



## 97TH GENERAL ASSEMBLY

### State of Illinois

#### 2011 and 2012

##### HB2798

Introduced 2/18/2011, by Rep. Tom Cross - Dennis M. Reboletti

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning persons driving while their license is suspended.

LRB097 09511 HEP 49648 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 6-303 as follows:

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

7 (Text of Section before amendment by P.A. 96-1344)

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

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

22 (a-5) Any person who violates this Section as provided in  
23 subsection (a) while his or her driver's license, permit or

1 privilege is revoked because of a violation of Section 9-3 of  
2 the Criminal Code of 1961, relating to the offense of reckless  
3 homicide or a similar provision of a law of another state, is  
4 guilty of a Class 4 felony. The person shall be required to  
5 undergo a professional evaluation, as provided in Section  
6 11-501 of this Code, to determine if an alcohol, drug, or  
7 intoxicating compound problem exists and the extent of the  
8 problem, and to undergo the imposition of treatment as  
9 appropriate.

10 (b) (Blank).

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

24 (b-2) Except as provided in subsection (b-6), upon  
25 receiving a report of the conviction of any violation  
26 indicating a person was operating a motor vehicle when the

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

9 (b-3) (Blank).

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

18 (b-5) Any person convicted of violating this Section shall  
19 serve a minimum term of imprisonment of 30 consecutive days or  
20 300 hours of community service when the person's driving  
21 privilege was revoked or suspended as a result of a violation  
22 of Section 9-3 of the Criminal Code of 1961, as amended,  
23 relating to the offense of reckless homicide, or a similar  
24 provision of a law of another state.

25 (b-6) Upon receiving a report of a first conviction of  
26 operating a motor vehicle while the person's driver's license,

1 permit or privilege was revoked where the revocation 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, the Secretary shall not issue a driver's license for  
5 an additional period of three years from the date of such  
6 conviction.

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

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

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

21 (3) a statutory summary suspension under Section  
22 11-501.1 of this Code.

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

25 (c-1) Except as provided in subsections (c-5) and (d), any  
26 person convicted of a second violation of this Section shall be

1 ordered by the court to serve a minimum of 100 hours of  
2 community service.

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

6 (1) Seizure of the license plates of the person's  
7 vehicle.

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

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

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

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

1 offense.

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

10 (d-1) Except as provided in subsections (d-2), (d-2.5), and  
11 (d-3), any person convicted of a third or subsequent violation  
12 of this Section shall serve a minimum term of imprisonment of  
13 30 days or 300 hours of community service, as determined by the  
14 court.

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

22 (d-2.5) Any person convicted of a third violation of this  
23 Section is guilty of a Class 1 felony, is not eligible for  
24 probation or conditional discharge, and must serve a mandatory  
25 term of imprisonment if the revocation or suspension was for a  
26 violation of Section 9-3 of the Criminal Code of 1961, relating

1 to the offense of reckless homicide, or a similar out-of-state  
2 offense. The person's driving privileges shall be revoked for  
3 the remainder of the person's life.

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

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

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



1 11-501.1 of this Code.

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

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

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

21 (g) The motor vehicle used in a violation of this Section  
22 is subject to seizure and forfeiture as provided in Sections  
23 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
24 driving privilege was revoked or suspended as a result of a  
25 violation listed in paragraph (1) or (2) of subsection (c) of  
26 this Section, as a result of a summary suspension as provided

1 in paragraph (3) of subsection (c) of this Section, or as a  
2 result of a violation of Section 9-3 of the Criminal Code of  
3 1961 relating to the offense of reckless homicide.

4 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,  
5 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,  
6 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;  
7 96-1000, eff. 7-2-10.)

8 (Text of Section after amendment by P.A. 96-1344)

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 ~~the~~ privilege to obtain a driver's license or permit is revoked  
16 or suspended as provided by this Code or the law of another  
17 state, except as may be specifically allowed by a judicial  
18 driving permit issued prior to January 1, 2009, monitoring  
19 device 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).

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

23 (b-2) Except as provided in subsection (b-6), upon  
24 receiving a report of the conviction of any violation  
25 indicating a person was operating a motor vehicle when the  
26 person's driver's license, permit or privilege was revoked by

1 the Secretary of State or the driver's license administrator of  
2 any other state, except as specifically allowed by a restricted  
3 driving permit issued pursuant to this Code or the law of  
4 another state, the Secretary shall not issue a driver's license  
5 for an additional period of one year from the date of such  
6 conviction indicating such person was operating a vehicle  
7 during such period of revocation.

8 (b-3) (Blank).

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

17 (b-5) Any person convicted of violating this Section shall  
18 serve a minimum term of imprisonment of 30 consecutive days or  
19 300 hours of community service when the person's driving  
20 privilege was revoked or suspended as a result of a violation  
21 of Section 9-3 of the Criminal Code of 1961, as amended,  
22 relating to the offense of reckless homicide, or a similar  
23 provision of a law of another state.

24 (b-6) Upon receiving a report of a first conviction of  
25 operating a motor vehicle while the person's driver's license,  
26 permit or privilege was revoked where the revocation was for a

1 violation of Section 9-3 of the Criminal Code of 1961 relating  
2 to the offense of reckless homicide or a similar out-of-state  
3 offense, the Secretary shall not issue a driver's license for  
4 an additional period of three years from the date of such  
5 conviction.

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

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

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

20 (3) a statutory summary suspension or revocation under  
21 Section 11-501.1 of this Code.

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

24 (c-1) Except as provided in subsections (c-5) and (d), any  
25 person convicted of a second violation of this Section shall be  
26 ordered by the court to serve a minimum of 100 hours of

1 community service.

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

5 (1) Seizure of the license plates of the person's  
6 vehicle.

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

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

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

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

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

9           (d-1) Except as provided in subsections (d-2), (d-2.5), and  
10 (d-3), any person convicted of a third or subsequent violation  
11 of this Section shall serve a minimum term of imprisonment of  
12 30 days or 300 hours of community service, as determined by the  
13 court.

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

21           (d-2.5) Any person convicted of a third violation of this  
22 Section is guilty of a Class 1 felony, is not eligible for  
23 probation or conditional discharge, and must serve a mandatory  
24 term of imprisonment if the revocation or suspension was for a  
25 violation of Section 9-3 of the Criminal Code of 1961, relating  
26 to the offense of reckless homicide, or a similar out-of-state

1 offense. The person's driving privileges shall be revoked for  
2 the remainder of the person's life.

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

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

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



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

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

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

20           (g) The motor vehicle used in a violation of this Section  
21 is subject to seizure and forfeiture as provided in Sections  
22 36-1 and 36-2 of the Criminal Code of 1961 if the person's  
23 driving privilege was revoked or suspended as a result of a  
24 violation listed in paragraph (1) or (2) of subsection (c) of  
25 this Section, as a result of a summary suspension or revocation  
26 as provided in paragraph (3) of subsection (c) of this Section,

1 or as a result of a violation of Section 9-3 of the Criminal  
2 Code of 1961 relating to the offense of reckless homicide.

3 (Source: P.A. 95-27, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400,  
4 eff. 1-1-09; 95-578, eff. 6-1-08; 95-876, eff. 8-21-08; 95-991,  
5 eff. 6-1-09; 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;  
6 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11.)

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