



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5493

Introduced 2/15/2012, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall immediately revoke the driving privileges of a person convicted of second or subsequent conviction of illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act. Provides that a defendant found guilty of this offense while operating a motor vehicle shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State. Provides that a person convicted for a first time shall have his or her driving privileges suspended for a period of one year. Removes language providing that the Secretary of State shall suspend the driving privileges of a person convicted for a second or subsequent time for a period of 5 years.

LRB097 19359 HEP 64608 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 6-205 and 6-206 as follows:

6 (625 ILCS 5/6-205)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 15. A second or subsequent conviction of driving while
9 the person's driver's license, permit or privileges was
10 revoked for reckless homicide or a similar out-of-state
11 offense;

12 16. Any offense against any provision in this Code, or
13 any local ordinance, regulating the movement of traffic
14 when that offense was the proximate cause of the death of
15 any person. Any person whose driving privileges have been
16 revoked pursuant to this paragraph may seek to have the
17 revocation terminated or to have the length of revocation
18 reduced by requesting an administrative hearing with the
19 Secretary of State prior to the projected driver's license
20 application eligibility date; ▯

21 17. A second or subsequent conviction of illegal
22 possession, while operating or in actual physical control,
23 as a driver, of a motor vehicle, of any controlled
24 substance prohibited under the Illinois Controlled
25 Substances Act, any cannabis prohibited under the Cannabis
26 Control Act, or any methamphetamine prohibited under the

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

8 (b) The Secretary of State shall also immediately revoke
9 the license or permit of any driver in the following
10 situations:

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

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

19 3. Of any person adjudicated under the Juvenile Court
20 Act of 1987 based on an offense determined to have been
21 committed in furtherance of the criminal activities of an
22 organized gang as provided in Section 5-710 of that Act,
23 and that involved the operation or use of a motor vehicle
24 or the use of a driver's license or permit. The revocation
25 shall remain in effect for the period determined by the
26 court. Upon the direction of the court, the Secretary shall

1 issue the person a judicial driving permit, also known as a
2 JDP. The JDP shall be subject to the same terms as a JDP
3 issued under Section 6-206.1, except that the court may
4 direct that a JDP issued under this subdivision (b) (3) be
5 effective immediately.

6 (c) (1) Whenever a person is convicted of any of the
7 offenses enumerated in this Section, the court may recommend
8 and the Secretary of State in his discretion, without regard to
9 whether the recommendation is made by the court may, upon
10 application, issue to the person a restricted driving permit
11 granting the privilege of driving a motor vehicle between the
12 petitioner's residence and petitioner's place of employment or
13 within the scope of the petitioner's employment related duties,
14 or to allow the petitioner to transport himself or herself or a
15 family member of the petitioner's household to a medical
16 facility for the receipt of necessary medical care or to allow
17 the petitioner to transport himself or herself to and from
18 alcohol or drug remedial or rehabilitative activity
19 recommended by a licensed service provider, or to allow the
20 petitioner to transport himself or herself or a family member
21 of the petitioner's household to classes, as a student, at an
22 accredited educational institution, or to allow the petitioner
23 to transport children, elderly persons, or disabled persons who
24 do not hold driving privileges and are living in the
25 petitioner's household to and from daycare; if the petitioner
26 is able to demonstrate that no alternative means of

1 transportation is reasonably available and that the petitioner
2 will not endanger the public safety or welfare; provided that
3 the Secretary's discretion shall be limited to cases where
4 undue hardship, as defined by the rules of the Secretary of
5 State, would result from a failure to issue the restricted
6 driving permit. Those multiple offenders identified in
7 subdivision (b)4 of Section 6-208 of this Code, however, shall
8 not be eligible for the issuance of a restricted driving
9 permit.

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

21 (3) If:

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

25 (i) a single conviction of violating Section
26 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense,
2 or Section 9-3 of the Criminal Code of 1961, where
3 the use of alcohol or other drugs is recited as an
4 element of the offense, or a similar out-of-state
5 offense; or

6 (ii) a statutory summary suspension or
7 revocation under Section 11-501.1; or

8 (iii) a suspension pursuant to Section
9 6-203.1;

10 arising out of separate occurrences; or

11 (B) a person has been convicted of one violation of
12 Section 6-303 of this Code committed while his or her
13 driver's license, permit, or privilege was revoked
14 because of a violation of Section 9-3 of the Criminal
15 Code of 1961, relating to the offense of reckless
16 homicide where the use of alcohol or other drugs was
17 recited as an element of the offense, or a similar
18 provision of a law of another state;

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

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

1 to these fees.

2 (5) 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 operation
6 of an occupational vehicle owned or leased by that person's
7 employer when used solely for employment purposes.

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

1 laws or ordinances regulating the movement of traffic shall
2 be deemed sufficient cause for the revocation, suspension,
3 or cancellation of a restricted driving permit. The
4 Secretary of State may, as a condition to the issuance of a
5 restricted driving permit, require the petitioner to
6 participate in a designated driver remedial or
7 rehabilitative program. The Secretary of State is
8 authorized to cancel a restricted driving permit if the
9 permit holder does not successfully complete the program.
10 However, if an individual's driving privileges have been
11 revoked in accordance with paragraph 13 of subsection (a)
12 of this Section, no restricted driving permit shall be
13 issued until the individual has served 6 months of the
14 revocation period.

15 (c-5) (Blank).

16 (c-6) If a person is convicted of a second violation of
17 operating a motor vehicle while the person's driver's license,
18 permit or privilege was revoked, where the revocation 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, the person's driving privileges shall be revoked
22 pursuant to subdivision (a) (15) of this Section. The person may
23 not make application for a license or permit until the
24 expiration of five years from the effective date of the
25 revocation or the expiration of five years from the date of
26 release from a term of imprisonment, whichever is later.

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

8 (d) (1) Whenever a person under the age of 21 is convicted
9 under Section 11-501 of this Code or a similar provision of a
10 local ordinance or a similar out-of-state offense, the
11 Secretary of State shall revoke the driving privileges of that
12 person. One year after the date of revocation, and upon
13 application, the Secretary of State may, if satisfied that the
14 person applying will not endanger the public safety or welfare,
15 issue a restricted driving permit granting the privilege of
16 driving a motor vehicle only between the hours of 5 a.m. and 9
17 p.m. or as otherwise provided by this Section for a period of
18 one year. After this one year period, and upon reapplication
19 for a license as provided in Section 6-106, upon payment of the
20 appropriate reinstatement fee provided under paragraph (b) of
21 Section 6-118, the Secretary of State, in his discretion, may
22 reinstate the petitioner's driver's license and driving
23 privileges, or extend the restricted driving permit as many
24 times as the Secretary of State deems appropriate, by
25 additional periods of not more than 12 months each.

26 (2) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating Section
2 11-501 of this Code or a similar provision of a local
3 ordinance or a similar out-of-state offense, or Section 9-3
4 of the Criminal Code of 1961, where the use of alcohol or
5 other drugs is recited as an element of the offense, or a
6 similar out-of-state offense, or a combination of these
7 offenses, arising out of separate occurrences, that
8 person, if issued a restricted driving permit, may not
9 operate a vehicle unless it has been equipped with an
10 ignition interlock device as defined in Section 1-129.1.

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

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

20 (B) a statutory summary suspension or revocation
21 under Section 11-501.1; or

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

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

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

13 (6) A restricted driving permit issued under this
14 Section shall be subject to cancellation, revocation, and
15 suspension by the Secretary of State in like manner and for
16 like cause as a driver's license issued under this Code may
17 be cancelled, revoked, or suspended; except that a
18 conviction upon one or more offenses against laws or
19 ordinances regulating the movement of traffic shall be
20 deemed sufficient cause for the revocation, suspension, or
21 cancellation of a restricted driving permit.

22 (d-5) The revocation of the license, permit, or driving
23 privileges of a person convicted of a third or subsequent
24 violation of Section 6-303 of this Code committed while his or
25 her driver's license, permit, or privilege was revoked because
26 of a violation of Section 9-3 of the Criminal Code of 1961,

1 relating to the offense of reckless homicide, or a similar
2 provision of a law of another state, is permanent. The
3 Secretary may not, at any time, issue a license or permit to
4 that person.

5 (e) This Section is subject to the provisions of the Driver
6 License Compact.

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

11 (g) The Secretary of State shall not issue a restricted
12 driving permit to a person under the age of 16 years whose
13 driving privileges have been revoked under any provisions of
14 this Code.

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

25 (i) (Blank).

26 (j) In accordance with 49 C.F.R. 384, the Secretary of

1 State may not issue a restricted driving permit for the
2 operation of a commercial motor vehicle to a person holding a
3 CDL whose driving privileges have been revoked, suspended,
4 cancelled, or disqualified under any provisions of this Code.

5 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
6 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
7 7-1-11; 97-333, eff. 8-12-11.)

8 (625 ILCS 5/6-206)

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

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

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

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

23 3. Has been repeatedly involved as a driver in motor
24 vehicle collisions or has been repeatedly convicted of
25 offenses against laws and ordinances regulating the

1 movement of traffic, to a degree that indicates lack of
2 ability to exercise ordinary and reasonable care in the
3 safe operation of a motor vehicle or disrespect for the
4 traffic laws and the safety of other persons upon the
5 highway;

6 4. Has by the unlawful operation of a motor vehicle
7 caused or contributed to an accident resulting in injury
8 requiring immediate professional treatment in a medical
9 facility or doctor's office to any person, except that any
10 suspension or revocation imposed by the Secretary of State
11 under the provisions of this subsection shall start no
12 later than 6 months after being convicted of violating a
13 law or ordinance regulating the movement of traffic, which
14 violation is related to the accident, or shall start not
15 more than one year after the date of the accident,
16 whichever date occurs later;

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

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

23 7. Has refused or failed to submit to an examination
24 provided for by Section 6-207 or has failed to pass the
25 examination;

26 8. Is ineligible for a driver's license or permit under

1 the provisions of Section 6-103;

2 9. Has made a false statement or knowingly concealed a
3 material fact or has used false information or
4 identification in any application for a license,
5 identification card, or permit;

6 10. Has possessed, displayed, or attempted to
7 fraudulently use any license, identification card, or
8 permit not issued to the person;

9 11. Has operated a motor vehicle upon a highway of this
10 State when the person's driving privilege or privilege to
11 obtain a driver's license or permit was revoked or
12 suspended unless the operation was authorized by a
13 monitoring device driving permit, judicial driving permit
14 issued prior to January 1, 2009, probationary license to
15 drive, or a restricted driving permit issued under this
16 Code;

17 12. Has submitted to any portion of the application
18 process for another person or has obtained the services of
19 another person to submit to any portion of the application
20 process for the purpose of obtaining a license,
21 identification card, or permit for some other person;

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

25 14. Has committed a violation of Section 6-301,
26 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B

1 of the Illinois Identification Card Act;

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

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

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

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

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

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

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

24 22. Has used a motor vehicle in violating paragraph
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
26 the Criminal Code of 1961 relating to unlawful use of

1 weapons, in which case the suspension shall be for one
2 year;

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

7 24. Has been convicted by a court-martial or punished
8 by non-judicial punishment by military authorities of the
9 United States at a military installation in Illinois of or
10 for a traffic related offense that is the same as or
11 similar to an offense specified under Section 6-205 or
12 6-206 of this Code;

13 25. Has permitted any form of identification to be used
14 by another in the application process in order to obtain or
15 attempt to obtain a license, identification card, or
16 permit;

17 26. Has altered or attempted to alter a license or has
18 possessed an altered license, identification card, or
19 permit;

20 27. Has violated Section 6-16 of the Liquor Control Act
21 of 1934;

22 28. Has been convicted for a first time of the illegal
23 possession, while operating or in actual physical control,
24 as a driver, of a motor vehicle, of any controlled
25 substance prohibited under the Illinois Controlled
26 Substances Act, any cannabis prohibited under the Cannabis

1 Control Act, or any methamphetamine prohibited under the
2 Methamphetamine Control and Community Protection Act, in
3 which case the person's driving privileges shall be
4 suspended for one year, ~~and any driver who is convicted of~~
5 ~~a second or subsequent offense, within 5 years of a~~
6 ~~previous conviction, for the illegal possession, while~~
7 ~~operating or in actual physical control, as a driver, of a~~
8 ~~motor vehicle, of any controlled substance prohibited~~
9 ~~under the Illinois Controlled Substances Act, any cannabis~~
10 ~~prohibited under the Cannabis Control Act, or any~~
11 ~~methamphetamine prohibited under the Methamphetamine~~
12 ~~Control and Community Protection Act shall be suspended for~~
13 ~~5 years.~~ Any defendant found guilty of this offense while
14 operating a motor vehicle, shall have an entry made in the
15 court record by the presiding judge that this offense did
16 occur while the defendant was operating a motor vehicle and
17 order the clerk of the court to report the violation to the
18 Secretary of State;

19 29. Has been convicted of the following offenses that
20 were committed while the person was operating or in actual
21 physical control, as a driver, of a motor vehicle: criminal
22 sexual assault, predatory criminal sexual assault of a
23 child, aggravated criminal sexual assault, criminal sexual
24 abuse, aggravated criminal sexual abuse, juvenile pimping,
25 soliciting for a juvenile prostitute, promoting juvenile
26 prostitution as described in subdivision (a)(1), (a)(2),

1 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961,
2 and the manufacture, sale or delivery of controlled
3 substances or instruments used for illegal drug use or
4 abuse in which case the driver's driving privileges shall
5 be suspended for one year;

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

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

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

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of
2 a violation of paragraph (a) of Section 11-502 of this Code
3 or a similar provision of a local ordinance;

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

6 35. Has committed a violation of Section 11-1301.6 of
7 this Code;

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

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

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

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

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

24 41. Has committed a second or subsequent violation of
25 Section 11-605.1 of this Code, a similar provision of a
26 local ordinance, or a similar violation in any other state

1 within 2 years of the date of the previous violation, in
2 which case the suspension shall be for 90 days;

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

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

10 44. Is under the age of 21 years at the time of arrest
11 and has been convicted of an offense against traffic
12 regulations governing the movement of vehicles after
13 having previously had his or her driving privileges
14 suspended or revoked pursuant to subparagraph 36 of this
15 Section; or

16 45. Has, in connection with or during the course of a
17 formal hearing conducted under Section 2-118 of this Code:
18 (i) committed perjury; (ii) submitted fraudulent or
19 falsified documents; (iii) submitted documents that have
20 been materially altered; or (iv) submitted, as his or her
21 own, documents that were in fact prepared or composed for
22 another person.

23 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
24 and 27 of this subsection, license means any driver's license,
25 any traffic ticket issued when the person's driver's license is
26 deposited in lieu of bail, a suspension notice issued by the

1 Secretary of State, a duplicate or corrected driver's license,
2 a probationary driver's license or a temporary driver's
3 license.

4 (b) If any conviction forming the basis of a suspension or
5 revocation authorized under this Section is appealed, the
6 Secretary of State may rescind or withhold the entry of the
7 order of suspension or revocation, as the case may be, provided
8 that a certified copy of a stay order of a court is filed with
9 the Secretary of State. If the conviction is affirmed on
10 appeal, the date of the conviction shall relate back to the
11 time the original judgment of conviction was entered and the 6
12 month limitation prescribed shall not apply.

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

19 2. If the Secretary of State suspends the driver's
20 license of a person under subsection 2 of paragraph (a) of
21 this Section, a person's privilege to operate a vehicle as
22 an occupation shall not be suspended, provided an affidavit
23 is properly completed, the appropriate fee received, and a
24 permit issued prior to the effective date of the
25 suspension, unless 5 offenses were committed, at least 2 of
26 which occurred while operating a commercial vehicle in

1 connection with the driver's regular occupation. All other
2 driving privileges shall be suspended by the Secretary of
3 State. Any driver prior to operating a vehicle for
4 occupational purposes only must submit the affidavit on
5 forms to be provided by the Secretary of State setting
6 forth the facts of the person's occupation. The affidavit
7 shall also state the number of offenses committed while
8 operating a vehicle in connection with the driver's regular
9 occupation. The affidavit shall be accompanied by the
10 driver's license. Upon receipt of a properly completed
11 affidavit, the Secretary of State shall issue the driver a
12 permit to operate a vehicle in connection with the driver's
13 regular occupation only. Unless the permit is issued by the
14 Secretary of State prior to the date of suspension, the
15 privilege to drive any motor vehicle shall be suspended as
16 set forth in the notice that was mailed under this Section.
17 If an affidavit is received subsequent to the effective
18 date of this suspension, a permit may be issued for the
19 remainder of the suspension period.

20 The provisions of this subparagraph shall not apply to
21 any driver required to possess a CDL for the purpose of
22 operating a commercial motor vehicle.

23 Any person who falsely states any fact in the affidavit
24 required herein shall be guilty of perjury under Section
25 6-302 and upon conviction thereof shall have all driving
26 privileges revoked without further rights.

1 3. At the conclusion of a hearing under Section 2-118
2 of this Code, the Secretary of State shall either rescind
3 or continue an order of revocation or shall substitute an
4 order of suspension; or, good cause appearing therefor,
5 rescind, continue, change, or extend the order of
6 suspension. If the Secretary of State does not rescind the
7 order, the Secretary may upon application, to relieve undue
8 hardship (as defined by the rules of the Secretary of
9 State), issue a restricted driving permit granting the
10 privilege of driving a motor vehicle between the
11 petitioner's residence and petitioner's place of
12 employment or within the scope of the petitioner's
13 employment related duties, or to allow the petitioner to
14 transport himself or herself, or a family member of the
15 petitioner's household to a medical facility, to receive
16 necessary medical care, to allow the petitioner to
17 transport himself or herself to and from alcohol or drug
18 remedial or rehabilitative activity recommended by a
19 licensed service provider, or to allow the petitioner to
20 transport himself or herself or a family member of the
21 petitioner's household to classes, as a student, at an
22 accredited educational institution, or to allow the
23 petitioner to transport children, elderly persons, or
24 disabled persons who do not hold driving privileges and are
25 living in the petitioner's household to and from daycare.
26 The petitioner must demonstrate that no alternative means

1 of transportation is reasonably available and that the
2 petitioner will not endanger the public safety or welfare.
3 Those multiple offenders identified in subdivision (b)4 of
4 Section 6-208 of this Code, however, shall not be eligible
5 for the issuance of a restricted driving permit.

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

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

21 (i) a single conviction of violating Section
22 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense
24 or Section 9-3 of the Criminal Code of 1961, where
25 the use of alcohol or other drugs is recited as an
26 element of the offense, or a similar out-of-state

1 offense; or
2 (ii) a statutory summary suspension or
3 revocation under Section 11-501.1; or
4 (iii) a suspension under Section 6-203.1;
5 arising out of separate occurrences; that person, if
6 issued a restricted driving permit, may not operate a
7 vehicle unless it has been equipped with an ignition
8 interlock device as defined in Section 1-129.1.

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

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

22 (E) In each case the Secretary may issue a
23 restricted driving permit for a period deemed
24 appropriate, except that all permits shall expire
25 within one year from the date of issuance. The
26 Secretary may not, however, issue a restricted driving

1 permit to any person whose current revocation is the
2 result of a second or subsequent conviction for a
3 violation of Section 11-501 of this Code or a similar
4 provision of a local ordinance or any similar
5 out-of-state offense, or Section 9-3 of the Criminal
6 Code of 1961, where the use of alcohol or other drugs
7 is recited as an element of the offense, or any similar
8 out-of-state offense, or any combination of those
9 offenses, until the expiration of at least one year
10 from the date of the revocation. A restricted driving
11 permit issued under this Section shall be subject to
12 cancellation, revocation, and suspension by the
13 Secretary of State in like manner and for like cause as
14 a driver's license issued under this Code may be
15 cancelled, revoked, or suspended; except that a
16 conviction upon one or more offenses against laws or
17 ordinances regulating the movement of traffic shall be
18 deemed sufficient cause for the revocation,
19 suspension, or cancellation of a restricted driving
20 permit. The Secretary of State may, as a condition to
21 the issuance of a restricted driving permit, require
22 the applicant to participate in a designated driver
23 remedial or rehabilitative program. The Secretary of
24 State is authorized to cancel a restricted driving
25 permit if the permit holder does not successfully
26 complete the program.

1 (c-3) In the case of a suspension under paragraph 43 of
2 subsection (a), reports received by the Secretary of State
3 under this Section shall, except during the actual time the
4 suspension is in effect, be privileged information and for use
5 only by the courts, police officers, prosecuting authorities,
6 the driver licensing administrator of any other state, the
7 Secretary of State, or the parent or legal guardian of a driver
8 under the age of 18. However, beginning January 1, 2008, if the
9 person is a CDL holder, the suspension shall also be made
10 available to the driver licensing administrator of any other
11 state, the U.S. Department of Transportation, and the affected
12 driver or motor carrier or prospective motor carrier upon
13 request.

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

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

26 (d) This Section is subject to the provisions of the

1 Drivers License Compact.

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

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

11 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
12 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
13 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
14 eff. 8-12-11; revised 9-15-11.)