11-500 as
7 follows:

8 (625 ILCS 5/1-111.1a) (from Ch. 95 1/2, par. 1-171.01)

9 Sec. 1-111.1a. Charitable vehicle.

10 (a) Any vehicle that is exclusively owned and operated by a
11 religious or charitable not-for-profit organization and is
12 used primarily in conducting the official activities of such
13 organization.

14 (b) This definition does not include:

15 (1) a bus operated by a public utility, municipal
16 corporation or common carrier authorized to conduct local
17 or interurban transportation of passengers when such bus is
18 on a regularly scheduled route for the transportation of
19 other fare paying passengers or furnishing charter service
20 for the transportation of groups on special trips or in
21 connection with special events and not over a regular or
22 customary religious organization bus route;

23 (2) a school bus as defined in Section 1-182 of this

1 Code; or

2 (3) a First Division vehicle, other than one designed
3 for transporting not less than 7 nor more than 10
4 passengers, as defined in Section 1-217 of this Code;
5 except that for purposes of determining the number of
6 persons a vehicle is designed to carry in this Section, in
7 any vehicle equipped with one or more wheelchair tiedowns,
8 each wheelchair tiedown shall be counted as 4 persons. Each
9 wheelchair tiedown shall be counted as 1 person for any
10 other purpose of this Code.

11 (Source: P.A. 90-89, eff. 1-1-98; 91-64, eff. 1-1-00.)

12 (625 ILCS 5/1-197.5) (from Ch. 95 1/2, par. 1-203.1)

13 Sec. 1-197.5. Statutory summary alcohol or other drug
14 related suspension of driver's privileges. The withdrawal by
15 the Secretary of State ~~circuit court~~ of a person's license or
16 privilege to operate a motor vehicle on the public highways for
17 the periods provided in Section 6-208.1. Reinstatement after
18 the suspension period shall occur after all appropriate fees
19 have been paid, ~~unless the court notifies the Secretary of~~
20 ~~State that the person should be disqualified.~~ The bases for
21 this withdrawal of driving privileges shall be the individual's
22 refusal to submit to or failure to complete a chemical test or
23 tests following an arrest for the offense of driving under the
24 influence of alcohol, other drugs, or intoxicating compounds,
25 or any combination thereof, or submission to such a test or

1 tests indicating an alcohol concentration of 0.08 or more as
2 provided in Section 11-501.1 of this Code.

3 (Source: P.A. 92-834, eff. 8-22-02.)

4 (625 ILCS 5/6-102) (from Ch. 95 1/2, par. 6-102)

5 Sec. 6-102. What persons are exempt. The following persons
6 are exempt from the requirements of Section 6-101 and are not
7 required to have an Illinois drivers license or permit if one
8 or more of the following qualifying exemptions are met and
9 apply:

10 1. Any employee of the United States Government or any
11 member of the Armed Forces of the United States, while
12 operating a motor vehicle owned by or leased to the United
13 States Government and being operated on official business
14 need not be licensed;

15 2. A nonresident who has in his immediate possession a
16 valid license issued to him in his home state or country
17 may operate a motor vehicle for which he is licensed for
18 the period during which he is in this State;

19 3. A nonresident and his spouse and children living
20 with him who is a student at a college or university in
21 Illinois who have a valid license issued by their home
22 State.

23 4. A person operating a road machine temporarily upon a
24 highway or operating a farm tractor between the home farm
25 buildings and any adjacent or nearby farm land for the

1 exclusive purpose of conducting farm operations need not be
2 licensed as a driver.

3 5. A resident of this State who has been serving as a
4 member of the Armed Forces of the United States outside the
5 Continental limits of the United States, for a period of 90
6 ~~45~~ days following his return to the continental limits of
7 the United States.

8 6. A nonresident on active duty in the Armed Forces of
9 the United States who has a valid license issued by his
10 home state and such nonresident's spouse, and dependent
11 children and living with parents, who have a valid license
12 issued by their home state.

13 7. A nonresident who becomes a resident of this State,
14 may for a period of the first 90 days of residence in
15 Illinois operate any motor vehicle which he was qualified
16 or licensed to drive by his home state or country so long
17 as he has in his possession, a valid and current license
18 issued to him by his home state or country. Upon expiration
19 of such 90 day period, such new resident must comply with
20 the provisions of this Act and apply for an Illinois
21 license or permit.

22 8. An engineer, conductor, brakeman, or any other
23 member of the crew of a locomotive or train being operated
24 upon rails, including operation on a railroad crossing over
25 a public street, road or highway. Such person is not
26 required to display a driver's license to any law

1 enforcement officer in connection with the operation of a
2 locomotive or train within this State.

3 The provisions of this Section granting exemption to any
4 nonresident shall be operative to the same extent that the laws
5 of the State or country of such nonresident grant like
6 exemption to residents of this State.

7 The Secretary of State may implement the exemption
8 provisions of this Section by inclusion thereof in a
9 reciprocity agreement, arrangement or declaration issued
10 pursuant to this Act.

11 (Source: P.A. 86-1258.)

12 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

13 Sec. 6-103. What persons shall not be licensed as drivers
14 or granted permits. The Secretary of State shall not issue,
15 renew, or allow the retention of any driver's license nor issue
16 any permit under this Code:

17 1. To any person, as a driver, who is under the age of
18 18 years except as provided in Section 6-107, and except
19 that an instruction permit may be issued under Section
20 6-107.1 to a child who is not less than 15 years of age if
21 the child is enrolled in an approved driver education
22 course as defined in Section 1-103 of this Code and
23 requires an instruction permit to participate therein,
24 except that an instruction permit may be issued under the
25 provisions of Section 6-107.1 to a child who is 17 years

1 and 3 months of age without the child having enrolled in an
2 approved driver education course and except that an
3 instruction permit may be issued to a child who is at least
4 15 years and 3 ~~6~~ months of age, is enrolled in school,
5 meets the educational requirements of the Driver Education
6 Act, and has passed examinations the Secretary of State in
7 his or her discretion may prescribe;

8 2. To any person who is under the age of 18 as an
9 operator of a motorcycle other than a motor driven cycle
10 unless the person has, in addition to meeting the
11 provisions of Section 6-107 of this Code, successfully
12 completed a motorcycle training course approved by the
13 Illinois Department of Transportation and successfully
14 completes the required Secretary of State's motorcycle
15 driver's examination;

16 3. To any person, as a driver, whose driver's license
17 or permit has been suspended, during the suspension, nor to
18 any person whose driver's license or permit has been
19 revoked, except as provided in Sections 6-205, 6-206, and
20 6-208;

21 4. To any person, as a driver, who is a user of alcohol
22 or any other drug to a degree that renders the person
23 incapable of safely driving a motor vehicle;

24 5. To any person, as a driver, who has previously been
25 adjudged to be afflicted with or suffering from any mental
26 or physical disability or disease and who has not at the

1 time of application been restored to competency by the
2 methods provided by law;

3 6. To any person, as a driver, who is required by the
4 Secretary of State to submit an alcohol and drug evaluation
5 or take an examination provided for in this Code unless the
6 person has successfully passed the examination and
7 submitted any required evaluation;

8 7. To any person who is required under the provisions
9 of the laws of this State to deposit security or proof of
10 financial responsibility and who has not deposited the
11 security or proof;

12 8. To any person when the Secretary of State has good
13 cause to believe that the person by reason of physical or
14 mental disability would not be able to safely operate a
15 motor vehicle upon the highways, unless the person shall
16 furnish to the Secretary of State a verified written
17 statement, acceptable to the Secretary of State, from a
18 competent medical specialist to the effect that the
19 operation of a motor vehicle by the person would not be
20 inimical to the public safety;

21 9. To any person, as a driver, who is 69 years of age
22 or older, unless the person has successfully complied with
23 the provisions of Section 6-109;

24 10. To any person convicted, within 12 months of
25 application for a license, of any of the sexual offenses
26 enumerated in paragraph 2 of subsection (b) of Section

1 6-205;

2 11. To any person who is under the age of 21 years with
3 a classification prohibited in paragraph (b) of Section
4 6-104 and to any person who is under the age of 18 years
5 with a classification prohibited in paragraph (c) of
6 Section 6-104;

7 12. To any person who has been either convicted of or
8 adjudicated under the Juvenile Court Act of 1987 based upon
9 a violation of the Cannabis Control Act, the Illinois
10 Controlled Substances Act, or the Methamphetamine Control
11 and Community Protection Act while that person was in
12 actual physical control of a motor vehicle. For purposes of
13 this Section, any person placed on probation under Section
14 10 of the Cannabis Control Act, Section 410 of the Illinois
15 Controlled Substances Act, or Section 70 of the
16 Methamphetamine Control and Community Protection Act shall
17 not be considered convicted. Any person found guilty of
18 this offense, while in actual physical control of a motor
19 vehicle, shall have an entry made in the court record by
20 the judge that this offense did occur while the person was
21 in actual physical control of a motor vehicle and order the
22 clerk of the court to report the violation to the Secretary
23 of State as such. The Secretary of State shall not issue a
24 new license or permit for a period of one year;

25 13. To any person who is under the age of 18 years and
26 who has committed the offense of operating a motor vehicle

1 without a valid license or permit in violation of Section
2 6-101 or a similar out of state offense;

3 14. To any person who is 90 days or more delinquent in
4 court ordered child support payments or has been
5 adjudicated in arrears in an amount equal to 90 days'
6 obligation or more and who has been found in contempt of
7 court for failure to pay the support, subject to the
8 requirements and procedures of Article VII of Chapter 7 of
9 the Illinois Vehicle Code;

10 14.5. To any person certified by the Illinois
11 Department of Healthcare and Family Services as being 90
12 days or more delinquent in payment of support under an
13 order of support entered by a court or administrative body
14 of this or any other State, subject to the requirements and
15 procedures of Article VII of Chapter 7 of this Code
16 regarding those certifications;

17 15. To any person released from a term of imprisonment
18 for violating Section 9-3 of the Criminal Code of 1961 or a
19 similar provision of a law of another state relating to
20 reckless homicide or for violating subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of this
22 Code relating to aggravated driving under the influence of
23 alcohol, other drug or drugs, intoxicating compound or
24 compounds, or any combination thereof, if the violation was
25 the proximate cause of a death, within 24 months of release
26 from a term of imprisonment;

1 16. To any person who, with intent to influence any act
2 related to the issuance of any driver's license or permit,
3 by an employee of the Secretary of State's Office, or the
4 owner or employee of any commercial driver training school
5 licensed by the Secretary of State, or any other individual
6 authorized by the laws of this State to give driving
7 instructions or administer all or part of a driver's
8 license examination, promises or tenders to that person any
9 property or personal advantage which that person is not
10 authorized by law to accept. Any persons promising or
11 tendering such property or personal advantage shall be
12 disqualified from holding any class of driver's license or
13 permit for 120 consecutive days. The Secretary of State
14 shall establish by rule the procedures for implementing
15 this period of disqualification and the procedures by which
16 persons so disqualified may obtain administrative review
17 of the decision to disqualify;

18 17. To any person for whom the Secretary of State
19 cannot verify the accuracy of any information or
20 documentation submitted in application for a driver's
21 license; or

22 18. To any person who has been adjudicated under the
23 Juvenile Court Act of 1987 based upon an offense that is
24 determined by the court to have been committed in
25 furtherance of the criminal activities of an organized
26 gang, as provided in Section 5-710 of that Act, and that

1 involved the operation or use of a motor vehicle or the use
2 of a driver's license or permit. The person shall be denied
3 a license or permit for the period determined by the court.

4 The Secretary of State shall retain all conviction
5 information, if the information is required to be held
6 confidential under the Juvenile Court Act of 1987.

7 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;
8 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; 95-876, eff.
9 8-21-08.)

10 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

11 Sec. 6-107. Graduated license.

12 (a) The purpose of the Graduated Licensing Program is to
13 develop safe and mature driving habits in young, inexperienced
14 drivers and reduce or prevent motor vehicle accidents,
15 fatalities, and injuries by:

16 (1) providing for an increase in the time of practice
17 period before granting permission to obtain a driver's
18 license;

19 (2) strengthening driver licensing and testing
20 standards for persons under the age of 21 years;

21 (3) sanctioning driving privileges of drivers under
22 age 21 who have committed serious traffic violations or
23 other specified offenses; and

24 (4) setting stricter standards to promote the public's
25 health and safety.

1 (b) The application of any person under the age of 18
2 years, and not legally emancipated by marriage, for a drivers
3 license or permit to operate a motor vehicle issued under the
4 laws of this State, shall be accompanied by the written consent
5 of either parent of the applicant; otherwise by the guardian
6 having custody of the applicant, or in the event there is no
7 parent or guardian, then by another responsible adult. The
8 written consent must accompany any application for a driver's
9 license under this subsection (b), regardless of whether or not
10 the required written consent also accompanied the person's
11 previous application for an instruction permit.

12 No graduated driver's license shall be issued to any
13 applicant under 18 years of age, unless the applicant is at
14 least 16 years of age and has:

15 (1) Held a valid instruction permit for a minimum of 9
16 months.

17 (2) Passed an approved driver education course and
18 submits proof of having passed the course as may be
19 required.

20 (3) Certification by the parent, legal guardian, or
21 responsible adult that the applicant has had a minimum of
22 50 hours of behind-the-wheel practice time, at least 10
23 hours of which have been at night, and is sufficiently
24 prepared and able to safely operate a motor vehicle.

25 (b-1) No graduated driver's license shall be issued to any
26 applicant who is under 18 years of age and not legally

1 emancipated by marriage, unless the applicant has graduated
2 from a secondary school of this State or any other state, is
3 enrolled in a course leading to a general educational
4 development (GED) certificate, has obtained a GED certificate,
5 is enrolled in an elementary or secondary school or college or
6 university of this State or any other state and is not a
7 chronic or habitual truant as provided in Section 26-2a of the
8 School Code, or is receiving home instruction and submits proof
9 of meeting any of those requirements at the time of
10 application.

11 An applicant under 18 years of age who provides proof
12 acceptable to the Secretary that the applicant has resumed
13 regular school attendance or home instruction or that his or
14 her application was denied in error shall be eligible to
15 receive a graduated license if other requirements are met. The
16 Secretary shall adopt rules for implementing this subsection
17 (b-1).

18 (c) No graduated driver's license or permit shall be issued
19 to any applicant under 18 years of age who has committed the
20 offense of operating a motor vehicle without a valid license or
21 permit in violation of Section 6-101 of this Code or a similar
22 out of state offense and no graduated driver's license or
23 permit shall be issued to any applicant under 18 years of age
24 who has committed an offense that would otherwise result in a
25 mandatory revocation of a license or permit as provided in
26 Section 6-205 of this Code or who has been either convicted of

1 or adjudicated a delinquent based upon a violation of the
2 Cannabis Control Act, the Illinois Controlled Substances Act,
3 the Use of Intoxicating Compounds Act, or the Methamphetamine
4 Control and Community Protection Act while that individual was
5 in actual physical control of a motor vehicle. For purposes of
6 this Section, any person placed on probation under Section 10
7 of the Cannabis Control Act, Section 410 of the Illinois
8 Controlled Substances Act, or Section 70 of the Methamphetamine
9 Control and Community Protection Act shall not be considered
10 convicted. Any person found guilty of this offense, while in
11 actual physical control of a motor vehicle, shall have an entry
12 made in the court record by the judge that this offense did
13 occur while the person was in actual physical control of a
14 motor vehicle and order the clerk of the court to report the
15 violation to the Secretary of State as such.

16 (d) No graduated driver's license shall be issued for 9
17 months to any applicant under the age of 18 years who has
18 committed and subsequently been convicted of an offense against
19 traffic regulations governing the movement of vehicles or any
20 violation of this Section or Section 12-603.1 of this Code.

21 (e) No graduated driver's license holder under the age of
22 18 years shall operate any motor vehicle, except a motor driven
23 cycle or motorcycle, with more than one passenger in the front
24 seat of the motor vehicle and no more passengers in the back
25 seats than the number of available seat safety belts as set
26 forth in Section 12-603 of this Code. If a graduated driver's

1 license holder over the age of 18 committed an offense against
2 traffic regulations governing the movement of vehicles or any
3 violation of this Section or Section 12-603.1 of this Code in
4 the 6 months prior to the graduated driver's license holder's
5 18th birthday, and was subsequently convicted of the violation,
6 the provisions of this paragraph shall continue to apply until
7 such time as a period of 6 consecutive months has elapsed
8 without an additional violation and subsequent conviction of an
9 offense against traffic regulations governing the movement of
10 vehicles or any violation of this Section or Section 12-603.1
11 of this Code.

12 (f) No graduated driver's license holder under the age of
13 18 shall operate a motor vehicle unless each driver and
14 passenger under the age of 19 is wearing a properly adjusted
15 and fastened seat safety belt and each child under the age of 8
16 is protected as required under the Child Passenger Protection
17 Act. If a graduated driver's license holder over the age of 18
18 committed an offense against traffic regulations governing the
19 movement of vehicles or any violation of this Section or
20 Section 12-603.1 of this Code in the 6 months prior to the
21 graduated driver's license holder's 18th birthday, and was
22 subsequently convicted of the violation, the provisions of this
23 paragraph shall continue to apply until such time as a period
24 of 6 consecutive months has elapsed without an additional
25 violation and subsequent conviction of an offense against
26 traffic regulations governing the movement of vehicles or any

1 violation of this Section or Section 12-603.1 of this Code.

2 (g) If a graduated driver's license holder is under the age
3 of 18 when he or she receives the license, for the first 12
4 months he or she holds the license or until he or she reaches
5 the age of 18, whichever occurs sooner, the graduated license
6 holder may not operate a motor vehicle with more than one
7 passenger in the vehicle who is under the age of 20, unless any
8 additional passenger or passengers are siblings,
9 step-siblings, children, or stepchildren of the driver. If a
10 graduated driver's license holder committed an offense against
11 traffic regulations governing the movement of vehicles or any
12 violation of this Section or Section 12-603.1 of this Code
13 during the first 12 months the license is held and subsequently
14 is convicted of the violation, the provisions of this paragraph
15 shall remain in effect until such time as a period of 6
16 consecutive months has elapsed without an additional violation
17 and subsequent conviction of an offense against traffic
18 regulations governing the movement of vehicles or any violation
19 of this Section or Section 12-603.1 of this Code.

20 (h) It shall be an offense for a person that is age 15, but
21 under age 20, to be a passenger in a vehicle operated by a
22 driver holding a graduated driver's license during the first 12
23 months the driver holds the license or until the driver reaches
24 the age of 18, whichever occurs sooner, if another passenger
25 under the age of 20 is present, excluding a sibling,
26 step-sibling, child, or step-child of the driver.

1 (Source: P.A. 94-239, eff. 1-1-06; 94-241, eff. 1-1-06; 94-556,
2 eff. 9-11-05; 94-897, eff. 6-22-06; 94-916, eff. 7-1-07;
3 95-310, eff. 1-1-08; 95-331, eff. 8-21-07.)

4 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

5 Sec. 6-110. Licenses issued to drivers.

6 (a) The Secretary of State shall issue to every qualifying
7 applicant a driver's license as applied for, which license
8 shall bear a distinguishing number assigned to the licensee,
9 the legal name, signature, zip code, date of birth, residence
10 address, and a brief description of the licensee, ~~and a space~~
11 ~~where the licensee may write his usual signature.~~

12 Licenses issued shall also indicate the classification and
13 the restrictions under Section 6-104 of this Code.

14 In lieu of the social security number, the Secretary may in
15 his discretion substitute a federal tax number or other
16 distinctive number.

17 A driver's license issued may, in the discretion of the
18 Secretary, include a suitable photograph of a type prescribed
19 by the Secretary.

20 (a-1) If the licensee is less than 18 years of age, unless
21 one of the exceptions in subsection (a-2) apply, the license
22 shall, as a matter of law, be invalid for the operation of any
23 motor vehicle during the following times:

24 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

25 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on

1 Sunday; and

2 (C) Between 10:00 p.m. on Sunday to Thursday,
3 inclusive, and 6:00 a.m. on the following day.

4 (a-2) The driver's license of a person under the age of 18
5 shall not be invalid as described in subsection (a-1) of this
6 Section if the licensee under the age of 18 was:

7 (1) accompanied by the licensee's parent or guardian or
8 other person in custody or control of the minor;

9 (2) on an errand at the direction of the minor's parent
10 or guardian, without any detour or stop;

11 (3) in a motor vehicle involved in interstate travel;

12 (4) going to or returning home from an employment
13 activity, without any detour or stop;

14 (5) involved in an emergency;

15 (6) going to or returning home from, without any detour
16 or stop, an official school, religious, or other
17 recreational activity supervised by adults and sponsored
18 by a government or governmental agency, a civic
19 organization, or another similar entity that takes
20 responsibility for the licensee, without any detour or
21 stop;

22 (7) exercising First Amendment rights protected by the
23 United States Constitution, such as the free exercise of
24 religion, freedom of speech, and the right of assembly; or

25 (8) married or had been married or is an emancipated
26 minor under the Emancipation of Minors Act.

1 (a-2.5) The driver's license of a person who is 17 years of
2 age and has been licensed for at least 12 months is not invalid
3 as described in subsection (a-1) of this Section while the
4 licensee is participating as an assigned driver in a Safe Rides
5 program that meets the following criteria:

6 (1) the program is sponsored by the Boy Scouts of
7 America or another national public service organization;
8 and

9 (2) the sponsoring organization carries liability
10 insurance covering the program.

11 (a-3) If a graduated driver's license holder over the age
12 of 18 committed an offense against traffic regulations
13 governing the movement of vehicles or any violation of Section
14 6-107 or Section 12-603.1 of this Code in the 6 months prior to
15 the graduated driver's license holder's 18th birthday, and was
16 subsequently convicted of the offense, the provisions of
17 subsection (a-1) shall continue to apply until such time as a
18 period of 6 consecutive months has elapsed without an
19 additional violation and subsequent conviction of an offense
20 against traffic regulations governing the movement of vehicles
21 or Section 6-107 or Section 12-603.1 of this Code.

22 (b) Until the Secretary of State establishes a First Person
23 Consent organ and tissue donor registry under Section 6-117 of
24 this Code, the Secretary of State shall provide a format on the
25 reverse of each driver's license issued which the licensee may
26 use to execute a document of gift conforming to the provisions

1 of the Illinois Anatomical Gift Act. The format shall allow the
2 licensee to indicate the gift intended, whether specific
3 organs, any organ, or the entire body, and shall accommodate
4 the signatures of the donor and 2 witnesses. The Secretary
5 shall also inform each applicant or licensee of this format,
6 describe the procedure for its execution, and may offer the
7 necessary witnesses; provided that in so doing, the Secretary
8 shall advise the applicant or licensee that he or she is under
9 no compulsion to execute a document of gift. A brochure
10 explaining this method of executing an anatomical gift document
11 shall be given to each applicant or licensee. The brochure
12 shall advise the applicant or licensee that he or she is under
13 no compulsion to execute a document of gift, and that he or she
14 may wish to consult with family, friends or clergy before doing
15 so. The Secretary of State may undertake additional efforts,
16 including education and awareness activities, to promote organ
17 and tissue donation.

18 (c) The Secretary of State shall designate on each driver's
19 license issued a space where the licensee may place a sticker
20 or decal of the uniform size as the Secretary may specify,
21 which sticker or decal may indicate in appropriate language
22 that the owner of the license carries an Emergency Medical
23 Information Card.

24 The sticker may be provided by any person, hospital,
25 school, medical group, or association interested in assisting
26 in implementing the Emergency Medical Information Card, but

1 shall meet the specifications as the Secretary may by rule or
2 regulation require.

3 (d) The Secretary of State shall designate on each driver's
4 license issued a space where the licensee may indicate his
5 blood type and RH factor.

6 (e) The Secretary of State shall provide that each original
7 or renewal driver's license issued to a licensee under 21 years
8 of age shall be of a distinct nature from those driver's
9 licenses issued to individuals 21 years of age and older. The
10 color designated for driver's licenses for licensees under 21
11 years of age shall be at the discretion of the Secretary of
12 State.

13 (e-1) The Secretary shall provide that each driver's
14 license issued to a person under the age of 21 displays the
15 date upon which the person becomes 18 years of age and the date
16 upon which the person becomes 21 years of age.

17 (f) The Secretary of State shall inform all Illinois
18 licensed commercial motor vehicle operators of the
19 requirements of the Uniform Commercial Driver License Act,
20 Article V of this Chapter, and shall make provisions to insure
21 that all drivers, seeking to obtain a commercial driver's
22 license, be afforded an opportunity prior to April 1, 1992, to
23 obtain the license. The Secretary is authorized to extend
24 driver's license expiration dates, and assign specific times,
25 dates and locations where these commercial driver's tests shall
26 be conducted. Any applicant, regardless of the current

1 expiration date of the applicant's driver's license, may be
2 subject to any assignment by the Secretary. Failure to comply
3 with the Secretary's assignment may result in the applicant's
4 forfeiture of an opportunity to receive a commercial driver's
5 license prior to April 1, 1992.

6 (g) The Secretary of State shall designate on a driver's
7 license issued, a space where the licensee may indicate that he
8 or she has drafted a living will in accordance with the
9 Illinois Living Will Act or a durable power of attorney for
10 health care in accordance with the Illinois Power of Attorney
11 Act.

12 (g-1) The Secretary of State, in his or her discretion, may
13 designate on each driver's license issued a space where the
14 licensee may place a sticker or decal, issued by the Secretary
15 of State, of uniform size as the Secretary may specify, that
16 shall indicate in appropriate language that the owner of the
17 license has renewed his or her driver's license.

18 (h) A person who acts in good faith in accordance with the
19 terms of this Section is not liable for damages in any civil
20 action or subject to prosecution in any criminal proceeding for
21 his or her act.

22 (Source: P.A. 94-75, eff. 1-1-06; 94-930, eff. 6-26-06; 95-310,
23 eff. 1-1-08; 95-747, eff. 7-22-08.)

24 (625 ILCS 5/6-203.1) (from Ch. 95 1/2, par. 6-203.1)

25 Sec. 6-203.1. (a) The Secretary of State is authorized to

1 suspend, for the period set forth in Section 6-208.1, the
2 driving privileges of persons arrested in another state for
3 driving under the influence of alcohol, other drug or drugs, or
4 intoxicating compound or compounds, or any combination
5 thereof, or a similar provision, and who has refused to submit
6 to a chemical test or tests under the provisions of implied
7 consent.

8 (b) When a driving privilege has been suspended for a
9 refusal as provided in paragraph (a) and the person is
10 subsequently convicted of the underlying charge, for the same
11 incident, any period served on suspension shall be credited
12 toward the minimum period of revocation of driving privileges
13 imposed pursuant to Section 6-206.

14 (Source: P.A. 90-779, eff. 1-1-99.)

15 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

16 Sec. 6-205. Mandatory revocation of license or permit;
17 Hardship cases.

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

22 1. Reckless homicide resulting from the operation of a
23 motor vehicle;

24 2. Violation of Section 11-501 of this Code or a
25 similar provision of a local ordinance relating to the

1 offense of operating or being in physical control of a
2 vehicle while under the influence of alcohol, other drug or
3 drugs, intoxicating compound or compounds, or any
4 combination thereof;

5 3. Any felony under the laws of any State or the
6 federal government in the commission of which a motor
7 vehicle was used;

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

11 5. Perjury or the making of a false affidavit or
12 statement under oath to the Secretary of State under this
13 Code or under any other law relating to the ownership or
14 operation of motor vehicles;

15 6. Conviction upon 3 charges of violation of Section
16 11-503 of this Code relating to the offense of reckless
17 driving committed within a period of 12 months;

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

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

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

23 10. Violation of Section 12-5 of the Criminal Code of
24 1961 arising from the use of a motor vehicle;

25 11. Violation of Section 11-204.1 of this Code relating
26 to aggravated fleeing or attempting to elude a peace

1 officer;

2 12. Violation of paragraph (1) of subsection (b) of
3 Section 6-507, or a similar law of any other state,
4 relating to the unlawful operation of a commercial motor
5 vehicle;

6 13. Violation of paragraph (a) of Section 11-502 of
7 this Code or a similar provision of a local ordinance if
8 the driver has been previously convicted of a violation of
9 that Section or a similar provision of a local ordinance
10 and the driver was less than 21 years of age at the time of
11 the offense;

12 14. Violation of paragraph (a) of Section 11-506 of
13 this Code or a similar provision of a local ordinance
14 relating to the offense of street racing; -

15 15. A second or subsequent conviction of driving while
16 the person's driver's license, permit or privileges was
17 revoked for reckless homicide or a similar out-of-state
18 offense.

19 (b) The Secretary of State shall also immediately revoke
20 the license or permit of any driver in the following
21 situations:

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

1 2. Of any person when any other law of this State
2 requires either the revocation or suspension of a license
3 or permit;

4 3. Of any person adjudicated under the Juvenile Court
5 Act of 1987 based on an offense determined to have been
6 committed in furtherance of the criminal activities of an
7 organized gang as provided in Section 5-710 of that Act,
8 and that involved the operation or use of a motor vehicle
9 or the use of a driver's license or permit. The revocation
10 shall remain in effect for the period determined by the
11 court. Upon the direction of the court, the Secretary shall
12 issue the person a judicial driving permit, also known as a
13 JDP. The JDP shall be subject to the same terms as a JDP
14 issued under Section 6-206.1, except that the court may
15 direct that a JDP issued under this subdivision (b)(3) be
16 effective immediately.

17 (c)(1) Except as provided in subsection (c-5), whenever a
18 person is convicted of any of the offenses enumerated in this
19 Section, the court may recommend and the Secretary of State in
20 his discretion, without regard to whether the recommendation is
21 made by the court may, upon application, issue to the person a
22 restricted driving permit granting the privilege of driving a
23 motor vehicle between the petitioner's residence and
24 petitioner's place of employment or within the scope of the
25 petitioner's employment related duties, or to allow the
26 petitioner to transport himself or herself or a family member

1 of the petitioner's household to a medical facility for the
2 receipt of necessary medical care or to allow the petitioner to
3 transport himself or herself to and from alcohol or drug
4 remedial or rehabilitative activity recommended by a licensed
5 service provider, or to allow the petitioner to transport
6 himself or herself or a family member of the petitioner's
7 household to classes, as a student, at an accredited
8 educational institution, or to allow the petitioner to
9 transport children living in the petitioner's household to and
10 from daycare; if the petitioner is able to demonstrate that no
11 alternative means of transportation is reasonably available
12 and that the petitioner will not endanger the public safety or
13 welfare; provided that the Secretary's discretion shall be
14 limited to cases where undue hardship, as defined by the rules
15 of the Secretary of State, would result from a failure to issue
16 the restricted driving permit. Those multiple offenders
17 identified in subdivision (b)4 of Section 6-208 of this Code,
18 however, shall not be eligible for the issuance of a restricted
19 driving permit.

20 (2) If a person's license or permit is revoked or
21 suspended due to 2 or more convictions 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 Section 9-3
24 of the Criminal Code of 1961, where the use of alcohol or
25 other drugs is recited as an element of the offense, or a
26 similar out-of-state offense, or a combination of these

1 offenses, arising out of separate occurrences, that
2 person, if issued a restricted driving permit, may not
3 operate a vehicle unless it has been equipped with an
4 ignition interlock device as defined in Section 1-129.1.

5 (3) If:

6 (A) a person's license or permit is revoked or
7 suspended 2 or more times within a 10 year period due
8 to any combination of:

9 (i) a single conviction of violating Section
10 11-501 of this Code or a similar provision of a
11 local ordinance or a similar out-of-state offense,
12 or Section 9-3 of the Criminal Code of 1961, where
13 the use of alcohol or other drugs is recited as an
14 element of the offense, or a similar out-of-state
15 offense; or

16 (ii) a statutory summary suspension under
17 Section 11-501.1; or

18 (iii) a suspension pursuant to Section
19 6-203.1;

20 arising out of separate occurrences; or

21 (B) a person has been convicted of one violation of
22 Section 6-303 of this Code committed while his or her
23 driver's license, permit, or privilege was revoked
24 because of a violation of Section 9-3 of the Criminal
25 Code of 1961, relating to the offense of reckless
26 homicide where the use of alcohol or other drugs was

1 recited as an element of the offense, or a similar
2 provision of a law of another state; 7

3 that person, if issued a restricted driving permit, may not
4 operate a vehicle unless it has been equipped with an
5 ignition interlock device as defined in Section 1-129.1.

6 (4) The person issued a permit conditioned on the use
7 of an ignition interlock device must pay to the Secretary
8 of State DUI Administration Fund an amount not to exceed
9 \$30 per month. The Secretary shall establish by rule the
10 amount and the procedures, terms, and conditions relating
11 to these fees.

12 (5) If the restricted driving permit is issued for
13 employment purposes, then the prohibition against
14 operating a motor vehicle that is not equipped with an
15 ignition interlock device does not apply to the operation
16 of an occupational vehicle owned or leased by that person's
17 employer when used solely for employment purposes.

18 (6) In each case the Secretary of State may issue a
19 restricted driving permit for a period he deems
20 appropriate, except that the permit shall expire within one
21 year from the date of issuance. The Secretary may not,
22 however, issue a restricted driving permit to any person
23 whose current revocation is the result of a second or
24 subsequent conviction for a violation of Section 11-501 of
25 this Code or a similar provision of a local ordinance or
26 any similar out-of-state offense, or Section 9-3 of the

1 Criminal Code of 1961, where the use of alcohol or other
2 drugs is recited as an element of the offense, or any
3 similar out-of-state offense, or any combination of these
4 offenses, until the expiration of at least one year from
5 the date of the revocation. A restricted driving permit
6 issued under this Section shall be subject to cancellation,
7 revocation, and suspension by the Secretary of State in
8 like manner and for like cause as a driver's license issued
9 under this Code may be cancelled, revoked, or suspended;
10 except that a conviction upon one or more offenses against
11 laws or ordinances regulating the movement of traffic shall
12 be deemed sufficient cause for the revocation, suspension,
13 or cancellation of a restricted driving permit. The
14 Secretary of State may, as a condition to the issuance of a
15 restricted driving permit, require the petitioner to
16 participate in a designated driver remedial or
17 rehabilitative program. The Secretary of State is
18 authorized to cancel a restricted driving permit if the
19 permit holder does not successfully complete the program.
20 However, if an individual's driving privileges have been
21 revoked in accordance with paragraph 13 of subsection (a)
22 of this Section, no restricted driving permit shall be
23 issued until the individual has served 6 months of the
24 revocation period.

25 (c-5) (Blank). ~~The Secretary may not issue a restricted~~
26 ~~driving permit to any person who has been convicted of a second~~

1 ~~or subsequent violation of Section 6-303 of this Code committed~~
2 ~~while his or her driver's license, permit, or privilege was~~
3 ~~revoked because of a violation of Section 9-3 of the Criminal~~
4 ~~Code of 1961, relating to the offense of reckless homicide, or~~
5 ~~a similar provision of a law of another state.~~

6 (c-6) If a person is convicted of a second violation of
7 operating a motor vehicle while the person's driver's license,
8 permit or privilege was revoked, where the revocation was for a
9 violation of Section 9-3 of the Criminal Code of 1961 relating
10 to the offense of reckless homicide or a similar out-of-state
11 offense, the person's driving privileges shall be revoked
12 pursuant to subdivision (a) (15) of this Section. The person may
13 not make application for a license or permit until the
14 expiration of five years from the effective date of the
15 revocation or the expiration of five years from the date of
16 release from a term of imprisonment, whichever is later.

17 (c-7) If a person is convicted of a third or subsequent
18 violation of operating a motor vehicle while the person's
19 driver's license, permit or privilege was revoked, where the
20 revocation was for a violation of Section 9-3 of the Criminal
21 Code of 1961 relating to the offense of reckless homicide or a
22 similar out-of-state offense, the person may never apply for a
23 license or permit.

24 (d) (1) Whenever a person under the age of 21 is convicted
25 under Section 11-501 of this Code or a similar provision of a
26 local ordinance or a similar out-of-state offense, the

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

16 (2) If a person's license or permit is 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
19 ordinance or a similar out-of-state offense, or Section 9-3
20 of the Criminal Code of 1961, where the use of alcohol or
21 other drugs is recited as an element of the offense, or a
22 similar out-of-state offense, or a combination of these
23 offenses, arising out of separate occurrences, that
24 person, if issued a restricted driving permit, may not
25 operate a vehicle unless it has been equipped with an
26 ignition interlock device as defined in Section 1-129.1.

1 (3) If a person's license or permit is revoked or
2 suspended 2 or more times within a 10 year period due to
3 any combination of:

4 (A) a single conviction of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or
7 Section 9-3 of the Criminal Code of 1961, where the use
8 of alcohol or other drugs is recited as an element of
9 the offense, or a similar out-of-state offense; or

10 (B) a statutory summary suspension under Section
11 11-501.1; or

12 (C) a suspension pursuant to Section 6-203.1;
13 arising out of separate occurrences, that person, if issued
14 a restricted driving permit, may not operate a vehicle
15 unless it has been equipped with an ignition interlock
16 device as defined in Section 1-129.1.

17 (4) The person issued a permit conditioned upon the use
18 of an interlock device must pay to the Secretary of State
19 DUI Administration Fund an amount not to exceed \$30 per
20 month. The Secretary shall establish by rule the amount and
21 the procedures, terms, and conditions relating to these
22 fees.

23 (5) If the restricted driving permit is issued for
24 employment purposes, then the prohibition against driving
25 a vehicle that is not equipped with an ignition interlock
26 device does not apply to the operation of an occupational

1 vehicle owned or leased by that person's employer when used
2 solely for employment purposes.

3 (6) A restricted driving permit issued under this
4 Section shall be subject to cancellation, revocation, and
5 suspension by the Secretary of State in like manner and for
6 like cause as a driver's license issued under this Code may
7 be cancelled, revoked, or suspended; except that a
8 conviction upon one or more offenses against laws or
9 ordinances regulating the movement of traffic shall be
10 deemed sufficient cause for the revocation, suspension, or
11 cancellation of a restricted driving permit.

12 (d-5) The revocation of the license, permit, or driving
13 privileges of a person convicted of a third or subsequent
14 violation of Section 6-303 of this Code committed while his or
15 her driver's license, permit, or privilege was revoked because
16 of a violation of Section 9-3 of the Criminal Code of 1961,
17 relating to the offense of reckless homicide, or a similar
18 provision of a law of another state, is permanent. The
19 Secretary may not, at any time, issue a license or permit to
20 that person.

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

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

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

5 (h) The Secretary of State shall require the use of
6 ignition interlock devices on all vehicles owned by a person
7 who has been convicted of a second or subsequent offense under
8 Section 11-501 of this Code or a similar provision of a local
9 ordinance. The person must pay to the Secretary of State DUI
10 Administration Fund an amount not to exceed \$30 for each month
11 that he or she uses the device. The Secretary shall establish
12 by rule and regulation the procedures for certification and use
13 of the interlock system, the amount of the fee, and the
14 procedures, terms, and conditions relating to these fees.

15 (i) (Blank).

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

21 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
22 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;
23 95-627, eff. 6-1-08; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08;
24 revised 9-10-08.)

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
4 monitoring device driving permit, judicial driving permit
5 issued prior to January 1, 2009, probationary license to
6 drive, or a restricted driving permit issued under this
7 Code;

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

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

16 14. Has committed a violation of Section 6-301,
17 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
18 of the Illinois Identification Card Act;

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

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

25 17. Has refused to submit to a test, or tests, as
26 required under Section 11-501.1 of this Code and the person

1 has not sought a hearing as provided for in Section
2 11-501.1;

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

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

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

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

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

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

24 24. Has been convicted by a court-martial or punished
25 by non-judicial punishment by military authorities of the
26 United States at a military installation in Illinois of or

1 for a traffic related offense that is the same as or
2 similar to an offense specified under Section 6-205 or
3 6-206 of this Code;

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

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

11 27. Has violated Section 6-16 of the Liquor Control Act
12 of 1934;

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

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

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

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

25 31. Has refused to submit to a test as required by
26 Section 11-501.6 or has submitted to a test resulting in an

1 alcohol concentration of 0.08 or more or any amount of a
2 drug, substance, or compound resulting from the unlawful
3 use or consumption of cannabis as listed in the Cannabis
4 Control Act, a controlled substance as listed in the
5 Illinois Controlled Substances Act, an intoxicating
6 compound as listed in the Use of Intoxicating Compounds
7 Act, or methamphetamine as listed in the Methamphetamine
8 Control and Community Protection Act, in which case the
9 penalty shall be as prescribed in Section 6-208.1;

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

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

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

21 35. Has committed a violation of Section 11-1301.6 of
22 this Code;

23 36. Is under the age of 21 years at the time of arrest
24 and has been convicted of not less than 2 offenses against
25 traffic regulations governing the movement of vehicles
26 committed within any 24 month period. No revocation or

1 suspension shall be entered more than 6 months after the
2 date of last conviction;

3 37. Has committed a violation of subsection (c) of
4 Section 11-907 of this Code that resulted in damage to the
5 property of another or the death or injury of another;

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

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

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

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

17 42. Has committed a violation of subsection (a-1) of
18 Section 11-1301.3 of this Code;

19 43. Has received a disposition of court supervision for
20 a violation of subsection (a), (d), or (e) of Section 6-20
21 of the Liquor Control Act of 1934 or a similar provision of
22 a local ordinance, in which case the suspension shall be
23 for a period of 3 months;

24 44. Is under the age of 21 years at the time of arrest
25 and has been convicted of an offense against traffic
26 regulations governing the movement of vehicles after

1 having previously had his or her driving privileges
2 suspended or revoked pursuant to subparagraph 36 of this
3 Section; or

4 45. Has, in connection with or during the course of a
5 formal hearing conducted under Section 2-118 of this Code:
6 (i) committed perjury; (ii) submitted fraudulent or
7 falsified documents; (iii) submitted documents that have
8 been materially altered; or (iv) submitted, as his or her
9 own, documents that were in fact prepared or composed for
10 another person.

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

18 (b) If any conviction forming the basis of a suspension or
19 revocation authorized under this Section is appealed, the
20 Secretary of State may rescind or withhold the entry of the
21 order of suspension or revocation, as the case may be, provided
22 that a certified copy of a stay order of a court is filed with
23 the Secretary of State. If the conviction is affirmed on
24 appeal, the date of the conviction shall relate back to the
25 time the original judgment of conviction was entered and the 6
26 month limitation prescribed shall not apply.

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

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

1 regular occupation only. Unless the permit is issued by the
2 Secretary of State prior to the date of suspension, the
3 privilege to drive any motor vehicle shall be suspended as
4 set forth in the notice that was mailed under this Section.
5 If an affidavit is received subsequent to the effective
6 date of this suspension, a permit may be issued for the
7 remainder of the suspension period.

8 The provisions of this subparagraph shall not apply to
9 any driver required to possess a CDL for the purpose of
10 operating a commercial motor vehicle.

11 Any person who falsely states any fact in the affidavit
12 required herein shall be guilty of perjury under Section
13 6-302 and upon conviction thereof shall have all driving
14 privileges revoked without further rights.

15 3. At the conclusion of a hearing under Section 2-118
16 of this Code, the Secretary of State shall either rescind
17 or continue an order of revocation or shall substitute an
18 order of suspension; or, good cause appearing therefor,
19 rescind, continue, change, or extend the order of
20 suspension. If the Secretary of State does not rescind the
21 order, the Secretary may upon application, to relieve undue
22 hardship (as defined by the rules of the Secretary of
23 State), issue a restricted driving permit granting the
24 privilege of driving a motor vehicle between the
25 petitioner's residence and petitioner's place of
26 employment or within the scope of the petitioner's

1 employment related duties, or to allow the petitioner to
2 transport himself or herself, or a family member of the
3 petitioner's household to a medical facility, to receive
4 necessary medical care, to allow the petitioner to
5 transport himself or herself to and from alcohol or drug
6 remedial or rehabilitative activity recommended by a
7 licensed service provider, or to allow the petitioner to
8 transport himself or herself or a family member of the
9 petitioner's household to classes, as a student, at an
10 accredited educational institution, or to allow the
11 petitioner to transport children living in the
12 petitioner's household to and from daycare. The petitioner
13 must demonstrate that no alternative means of
14 transportation is reasonably available and that the
15 petitioner will not endanger the public safety or welfare.
16 Those multiple offenders identified in subdivision (b)4 of
17 Section 6-208 of this Code, however, shall not be eligible
18 for the issuance of a restricted driving permit.

19 (A) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating
21 Section 11-501 of this Code or a similar provision of a
22 local ordinance or a similar out-of-state offense, or
23 Section 9-3 of the Criminal Code of 1961, where the use
24 of alcohol or other drugs is recited as an element of
25 the offense, or a similar out-of-state offense, or a
26 combination of these offenses, arising out of separate

1 occurrences, that person, if issued a restricted
2 driving permit, may not operate a vehicle unless it has
3 been equipped with an ignition interlock device as
4 defined in Section 1-129.1.

5 (B) If a person's license or permit is revoked or
6 suspended 2 or more times within a 10 year period due
7 to any combination of:

8 (i) a single conviction of violating Section
9 11-501 of this Code or a similar provision of a
10 local ordinance or a similar out-of-state offense
11 or Section 9-3 of the Criminal Code of 1961, where
12 the use of alcohol or other drugs is recited as an
13 element of the offense, or a similar out-of-state
14 offense; or

15 (ii) a statutory summary suspension under
16 Section 11-501.1; or

17 (iii) a suspension under Section 6-203.1;
18 arising out of separate occurrences; that person, if
19 issued a restricted driving permit, may not operate a
20 vehicle unless it has been equipped with an ignition
21 interlock device as defined in Section 1-129.1.

22 (C) The person issued a permit conditioned upon the
23 use of an ignition interlock device must pay to the
24 Secretary of State DUI Administration Fund an amount
25 not to exceed \$30 per month. The Secretary shall
26 establish by rule the amount and the procedures, terms,

1 and conditions relating to these fees.

2 (D) If the restricted driving permit is issued for
3 employment purposes, then the prohibition against
4 operating a motor vehicle that is not equipped with an
5 ignition interlock device does not apply to the
6 operation of an occupational vehicle owned or leased by
7 that person's employer when used solely for employment
8 purposes.

9 (E) In each case the Secretary may issue a
10 restricted driving permit for a period deemed
11 appropriate, except that all permits shall expire
12 within one year from the date of issuance. The
13 Secretary may not, however, issue a restricted driving
14 permit to any person whose current revocation is the
15 result of a second or subsequent conviction for a
16 violation of Section 11-501 of this Code or a similar
17 provision of a local ordinance or any similar
18 out-of-state offense, or Section 9-3 of the Criminal
19 Code of 1961, where the use of alcohol or other drugs
20 is recited as an element of the offense, or any similar
21 out-of-state offense, or any combination of those
22 offenses, until the expiration of at least one year
23 from the date of the revocation. A restricted driving
24 permit issued under this Section shall be subject to
25 cancellation, revocation, and suspension by the
26 Secretary of State in like manner and for like cause as

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

14 (c-3) In the case of a suspension under paragraph 43 of
15 subsection (a), reports received by the Secretary of State
16 under this Section shall, except during the actual time the
17 suspension is in effect, be privileged information and for use
18 only by the courts, police officers, prosecuting authorities,
19 the driver licensing administrator of any other state, ~~or~~ the
20 Secretary of State, or the parent or legal guardian of a driver
21 under the age of 18. However, beginning January 1, 2008, if the
22 person is a CDL holder, the suspension shall also be made
23 available to the driver licensing administrator of any other
24 state, the U.S. Department of Transportation, and the affected
25 driver or motor carrier or prospective motor carrier upon
26 request.

1 (c-4) In the case of a suspension under paragraph 43 of
2 subsection (a), the Secretary of State shall notify the person
3 by mail that his or her driving privileges and driver's license
4 will be suspended one month after the date of the mailing of
5 the notice.

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

13 (d) This Section is subject to the provisions of the
14 Drivers License Compact.

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

19 (f) 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 suspended, revoked,
23 cancelled, or disqualified under any provisions of this Code.

24 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;
25 94-930, eff. 6-26-06; 95-166, eff. 1-1-08; 95-310, eff. 1-1-08;
26 95-382, eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08;

1 95-848, eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09;
2 revised 9-5-08.)

3 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

4 Sec. 6-208. Period of Suspension - Application After
5 Revocation.

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

10 (b) Any person whose license, permit, or privilege to drive
11 a motor vehicle on the highways has been revoked shall not be
12 entitled to have such license, permit, or privilege renewed or
13 restored. However, such person may, except as provided under
14 subsections (d) and (d-5) of Section 6-205, make application
15 for a license pursuant to Section 6-106 (i) if the revocation
16 was for a cause that has been removed or (ii) as provided in
17 the following subparagraphs:

18 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
19 and 5, the person may make application for a license (A)
20 after the expiration of one year from the effective date of
21 the revocation, (B) in the case of a violation of paragraph
22 (b) of Section 11-401 of this Code or a similar provision
23 of a local ordinance, after the expiration of 3 years from
24 the effective date of the revocation, or (C) in the case of
25 a violation of Section 9-3 of the Criminal Code of 1961 or

1 a similar provision of a law of another state relating to
2 the offense of reckless homicide or a violation of
3 subparagraph (F) of paragraph 1 of subsection (d) of
4 Section 11-501 of this Code relating to aggravated driving
5 under the influence of alcohol, other drug or drugs,
6 intoxicating compound or compounds, or any combination
7 thereof, if the violation was the proximate cause of a
8 death, after the expiration of 2 years from the effective
9 date of the revocation or after the expiration of 24 months
10 from the date of release from a period of imprisonment as
11 provided in Section 6-103 of this Code, whichever is later.

12 1.5. If the person is convicted of a violation of
13 Section 6-303 of this Code committed while his or her
14 driver's license, permit, or privilege was revoked because
15 of a violation of Section 9-3 of the Criminal Code of 1961,
16 relating to the offense of reckless homicide, or a similar
17 provision of a law of another state, the person may not
18 make application for a license or permit until the
19 expiration of 3 years from the ~~effective~~ date of the
20 conviction ~~most recent revocation~~.

21 2. If such person is convicted of committing a second
22 violation within a 20-year period of:

23 (A) Section 11-501 of this Code or a similar
24 provision of a local ordinance;

25 (B) Paragraph (b) of Section 11-401 of this Code or
26 a similar provision of a local ordinance;

1 (C) Section 9-3 of the Criminal Code of 1961,
2 relating to the offense of reckless homicide; or

3 (D) any combination of the above offenses
4 committed at different instances;

5 2.5. If a person is convicted of a second violation of
6 Section 6-303 of this Code committed while the person's
7 driver's license, permit, or privilege was revoked because
8 of a violation of Section 9-3 of the Criminal Code of 1961,
9 relating to the offense of reckless homicide, or a similar
10 provision of a law of another state, the person may not
11 make application for a license or permit until the
12 expiration of 5 years from the date of release from a term
13 of imprisonment.

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

21 3. However, except as provided in subparagraph 4, if
22 such person is convicted of committing a third or
23 subsequent violation or any combination of the above
24 offenses, including similar out-of-state offenses and
25 similar offenses committed on a military installation,
26 contained in subparagraph 2, then such person may not make

1 application for a license until after the expiration of 10
2 years from the effective date of the most recent
3 revocation.

4 4. The person may not make application for a license if
5 the person is convicted of committing a fourth or
6 subsequent violation of Section 11-501 of this Code or a
7 similar provision of a local ordinance, Section 11-401 of
8 this Code, Section 9-3 of the Criminal Code of 1961, or a
9 combination of these offenses, similar provisions of local
10 ordinances, similar out-of-state offenses, or similar
11 offenses committed on a military installation.

12 5. The person may not make application for a license or
13 permit if the person is convicted of a third or subsequent
14 violation of Section 6-303 of this Code committed while his
15 or her driver's license, permit, or privilege was revoked
16 because of a violation of Section 9-3 of the Criminal Code
17 of 1961, relating to the offense of reckless homicide, or a
18 similar provision of a law of another state.

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

24 In no event shall the Secretary issue such license unless
25 and until such person has had a hearing pursuant to this Code
26 and the appropriate administrative rules and the Secretary is

1 satisfied, after a review or investigation of such person, that
2 to grant the privilege of driving a motor vehicle on the
3 highways will not endanger the public safety or welfare.

4 (c) (Blank).

5 (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;
6 95-377, eff. 1-1-08; 95-876, eff. 8-21-08.)

7 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

8 (Text of Section before amendment by P.A. 95-991)

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

11 (a) Except as otherwise provided in subsection (a-5), any
12 person who drives or is in actual physical control of a motor
13 vehicle on any highway of this State at a time when such
14 person's driver's license, permit or privilege to do so or the
15 privilege to obtain a driver's license or permit is revoked or
16 suspended as provided by this Code or the law of another state,
17 except as may be specifically allowed by a judicial driving
18 permit issued prior to January 1, 2009, monitoring device
19 driving permit, family financial responsibility driving
20 permit, probationary license to drive, or a restricted driving
21 permit issued pursuant to this Code or under the law of another
22 state, shall be guilty of a Class A misdemeanor.

23 (a-5) Any person who violates this Section as provided in
24 subsection (a) while his or her driver's license, permit or
25 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961, relating to the offense of reckless
2 homicide or a similar provision of a law of another state, is
3 guilty of a Class 4 felony. The person shall be required to
4 undergo a professional evaluation, as provided in Section
5 11-501 of this Code, to determine if an alcohol, drug, or
6 intoxicating compound problem exists and the extent of the
7 problem, and to undergo the imposition of treatment as
8 appropriate.

9 (b) (Blank). ~~The Secretary of State upon receiving a report
10 of the conviction of any violation indicating a person was
11 operating a motor vehicle during the time when said person's
12 driver's license, permit or privilege was suspended by the
13 Secretary, by the appropriate authority of another state, or
14 pursuant to Section 11-501.1; except as may be specifically
15 allowed by a probationary license to drive, judicial driving
16 permit issued prior to January 1, 2009, monitoring device
17 driving permit, or restricted driving permit issued pursuant to
18 this Code or the law of another state; shall extend the
19 suspension for the same period of time as the originally
20 imposed suspension; however, if the period of suspension has
21 then expired, the Secretary shall be authorized to suspend said
22 person's driving privileges for the same period of time as the
23 originally imposed suspension.~~

24 (b-1) Upon receiving a report of the conviction of any
25 violation indicating a person was operating a motor vehicle
26 during the time when the person's driver's license, permit or

1 privilege was suspended by the Secretary of State or the
2 driver's licensing administrator of another state, except as
3 specifically allowed by a probationary license, judicial
4 driving permit, restricted driving permit or monitoring device
5 driving permit the Secretary shall extend the suspension for
6 the same period of time as the originally imposed suspension
7 unless the suspension has already expired, in which case the
8 Secretary shall be authorized to suspend the person's driving
9 privileges for the same period of time as the originally
10 imposed suspension.

11 (b-2) Except as provided in subsection (b-6), upon
12 receiving a report of the conviction of any violation
13 indicating a person was operating a motor vehicle when the
14 person's driver's license, permit or privilege was revoked by
15 the Secretary of State or the driver's license administrator of
16 any other state, except as specifically allowed by a restricted
17 driving permit issued pursuant to this Code or the law of
18 another state, the Secretary shall not issue a driver's license
19 for an additional period of one year from the date of such
20 conviction indicating such person was operating a vehicle
21 during such period of revocation.

22 (b-3) (Blank). When the Secretary of State receives a
23 report of a conviction of any violation indicating that a
24 vehicle was operated during the time when the person's driver's
25 license, permit or privilege was revoked, except as may be
26 allowed by a restricted driving permit issued pursuant to this

1 ~~Code or the law of another state, the Secretary shall not issue~~
2 ~~a driver's license to that person for an additional period of~~
3 ~~one year from the date of such conviction.~~

4 (b-4) When the Secretary of State receives a report of a
5 conviction of any violation indicating a person was operating a
6 motor vehicle that was not equipped with an ignition interlock
7 device during a time when the person was prohibited from
8 operating a motor vehicle not equipped with such a device, the
9 Secretary shall not issue a driver's license to that person for
10 an additional period of one year from the date of the
11 conviction.

12 (b-5) Any person convicted of violating this Section shall
13 serve a minimum term of imprisonment of 30 consecutive days or
14 300 hours of community service when the person's driving
15 privilege was revoked or suspended as a result of a violation
16 of Section 9-3 of the Criminal Code of 1961, as amended,
17 relating to the offense of reckless homicide, or a similar
18 provision of a law of another state.

19 (b-6) Upon receiving a report of a first conviction of
20 operating a motor vehicle while the person's driver's license,
21 permit or privilege was revoked where the revocation was for a
22 violation of Section 9-3 of the Criminal Code of 1961 relating
23 to the offense of reckless homicide or a similar out-of-state
24 offense, the Secretary shall not issue a driver's license for
25 an additional period of three years from the date of such
26 conviction.

1 (c) Except as provided in subsections (c-3) and (c-4), any
2 person convicted of violating this Section shall serve a
3 minimum term of imprisonment of 10 consecutive days or 30 days
4 of community service when the person's driving privilege was
5 revoked or suspended as a result of:

6 (1) a violation of Section 11-501 of this Code or a
7 similar provision of a local ordinance relating to the
8 offense of operating or being in physical control of a
9 vehicle while under the influence of alcohol, any other
10 drug or any combination thereof; or

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

15 (3) a statutory summary suspension under Section
16 11-501.1 of this Code.

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

19 (c-1) Except as provided in subsections (c-5) and (d), any
20 person convicted of a second violation of this Section shall be
21 ordered by the court to serve a minimum of 100 hours of
22 community service.

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

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

1 vehicle.

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

4 (c-3) Any person convicted of a violation of this Section
5 during a period of summary suspension imposed pursuant to
6 Section 11-501.1 when the person was eligible for a MDDP shall
7 be guilty of a Class 4 felony and shall serve a minimum term of
8 imprisonment of 30 days.

9 (c-4) Any person who has been issued a MDDP and who is
10 convicted of a violation of this Section as a result of
11 operating or being in actual physical control of a motor
12 vehicle not equipped with an ignition interlock device at the
13 time of the offense shall be guilty of a Class 4 felony and
14 shall serve a minimum term of imprisonment of 30 days.

15 (c-5) Any person convicted of a second violation of this
16 Section is guilty of a Class 2 felony, is not eligible for
17 probation or conditional discharge, and shall serve a mandatory
18 term of imprisonment, if the revocation or suspension was for a
19 violation of Section 9-3 of the Criminal Code of 1961, relating
20 to the offense of reckless homicide, or a similar out-of-state
21 offense.

22 (d) Any person convicted of a second violation of this
23 Section shall be guilty of a Class 4 felony and shall serve a
24 minimum term of imprisonment of 30 days or 300 hours of
25 community service, as determined by the court, if the
26 revocation or suspension was for a violation of Section 11-401

1 or 11-501 of this Code, or a similar out-of-state offense, or a
2 similar provision of a local ordinance, or a statutory summary
3 suspension under Section 11-501.1 of this Code.

4 (d-1) Except as provided in subsections (d-2), (d-2.5), and
5 (d-3), any person convicted of a third or subsequent violation
6 of this Section shall serve a minimum term of imprisonment of
7 30 days or 300 hours of community service, as determined by the
8 court.

9 (d-2) Any person convicted of a third violation of this
10 Section is guilty of a Class 4 felony and must serve a minimum
11 term of imprisonment of 30 days if the revocation or suspension
12 was for a violation of Section 11-401 or 11-501 of this Code,
13 or a similar out-of-state offense, or a similar provision of a
14 local ordinance, or a statutory summary suspension under
15 Section 11-501.1 of this Code.

16 (d-2.5) Any person convicted of a third violation of this
17 Section is guilty of a Class 1 felony, is not eligible for
18 probation or conditional discharge, and must serve a mandatory
19 term of imprisonment if the revocation or suspension was for a
20 violation of Section 9-3 of the Criminal Code of 1961, relating
21 to the offense of reckless homicide, or a similar out-of-state
22 offense. The person's driving privileges shall be revoked for
23 the remainder of the person's life.

24 (d-3) Any person convicted of a fourth, fifth, sixth,
25 seventh, eighth, or ninth violation of this Section is guilty
26 of a Class 4 felony and must serve a minimum term of

1 imprisonment of 180 days if the revocation or suspension was
2 for a violation of Section 11-401 or 11-501 of this Code, or a
3 similar out-of-state offense, or a similar provision of a local
4 ordinance, or a statutory summary suspension under Section
5 11-501.1 of this Code.

6 (d-3.5) Any person convicted of a fourth or subsequent
7 violation of this Section is guilty of a Class 1 felony, is not
8 eligible for probation or conditional discharge, and must serve
9 a mandatory term of imprisonment, and is eligible for an
10 extended term, if the revocation or suspension was for a
11 violation of Section 9-3 of the Criminal Code of 1961, relating
12 to the offense of reckless homicide, or a similar out-of-state
13 offense.

14 (d-4) Any person convicted of a tenth, eleventh, twelfth,
15 thirteenth, or fourteenth violation of this Section is guilty
16 of a Class 3 felony, and is not eligible for probation or
17 conditional discharge, if the revocation or suspension was for
18 a violation of Section 11-401 or 11-501 of this Code, or a
19 similar out-of-state offense, or a similar provision of a local
20 ordinance, or a statutory summary suspension under Section
21 11-501.1 of this Code.

22 (d-5) Any person convicted of a fifteenth or subsequent
23 violation of this Section is guilty of a Class 2 felony, and is
24 not eligible for probation or conditional discharge, if the
25 revocation or suspension was for a violation of Section 11-401
26 or 11-501 of this Code, or a similar out-of-state offense, or a

1 similar provision of a local ordinance, or a statutory summary
2 suspension under Section 11-501.1 of this Code.

3 (e) Any person in violation of this Section who is also in
4 violation of Section 7-601 of this Code relating to mandatory
5 insurance requirements, in addition to other penalties imposed
6 under this Section, shall have his or her motor vehicle
7 immediately impounded by the arresting law enforcement
8 officer. The motor vehicle may be released to any licensed
9 driver upon a showing of proof of insurance for the vehicle
10 that was impounded and the notarized written consent for the
11 release by the vehicle owner.

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

15 (g) The motor vehicle used in a violation of this Section
16 is subject to seizure and forfeiture as provided in Sections
17 36-1 and 36-2 of the Criminal Code of 1961 if the person's
18 driving privilege was revoked or suspended as a result of a
19 violation listed in paragraph (1), (2), or (3) of subsection
20 (c) of this Section or as a result of a summary suspension as
21 provided in paragraph (4) of subsection (c) of this Section.

22 (Source: P.A. 94-112, eff. 1-1-06; 95-27, eff. 1-1-08; 95-377,
23 eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-876,
24 eff. 8-21-08.)

25 (Text of Section after amendment by P.A. 95-991)

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

3 (a) Except as otherwise provided in subsection (a-5), any
4 person who drives or is in actual physical control of a motor
5 vehicle on any highway of this State at a time when such
6 person's driver's license, permit or privilege to do so or the
7 privilege to obtain a driver's license or permit is revoked or
8 suspended as provided by this Code or the law of another state,
9 except as may be specifically allowed by a judicial driving
10 permit issued prior to January 1, 2009, monitoring device
11 driving permit, family financial responsibility driving
12 permit, probationary license to drive, or a restricted driving
13 permit issued pursuant to this Code or under the law of another
14 state, shall be guilty of a Class A misdemeanor.

15 (a-5) Any person who violates this Section as provided in
16 subsection (a) while his or her driver's license, permit or
17 privilege is revoked because of a violation of Section 9-3 of
18 the Criminal Code of 1961, relating to the offense of reckless
19 homicide or a similar provision of a law of another state, is
20 guilty of a Class 4 felony. The person shall be required to
21 undergo a professional evaluation, as provided in Section
22 11-501 of this Code, to determine if an alcohol, drug, or
23 intoxicating compound problem exists and the extent of the
24 problem, and to undergo the imposition of treatment as
25 appropriate.

26 (b) (Blank). ~~The Secretary of State upon receiving a report~~

1 ~~of the conviction of any violation indicating a person was~~
2 ~~operating a motor vehicle during the time when said person's~~
3 ~~driver's license, permit or privilege was suspended by the~~
4 ~~Secretary, by the appropriate authority of another state, or~~
5 ~~pursuant to Section 11 501.1; except as may be specifically~~
6 ~~allowed by a probationary license to drive, judicial driving~~
7 ~~permit issued prior to January 1, 2009, monitoring device~~
8 ~~driving permit, or restricted driving permit issued pursuant to~~
9 ~~this Code or the law of another state; shall extend the~~
10 ~~suspension for the same period of time as the originally~~
11 ~~imposed suspension; however, if the period of suspension has~~
12 ~~then expired, the Secretary shall be authorized to suspend said~~
13 ~~person's driving privileges for the same period of time as the~~
14 ~~originally imposed suspension.~~

15 (b-1) Upon receiving a report of the conviction of any
16 violation indicating a person was operating a motor vehicle
17 during the time when the person's driver's license, permit or
18 privilege was suspended by the Secretary of State or the
19 driver's licensing administrator of another state, except as
20 specifically allowed by a probationary license, judicial
21 driving permit, restricted driving permit or monitoring device
22 driving permit the Secretary shall extend the suspension for
23 the same period of time as the originally imposed suspension
24 unless the suspension has already expired, in which case the
25 Secretary shall be authorized to suspend the person's driving
26 privileges for the same period of time as the originally

1 imposed suspension.

2 (b-2) Except as provided in subsection (b-6), upon
3 receiving a report of the conviction of any violation
4 indicating a person was operating a motor vehicle when the
5 person's driver's license, permit or privilege was revoked by
6 the Secretary of State or the driver's license administrator of
7 any other state, except as specifically allowed by a restricted
8 driving permit issued pursuant to this Code or the law of
9 another state, the Secretary shall not issue a driver's license
10 for an additional period of one year from the date of such
11 conviction indicating such person was operating a vehicle
12 during such period of revocation.

13 ~~(b-3) (Blank). When the Secretary of State receives a~~
14 ~~report of a conviction of any violation indicating that a~~
15 ~~vehicle was operated during the time when the person's driver's~~
16 ~~license, permit or privilege was revoked, except as may be~~
17 ~~allowed by a restricted driving permit issued pursuant to this~~
18 ~~Code or the law of another state, the Secretary shall not issue~~
19 ~~a driver's license to that person for an additional period of~~
20 ~~one year from the date of such conviction.~~

21 (b-4) When the Secretary of State receives a report of a
22 conviction of any violation indicating a person was operating a
23 motor vehicle that was not equipped with an ignition interlock
24 device during a time when the person was prohibited from
25 operating a motor vehicle not equipped with such a device, the
26 Secretary shall not issue a driver's license to that person for

1 an additional period of one year from the date of the
2 conviction.

3 (b-5) Any person convicted of violating this Section shall
4 serve a minimum term of imprisonment of 30 consecutive days or
5 300 hours of community service when the person's driving
6 privilege was revoked or suspended as a result of a violation
7 of Section 9-3 of the Criminal Code of 1961, as amended,
8 relating to the offense of reckless homicide, or a similar
9 provision of a law of another state.

10 (b-6) Upon receiving a report of a first conviction of
11 operating a motor vehicle while the person's driver's license,
12 permit or privilege was revoked where the revocation was for a
13 violation of Section 9-3 of the Criminal Code of 1961 relating
14 to the offense of reckless homicide or a similar out-of-state
15 offense, the Secretary shall not issue a driver's license for
16 an additional period of three years from the date of such
17 conviction.

18 (c) Except as provided in subsections (c-3) and (c-4), any
19 person convicted of violating this Section shall serve a
20 minimum term of imprisonment of 10 consecutive days or 30 days
21 of community service when the person's driving privilege was
22 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

1 drug or any combination thereof; or

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

6 (3) a statutory summary suspension under Section
7 11-501.1 of this Code.

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

10 (c-1) Except as provided in subsections (c-5) and (d), any
11 person convicted of a second violation of this Section shall be
12 ordered by the court to serve a minimum of 100 hours of
13 community service.

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

17 (1) Seizure of the license plates of the person's
18 vehicle.

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

21 (c-3) Any person convicted of a violation of this Section
22 during a period of summary suspension imposed pursuant to
23 Section 11-501.1 when the person was eligible for a MDDP shall
24 be guilty of a Class 4 felony and shall serve a minimum term of
25 imprisonment of 30 days.

26 (c-4) Any person who has been issued a MDDP and who is

1 convicted of a violation of this Section as a result of
2 operating or being in actual physical control of a motor
3 vehicle not equipped with an ignition interlock device at the
4 time of the offense shall be guilty of a Class 4 felony and
5 shall serve a minimum term of imprisonment of 30 days.

6 (c-5) Any person convicted of a second violation of this
7 Section is guilty of a Class 2 felony, is not eligible for
8 probation or conditional discharge, and shall serve a mandatory
9 term of imprisonment, if the revocation or suspension was for a
10 violation of Section 9-3 of the Criminal Code of 1961, relating
11 to the offense of reckless homicide, or a similar out-of-state
12 offense.

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

21 (d-1) Except as provided in subsections (d-2), (d-2.5), and
22 (d-3), any person convicted of a third or subsequent violation
23 of this Section shall serve a minimum term of imprisonment of
24 30 days or 300 hours of community service, as determined by the
25 court.

26 (d-2) Any person convicted of a third violation of this

1 Section is guilty of a Class 4 felony and must serve a minimum
2 term of imprisonment of 30 days if the revocation or suspension
3 was for a violation of Section 11-401 or 11-501 of this Code,
4 or a similar out-of-state offense, or a similar provision of a
5 local ordinance, or a statutory summary suspension under
6 Section 11-501.1 of this Code.

7 (d-2.5) Any person convicted of a third violation of this
8 Section is guilty of a Class 1 felony, is not eligible for
9 probation or conditional discharge, and must serve a mandatory
10 term of imprisonment if the revocation or suspension was for a
11 violation of Section 9-3 of the Criminal Code of 1961, relating
12 to the offense of reckless homicide, or a similar out-of-state
13 offense. The person's driving privileges shall be revoked for
14 the remainder of the person's life.

15 (d-3) Any person convicted of a fourth, fifth, sixth,
16 seventh, eighth, or ninth violation of this Section is guilty
17 of a Class 4 felony and must serve a minimum term of
18 imprisonment of 180 days if the revocation or suspension was
19 for a violation of Section 11-401 or 11-501 of this Code, or a
20 similar out-of-state offense, or a similar provision of a local
21 ordinance, or a statutory summary suspension under Section
22 11-501.1 of this Code.

23 (d-3.5) Any person convicted of a fourth or subsequent
24 violation of this Section is guilty of a Class 1 felony, is not
25 eligible for probation or conditional discharge, and must serve
26 a mandatory term of imprisonment, and is eligible for an

1 extended term, if the revocation or suspension was for a
2 violation of Section 9-3 of the Criminal Code of 1961, relating
3 to the offense of reckless homicide, or a similar out-of-state
4 offense.

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

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

20 (e) Any person in violation of this Section who is also in
21 violation of Section 7-601 of this Code relating to mandatory
22 insurance requirements, in addition to other penalties imposed
23 under this Section, shall have his or her motor vehicle
24 immediately impounded by the arresting law enforcement
25 officer. The motor vehicle may be released to any licensed
26 driver upon a showing of proof of insurance for the vehicle

1 that was impounded and the notarized written consent for the
2 release by the vehicle owner.

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

6 (g) The motor vehicle used in a violation of this Section
7 is subject to seizure and forfeiture as provided in Sections
8 36-1 and 36-2 of the Criminal Code of 1961 if the person's
9 driving privilege was revoked or suspended as a result of a
10 violation listed in paragraph (1), (2), or (3) of subsection
11 (c) of this Section or as a result of a summary suspension as
12 provided in paragraph (4) of subsection (c) of this Section.

13 (Source: P.A. 94-112, eff. 1-1-06; 95-27, eff. 1-1-08; 95-377,
14 eff. 1-1-08; 95-400, eff. 1-1-09; 95-578, eff. 6-1-08; 95-876,
15 eff. 8-21-08; 95-991, eff. 6-1-09.)

16 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)
17 Sec. 6-601. Penalties.

18 (a) It is a petty offense for any person to violate any of
19 the provisions of this Chapter unless such violation is by this
20 Code or other law of this State declared to be a misdemeanor or
21 a felony.

22 (b) General penalties. Unless another penalty is in this
23 Code or other laws of this State, every person convicted of a
24 petty offense for the violation of any provision of this
25 Chapter shall be punished by a fine of not more than \$500.

1 (c) Unlicensed driving. Except as hereinafter provided a
2 violation of Section 6-101 shall be:

3 1. A Class A misdemeanor if the person failed to obtain
4 a driver's license or permit after expiration of a period
5 of revocation.

6 2. A Class B misdemeanor if the person has been issued
7 a driver's license or permit, which has expired, and if the
8 period of expiration is greater than one year; or if the
9 person has never been issued a driver's license or permit,
10 or is not qualified to obtain a driver's license or permit
11 because of his age.

12 ~~If a licensee under this Code is convicted of violating~~
13 ~~Section 6-101 for operating a motor vehicle during a time when~~
14 ~~such licensee's driver's license was invalid under the~~
15 ~~provisions of Section 6-110, then conviction under such~~
16 ~~circumstances shall be punishable by a fine of not more than~~
17 ~~\$25.~~

18 If a licensee under this Code is convicted of violating
19 Section 6-303 for operating a motor vehicle during a time when
20 such licensee's driver's license was suspended under the
21 provisions of Section 6-306.3, then such act shall be a petty
22 offense (provided the licensee has answered the charge which
23 was the basis of the suspension under Section 6-306.3), and
24 there shall be imposed no additional like period of suspension
25 as provided in paragraph (b) of Section 6-303.

26 (Source: P.A. 92-622, eff. 1-1-03; 92-647, eff. 1-1-03; 92-883,

1 eff. 1-13-03.)

2 (625 ILCS 5/11-500) (from Ch. 95 1/2, par. 11-500)

3 Sec. 11-500. Definitions. For the purposes of interpreting
4 Sections 6-206.1 and 6-208.1 of this Code, "first offender"
5 shall mean any person who has not had a previous conviction or
6 court assigned supervision for violating Section 11-501, or a
7 similar provision of a local ordinance, or a conviction in any
8 other state for a violation of driving while under the
9 influence or a similar offense where the cause of action is the
10 same or substantially similar to this Code or similar offenses
11 committed on a military installation, or any person who has not
12 had a driver's license suspension pursuant to paragraph 6 of
13 subsection (a) of Section 6-206 as the result of refusal of
14 chemical testing in another state, or any person who has not
15 had a driver's license suspension for violating Section
16 11-501.1 within 5 years prior to the date of the current
17 offense, except in cases where the driver submitted to chemical
18 testing resulting in an alcohol concentration of 0.08 or more,
19 or any amount of a drug, substance, or compound in such
20 person's blood or urine resulting from the unlawful use or
21 consumption of cannabis listed in the Cannabis Control Act, a
22 controlled substance listed in the Illinois Controlled
23 Substances Act, or an intoxicating compound listed in the Use
24 of Intoxicating Compounds Act, or methamphetamine as listed in
25 the Methamphetamine Control and Community Protection Act and

1 was subsequently found not guilty of violating Section 11-501,
2 or a similar provision of a local ordinance.

3 (Source: P.A. 95-355, eff. 1-1-08.)

4 Section 15. The Child Passenger Protection Act is amended
5 by changing Section 4b as follows:

6 (625 ILCS 25/4b)

7 Sec. 4b. Children 8 years of age or older but under the age
8 of 19; seat belts. Every person under the age of 18 years, when
9 transporting a child 8 years of age or older but under the age
10 of 19 years, as provided in Section 4 of this Act, shall be
11 responsible for securing that child in a properly adjusted and
12 fastened seat safety belt or an appropriate child restraint
13 system. This Section shall also apply to each driver over the
14 age of 18 years who committed an offense against traffic
15 regulations governing the movement of vehicles or any violation
16 of Section 6-107 or Section 12-603.1 of this Code in the ~~within~~
17 6 months prior to ~~of~~ the driver's 18th birthday and was
18 subsequently convicted of the violation, until such time as a
19 period of 6 consecutive months has elapsed without an
20 additional violation and subsequent conviction of an offense
21 against traffic regulations governing the movement of vehicles
22 or any violation of Section 6-107 or Section 12-603.1 of this
23 Code.

24 (Source: P.A. 94-241, eff. 1-1-06; 95-310, eff. 1-1-08.)

1 Section 95. No acceleration or delay. Where this Act makes
2 changes in a statute that is represented in this Act by text
3 that is not yet or no longer in effect (for example, a Section
4 represented by multiple versions), the use of that text does
5 not accelerate or delay the taking effect of (i) the changes
6 made by this Act or (ii) provisions derived from any other
7 Public Act.

8 Section 999. Effective date. This Act takes effect upon
9 becoming law.