



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2862

Introduced 2/22/2011, by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-208

from Ch. 95 1/2, par. 6-208

Amends the Illinois Vehicle Code. Provides that certain persons ineligible to re-apply for a license may instead apply for a restricted driving permit after the expiration of 3 years from the effective date of the most recent revocation, provided: the person proves by a preponderance of the evidence a minimum 3 years of uninterrupted sobriety from alcohol and other drugs; the person proves by a preponderance of the evidence a minimum 3 years of active, weekly involvement in a recognized support program designed to assist persons to remain sober from alcohol and other drugs; and the person may only operate vehicles fitted with an interlock ignition device. Provides that the Secretary of State shall cancel a restricted driving permit issued under the above conditions if the holder fails to comply with the interlock ignition device requirements and that such a person shall be ineligible to re-apply for restricted driving privileges. Effective immediately.

LRB097 05226 HEP 45276 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 6-208 as follows:

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

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

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

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14 a motor vehicle on the highways has been revoked shall not be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

21 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
22 and 5, the person may make application for a license (A)
23 after the expiration of one year from the effective date of

1 the revocation, (B) in the case of a violation of paragraph
2 (b) of Section 11-401 of this Code or a similar provision
3 of a local ordinance, after the expiration of 3 years from
4 the effective date of the revocation, or (C) in the case of
5 a violation of Section 9-3 of the Criminal Code of 1961 or
6 a similar provision of a law of another state relating to
7 the offense of reckless homicide or a violation of
8 subparagraph (F) of paragraph 1 of subsection (d) of
9 Section 11-501 of this Code relating to aggravated driving
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds, or any combination
12 thereof, if the violation was the proximate cause of a
13 death, after the expiration of 2 years from the effective
14 date of the revocation or after the expiration of 24 months
15 from the date of release from a period of imprisonment as
16 provided in Section 6-103 of this Code, whichever is later.

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

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

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

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

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

7 (D) any combination of the above offenses
8 committed at different instances;

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

16 2.5. If a person is convicted of a second violation of
17 Section 6-303 of this Code committed while the person's
18 driver's license, permit, or privilege was revoked because
19 of a violation of Section 9-3 of the Criminal Code of 1961,
20 relating to the offense of reckless homicide, or a similar
21 provision of a law of another state, the person may not
22 make application for a license or permit until the
23 expiration of 5 years from the date of release from a term
24 of imprisonment.

25 3. However, except as provided in subparagraph 4, if
26 such person is convicted of committing a third or

1 subsequent violation or any combination of the above
2 offenses, including similar out-of-state offenses and
3 similar offenses committed on a military installation,
4 contained in subparagraph 2, then such person may not make
5 application for a license until after the expiration of 10
6 years from the effective date of the most recent
7 revocation.

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

16 4.5. If a person is convicted of a combination of 4 or
17 more offenses which include a violation of Section 11-501
18 of this Code or a similar provision of a local ordinance,
19 Section 11-401 of this Code, or Section 9-3 of the Criminal
20 Code of 1961, or a combination of violations of similar
21 provisions of local ordinances, similar out-of-state
22 offenses, or similar offenses committed on a military
23 installation, the person may make application for a
24 restricted driving permit after the expiration of 3 years
25 from the effective date of the most recent revocation,
26 provided:

1 (A) the person proves by a preponderance of the
2 evidence a minimum 3 years of uninterrupted sobriety
3 from alcohol, other drug or drugs, intoxicating
4 compound or compounds, or any combination thereof;

5 (B) the person proves by a preponderance of the
6 evidence a minimum 3 years of active, weekly
7 involvement in a recognized support program designed
8 to assist persons to remain sober from alcohol or drugs
9 other than those medically necessary and properly
10 prescribed; and

11 (C) upon the Secretary's approval of the
12 application for a restricted driving permit, the
13 person may only operate vehicles fitted with an
14 interlock ignition device as defined in Section
15 1-129.1 of this Code.

16 In determining whether an applicant is eligible for a
17 restricted driving permit under this subparagraph 4.5, the
18 Secretary may consider any relevant evidence, including
19 but not limited to testimony, affidavits, records, and the
20 results of regular alcohol or drug tests.

21 The Secretary shall cancel a restricted driving permit
22 issued under this subparagraph 4.5 if the holder operates a
23 vehicle that is not equipped with an interlock ignition
24 device. Any person whose restricted driving permit is
25 cancelled due to failure to comply with the interlock
26 ignition device requirement of this subparagraph 4.5 shall

1 be ineligible to re-apply for restricted driving
2 privileges.

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

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

15 In no event shall the Secretary issue such license unless
16 and until such person has had a hearing pursuant to this Code
17 and the appropriate administrative rules and the Secretary is
18 satisfied, after a review or investigation of such person, that
19 to grant the privilege of driving a motor vehicle on the
20 highways will not endanger the public safety or welfare.

21 (c) (Blank).

22 (Source: P.A. 95-331, eff. 8-21-07; 95-355, eff. 1-1-08;
23 95-377, eff. 1-1-08; 95-876, eff. 8-21-08; 96-607, eff.
24 8-24-09.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.