



Rep. Barbara Flynn Currie

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LRB098 15633 MLW 57215 a

1 AMENDMENT TO HOUSE BILL 4076

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4076 by replacing  
3 everything after the enacting clause with the following:

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

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

1 against traffic regulations governing the movement of  
2 vehicles committed within any 12 month period. No  
3 revocation or suspension shall be entered more than 6  
4 months after the date of last conviction;

5 3. Has been repeatedly involved as a driver in motor  
6 vehicle collisions or has been repeatedly convicted of  
7 offenses against laws and ordinances regulating the  
8 movement of traffic, to a degree that indicates lack of  
9 ability to exercise ordinary and reasonable care in the  
10 safe operation of a motor vehicle or disrespect for the  
11 traffic laws and the safety of other persons upon the  
12 highway;

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

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

26 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization  
2 contained in Section 6-203.1, which if committed within  
3 this State would be grounds for suspension or revocation;

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

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

9 9. Has made a false statement or knowingly concealed a  
10 material fact or has used false information or  
11 identification in any application for a license,  
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to  
14 fraudulently use any license, identification card, or  
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of this  
17 State when the person's driving privilege or privilege to  
18 obtain a driver's license or permit was revoked or  
19 suspended unless the operation was authorized by a  
20 monitoring device driving permit, judicial driving permit  
21 issued prior to January 1, 2009, probationary license to  
22 drive, or a restricted driving permit issued under this  
23 Code;

24 12. Has submitted to any portion of the application  
25 process for another person or has obtained the services of  
26 another person to submit to any portion of the application

1 process for the purpose of obtaining a license,  
2 identification card, or permit for some other person;

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

6 14. Has committed a violation of Section 6-301,  
7 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
8 of the Illinois Identification Card Act;

9 15. Has been convicted of violating Section 21-2 of the  
10 Criminal Code of 1961 or the Criminal Code of 2012 relating  
11 to criminal trespass to vehicles in which case, the  
12 suspension shall be for one year;

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

15 17. Has refused to submit to a test, or tests, as  
16 required under Section 11-501.1 of this Code and the person  
17 has not sought a hearing as provided for in Section  
18 11-501.1;

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

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

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

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

5           22. Has used a motor vehicle in violating paragraph  
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
7 the Criminal Code of 1961 or the Criminal Code of 2012  
8 relating to unlawful use of weapons, in which case the  
9 suspension shall be for one year;

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

14          24. Has been convicted by a court-martial or punished  
15 by non-judicial punishment by military authorities of the  
16 United States at a military installation in Illinois of or  
17 for a traffic related offense that is the same as or  
18 similar to an offense specified under Section 6-205 or  
19 6-206 of this Code;

20          25. Has permitted any form of identification to be used  
21 by another in the application process in order to obtain or  
22 attempt to obtain a license, identification card, or  
23 permit;

24          26. Has altered or attempted to alter a license or has  
25 possessed an altered license, identification card, or  
26 permit;

1           27. Has violated Section 6-16 of the Liquor Control Act  
2 of 1934;

3           28. Has been convicted for a first time of the illegal  
4 possession, while operating or in actual physical control,  
5 as a driver, of a motor vehicle, of any controlled  
6 substance prohibited under the Illinois Controlled  
7 Substances Act, any cannabis prohibited under the Cannabis  
8 Control Act, or any methamphetamine prohibited under the  
9 Methamphetamine Control and Community Protection Act, in  
10 which case the person's driving privileges shall be  
11 suspended for one year. Any defendant found guilty of this  
12 offense while operating a motor vehicle, shall have an  
13 entry made in the court record by the presiding judge that  
14 this offense did occur while the defendant was operating a  
15 motor vehicle and order the clerk of the court to report  
16 the violation to the 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 or the Criminal Code of 2012, and the manufacture, sale or

1 delivery of controlled substances or instruments used for  
2 illegal drug use or abuse in which case the driver's  
3 driving privileges shall 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 of this Code or Section 5-16c of the Boat  
10 Registration and Safety Act or has submitted to a test  
11 resulting in an alcohol concentration of 0.08 or more or  
12 any amount of a drug, substance, or compound resulting from  
13 the unlawful use or consumption of cannabis as listed in  
14 the Cannabis Control Act, a controlled substance as listed  
15 in the Illinois Controlled Substances Act, an intoxicating  
16 compound as listed in the Use of Intoxicating Compounds  
17 Act, or methamphetamine as listed in the Methamphetamine  
18 Control and Community Protection Act, in which case the  
19 penalty shall be as prescribed in Section 6-208.1;

20 32. Has been convicted of Section 24-1.2 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 relating  
22 to the aggravated discharge of a firearm if the offender  
23 was located in a motor vehicle at the time the firearm was  
24 discharged, in which case the suspension shall be for 3  
25 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 or a similar provision of a local ordinance;

6 35. Has committed a violation of Section 11-1301.6 of  
7 this Code or a similar provision of a local ordinance;

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 or a similar provision of a  
5 local ordinance;

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

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

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

24 46. Has committed a violation of subsection (j) of  
25 Section 3-413 of this Code; ~~or~~

26 47. Has committed a violation of Section 11-502.1 of

1           this Code; or -

2           48. Has filed a fraudulent income tax return or failed  
3           to pay all or part of any penalty finally determined to be  
4           due for failure to pay the income tax administered by the  
5           Department of Revenue, as shown by a complaint from the  
6           Department of Revenue to the Secretary. Notwithstanding  
7           any other provision of law, this suspension shall remain in  
8           effect until the Department of Revenue notifies the  
9           Secretary that the penalty due has been paid in full,  
10           though the person may be granted a restricted driving  
11           permit under subsection (c) of this Section. The Department  
12           of Revenue shall adopt rules to implement this provision.

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

20           (b) If any conviction forming the basis of a suspension or  
21           revocation authorized under this Section is appealed, the  
22           Secretary of State may rescind or withhold the entry of the  
23           order of suspension or revocation, as the case may be, provided  
24           that a certified copy of a stay order of a court is filed with  
25           the Secretary of State. If the conviction is affirmed on  
26           appeal, the date of the conviction shall relate back to the

1 time the original judgment of conviction was entered and the 6  
2 month limitation prescribed shall not apply.

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

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

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

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

13 Any person who falsely states any fact in the affidavit  
14 required herein shall be guilty of perjury under Section  
15 6-302 and upon conviction thereof shall have all driving  
16 privileges revoked without further rights.

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

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

22 (A) If a person's license or permit is revoked or  
23 suspended due to 2 or more convictions of violating  
24 Section 11-501 of this Code or a similar provision of a  
25 local ordinance or a similar out-of-state offense, or  
26 Section 9-3 of the Criminal Code of 1961 or the

1 Criminal Code of 2012, where the use of alcohol or  
2 other drugs is recited as an element of the offense, or  
3 a similar out-of-state offense, or a combination of  
4 these offenses, arising out of separate occurrences,  
5 that person, if issued a restricted driving permit, may  
6 not operate a vehicle unless it has been equipped with  
7 an ignition interlock device as defined in Section  
8 1-129.1.

9 (B) If 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 or the  
16 Criminal Code of 2012, where the use of alcohol or  
17 other drugs is recited as an element of the  
18 offense, or a similar out-of-state offense; or

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

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

26 (C) The person issued a permit conditioned upon the

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

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

13 (E) In each case the Secretary may issue a  
14 restricted driving permit for a period deemed  
15 appropriate, except that all permits shall expire  
16 within one year from the date of issuance. The  
17 Secretary may not, however, issue a restricted driving  
18 permit to any person whose current revocation is the  
19 result of a second or subsequent conviction for a  
20 violation of Section 11-501 of this Code or a similar  
21 provision of a local ordinance or any similar  
22 out-of-state offense, or Section 9-3 of the Criminal  
23 Code of 1961 or the Criminal Code of 2012, where the  
24 use of alcohol or other drugs is recited as an element  
25 of the offense, or any similar out-of-state offense, or  
26 any combination of those offenses, until the

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

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



1 available to the driver licensing administrator of any other  
2 state, the U.S. Department of Transportation, and the affected  
3 driver or motor carrier or prospective motor carrier upon  
4 request.

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

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

17 (d) This Section is subject to the provisions of the  
18 Drivers License Compact.

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

23 (f) In accordance with 49 C.F.R. 384, the Secretary of  
24 State may not issue a restricted driving permit for the  
25 operation of a commercial motor vehicle to a person holding a  
26 CDL whose driving privileges have been suspended, revoked,

1 cancelled, or disqualified under any provisions of this Code.

2 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;  
3 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;  
4 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.  
5 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)".