

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

24 1. Of any minor upon receiving the notice provided for
25 in Section 5-901 of the Juvenile Court Act of 1987 that the
26 minor has been adjudicated under that Act as having

1 committed an offense relating to motor vehicles prescribed
2 in Section 4-103 of this Code;

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

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

19 (c) (1) Whenever a person is convicted of any of the
20 offenses enumerated in this Section, the court may recommend
21 and the Secretary of State in his discretion, without regard to
22 whether the recommendation is made by the court may, upon
23 application, issue to the person a restricted driving permit
24 granting the privilege of driving a motor vehicle between the
25 petitioner's residence and petitioner's place of employment or
26 within the scope of the petitioner's employment related duties,

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

23 (2) If a person's license or permit is revoked or
24 suspended due to 2 or more convictions of violating Section
25 11-501 of this Code or a similar provision of a local
26 ordinance or a similar out-of-state offense, or Section 9-3

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

8 (3) If:

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

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

19 (ii) a statutory summary suspension or
20 revocation under Section 11-501.1; or

21 (iii) a suspension pursuant to Section
22 6-203.1;

23 arising out of separate occurrences; or

24 (B) a person has been convicted of one violation of
25 Section 6-303 of this Code committed while his or her
26 driver's license, permit, or privilege was revoked

1 because of a violation of Section 9-3 of the Criminal
2 Code of 1961, relating to the offense of reckless
3 homicide where the use of alcohol or other drugs was
4 recited as an element of the offense, or a similar
5 provision of a law of another state;

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

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

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

21 (6) In each case the Secretary of State may issue a
22 restricted driving permit for a period he deems
23 appropriate, except that the permit shall expire within one
24 year from the date of issuance. The Secretary may not,
25 however, issue a restricted driving permit to any person
26 whose current revocation is the result of a second or

1 subsequent conviction for a violation of Section 11-501 of
2 this Code or a similar provision of a local ordinance or
3 any similar out-of-state offense, or Section 9-3 of the
4 Criminal Code of 1961, where the use of alcohol or other
5 drugs is recited as an element of the offense, or any
6 similar out-of-state offense, or any combination of these
7 offenses, until the expiration of at least one year from
8 the date of the revocation. A restricted driving permit
9 issued under this Section shall be subject to cancellation,
10 revocation, and suspension by the Secretary of State in
11 like manner and for like cause as a driver's license issued
12 under this Code may be cancelled, revoked, or suspended;
13 except that a conviction upon one or more offenses against
14 laws or ordinances regulating the movement of traffic shall
15 be deemed sufficient cause for the revocation, suspension,
16 or cancellation of a restricted driving permit. The
17 Secretary of State shall ~~may~~, as a condition to the
18 issuance of a restricted driving permit, require the
19 petitioner to participate in a designated driver remedial
20 or rehabilitative program. The Secretary of State is
21 authorized to cancel a restricted driving permit if the
22 permit holder does not successfully complete the program.
23 However, if an individual's driving privileges have been
24 revoked in accordance with paragraph 13 of subsection (a)
25 of this Section, no restricted driving permit shall be
26 issued until the individual has served 6 months of the

1 revocation period.

2 (c-5) (Blank).

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

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

21 (d) (1) Whenever a person under the age of 21 is convicted
22 under Section 11-501 of this Code or a similar provision of a
23 local ordinance or a similar out-of-state offense, the
24 Secretary of State shall revoke the driving privileges of that
25 person. One year after the date of revocation, and upon
26 application, the Secretary of State may, if satisfied that the

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

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

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

1 (A) a single conviction 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
4 Section 9-3 of the Criminal Code of 1961, where the use
5 of alcohol or other drugs is recited as an element of
6 the offense, or a similar out-of-state offense; or

7 (B) a statutory summary suspension or revocation
8 under Section 11-501.1; or

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

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

20 (5) If the restricted driving permit is issued for
21 employment purposes, then the prohibition against driving
22 a vehicle that is not equipped with an ignition interlock
23 device does not apply to the operation of an occupational
24 vehicle owned or leased by that person's employer when used
25 solely for employment purposes.

26 (6) A restricted driving permit issued under this

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

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

18 (e) This Section is subject to the provisions of the Driver
19 License Compact.

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

24 (g) The Secretary of State shall not issue a restricted
25 driving permit to a person under the age of 16 years whose
26 driving privileges have been revoked under any provisions of

1 this Code.

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

12 (i) (Blank).

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

18 (k) An application for a license or permit made following a
19 period of license revocation under this Section must be
20 accompanied by proof of the applicant's participation in a
21 designated driver remedial or rehabilitative program, unless
22 the revocation was the result of a conviction for a violation
23 of Section 11-501 of this Code or a similar provision of a
24 local ordinance or any similar out-of-state offense or Section
25 9-3 of the Criminal Code of 1961, where the use of alcohol or
26 other drugs is recited as an element of the offense, or any

1 similar out-of-state offense, or any combination of these
2 offenses.

3 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
4 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
5 7-1-11; 97-333, eff. 8-12-11.)

6 (625 ILCS 5/6-206)

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

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

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

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

21 3. Has been repeatedly involved as a driver in motor
22 vehicle collisions or has been repeatedly convicted of
23 offenses against laws and ordinances regulating the
24 movement of traffic, to a degree that indicates lack of
25 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

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

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

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

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

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

26 9. Has made a false statement or knowingly concealed a

1 material fact or has used false information or
2 identification in any application for a license,
3 identification card, or permit;

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

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

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

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

23 14. Has committed a violation of Section 6-301,
24 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
25 of the Illinois Identification Card Act;

26 15. Has been convicted of violating Section 21-2 of the

1 Criminal Code of 1961 relating to criminal trespass to
2 vehicles in which case, the suspension shall be for one
3 year;

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

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

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

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

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

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

22 22. Has used a motor vehicle in violating paragraph
23 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
24 the Criminal Code of 1961 relating to unlawful use of
25 weapons, in which case the suspension shall be for one
26 year;

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

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

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

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

18 27. Has violated Section 6-16 of the Liquor Control Act
19 of 1934;

20 28. Has been convicted of the illegal possession, while
21 operating or in actual physical control, as a driver, of a
22 motor vehicle, of any controlled substance prohibited
23 under the Illinois Controlled Substances Act, any cannabis
24 prohibited under the Cannabis Control Act, or any
25 methamphetamine prohibited under the Methamphetamine
26 Control and Community Protection Act, in which case the

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

17 29. Has been convicted of the following offenses that
18 were committed while the person was operating or in actual
19 physical control, as a driver, of a motor vehicle: criminal
20 sexual assault, predatory criminal sexual assault of a
21 child, aggravated criminal sexual assault, criminal sexual
22 abuse, aggravated criminal sexual abuse, juvenile pimping,
23 soliciting for a juvenile prostitute, promoting juvenile
24 prostitution as described in subdivision (a)(1), (a)(2),
25 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,
26 and the manufacture, sale or delivery of controlled

1 substances or instruments used for illegal drug use or
2 abuse in which case the driver's driving privileges shall
3 be suspended for one year;

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

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

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

24 33. Has as a driver, who was less than 21 years of age
25 on the date of the offense, been convicted a first time of
26 a violation of paragraph (a) of Section 11-502 of this Code

1 or a similar provision of a local ordinance;

2 34. Has committed a violation of Section 11-1301.5 of
3 this Code;

4 35. Has committed a violation of Section 11-1301.6 of
5 this Code;

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

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

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

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

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

22 41. Has committed a second or subsequent violation of
23 Section 11-605.1 of this Code, a similar provision of a
24 local ordinance, or a similar violation in any other state
25 within 2 years of the date of the previous violation, in
26 which case the suspension shall be for 90 days;

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

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

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

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

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

1 license.

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

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

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

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

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

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

25 3. At the conclusion of a hearing under Section 2-118
26 of this Code, the Secretary of State shall either rescind

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

1 Those multiple offenders identified in subdivision (b)4 of
2 Section 6-208 of this Code, however, shall not be eligible
3 for the issuance of a restricted driving permit.

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

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

19 (i) a single conviction of violating Section
20 11-501 of this Code or a similar provision of a
21 local ordinance or a similar out-of-state offense
22 or Section 9-3 of the Criminal Code of 1961, where
23 the use of alcohol or other drugs is recited as an
24 element of the offense, or a similar out-of-state
25 offense; or

26 (ii) a statutory summary suspension or

1 revocation under Section 11-501.1; or

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

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

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

20 (E) In each case the Secretary may issue a
21 restricted driving permit for a period deemed
22 appropriate, except that all permits shall expire
23 within one year from the date of issuance. The
24 Secretary may not, however, issue a restricted driving
25 permit to any person whose current revocation is the
26 result of a second or subsequent conviction for a

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

25 (c-3) In the case of a suspension under paragraph 43 of
26 subsection (a), reports received by the Secretary of State

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

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

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

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

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

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

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

9 (g) An application for a license or permit made following a
10 period of license revocation under this Section must be
11 accompanied by proof of the applicant's participation in a
12 designated driver remedial or rehabilitative program, unless
13 the revocation was the result of a conviction for a violation
14 of Section 11-501 of this Code or a similar provision of a
15 local ordinance or any similar out-of-state offense or Section
16 9-3 of the Criminal Code of 1961, where the use of alcohol or
17 other drugs is recited as an element of the offense, or any
18 similar out-of-state offense, or any combination of these
19 offenses.

20 (h) As a condition of reinstatement of a person's license
21 or permit following a suspension under this Section, the person
22 must provide proof of his or her participation in a designated
23 driver remedial or rehabilitative program.

24 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
25 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
26 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,

1 eff. 8-12-11; revised 9-15-11.)