



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4206

by Rep. Elaine Nekritz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-205	
625 ILCS 5/6-206	
625 ILCS 5/6-208	from Ch. 95 1/2, par. 6-208
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Provides that certain persons ineligible to re-apply for a license may instead apply for a restricted driving permit after the expiration of 5 years from the effective date of the most recent revocation, provided the person proves by clear and convincing evidence a minimum 3 years of uninterrupted sobriety from alcohol and other drugs and the successful completion of all rehabilitative activity recommended by a properly licensed service provider. Provides that the Secretary of State shall cancel a restricted driving permit issued under the conditions if the holder fails to comply with ignition interlock device requirements and that the person shall be ineligible to re-apply for restricted driving privileges. Provides that a bona fide resident of a foreign jurisdiction who would be eligible for a restricted driving permit under the new provisions if the person were a resident of Illinois may make application for termination of the revocation after a period of 10 years from the effective date of the most recent revocation. Provides that if a person who has been granted a termination of revocation subsequently becomes a resident, the revocation shall be reinstated and the person shall be subject to the provisions concerning the issuance of a restricted driving permit.

LRB098 15145 MLW 50121 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, 6-206, 6-208, and 6-303 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 or the Criminal Code of 2012 arising from the use of a
18 motor vehicle;

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

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

26 13. Violation of paragraph (a) of Section 11-502 of

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

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

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

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

22 17. Violation of subsection (a-2) of Section 11-1301.3
23 of this Code or a similar provision of a local ordinance;

24 18. A second or subsequent conviction of illegal
25 possession, while operating or in actual physical control,
26 as a driver, of a motor vehicle, of any controlled

1 substance prohibited under the Illinois Controlled
2 Substances Act, any cannabis prohibited under the Cannabis
3 Control Act, or any methamphetamine prohibited under the
4 Methamphetamine Control and Community Protection Act. A
5 defendant found guilty of this offense while operating a
6 motor vehicle shall have an entry made in the court record
7 by the presiding judge that this offense did occur while
8 the defendant was operating a motor vehicle and order the
9 clerk of the court to report the violation to the Secretary
10 of State.

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

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

19 2. Of any person when any other law of this State
20 requires either the revocation or suspension of a license
21 or permit;

22 3. Of any person adjudicated under the Juvenile Court
23 Act of 1987 based on an offense determined to have been
24 committed in furtherance of the criminal activities of an
25 organized gang as provided in Section 5-710 of that Act,
26 and that involved the operation or use of a motor vehicle

1 or the use of a driver's license or permit. The revocation
2 shall remain in effect for the period determined by the
3 court. Upon the direction of the court, the Secretary shall
4 issue the person a judicial driving permit, also known as a
5 JDP. The JDP shall be subject to the same terms as a JDP
6 issued under Section 6-206.1, except that the court may
7 direct that a JDP issued under this subdivision (b) (3) be
8 effective immediately.

9 (c) (1) Whenever a person is convicted of any of the
10 offenses enumerated in this Section, the court may recommend
11 and the Secretary of State in his discretion, without regard to
12 whether the recommendation is made by the court may, upon
13 application, issue to the person a restricted driving permit
14 granting the privilege of driving a motor vehicle between the
15 petitioner's residence and petitioner's place of employment or
16 within the scope of the petitioner's employment related duties,
17 or to allow the petitioner to transport himself or herself or a
18 family member of the petitioner's household to a medical
19 facility for the receipt of necessary medical care or to allow
20 the petitioner to transport himself or herself to and from
21 alcohol or drug remedial or rehabilitative activity
22 recommended by a licensed service provider, or to allow the
23 petitioner to transport himself or herself or a family member
24 of the petitioner's household to classes, as a student, at an
25 accredited educational institution, or to allow the petitioner
26 to transport children, elderly persons, or disabled persons who

1 do not hold driving privileges and are living in the
2 petitioner's household to and from daycare; if the petitioner
3 is able to demonstrate that no alternative means of
4 transportation is reasonably available and that the petitioner
5 will not endanger the public safety or welfare; provided that
6 the Secretary's discretion shall be limited to cases where
7 undue hardship, as defined by the rules of the Secretary of
8 State, would result from a failure to issue the restricted
9 driving permit. ~~Those multiple offenders identified in~~
10 ~~subdivision (b)4 of Section 6-208 of this Code, however, shall~~
11 ~~not be eligible for the issuance of a restricted driving~~
12 ~~permit.~~

13 (1.5) If a person is convicted of a combination of 4 or
14 more offenses which include a violation of Section 11-501
15 of this Code or a similar provision of a local ordinance,
16 Section 11-401 of this Code, or Section 9-3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012, or a combination
18 of violations of similar provisions of local ordinances,
19 similar out-of-state offenses, or similar offenses
20 committed on a military installation, the person may make
21 application for a restricted driving permit, at a formal
22 hearing conducted under Section 2-118 of this Code, after
23 the expiration of 5 years from the effective date of the
24 most recent revocation or after the expiration of 5 years
25 from the date of release from a period of imprisonment
26 resulting from a conviction of the most recent offense,

1 whichever is later, provided the person, in addition to all
2 other requirements of the Secretary, shows by clear and
3 convincing evidence:

4 (A) a minimum 3 years of uninterrupted abstinence
5 from alcohol, other drug or drugs, intoxicating
6 compound or compounds, or any combination thereof
7 immediately prior to submitting the application; and

8 (B) the successful completion of all
9 rehabilitative activity recommended by a properly
10 licensed service provider, pursuant to an assessment
11 of the person's alcohol or drug use.

12 In determining whether an applicant is eligible for a
13 restricted driving permit under this paragraph (1.5), the
14 Secretary may consider any relevant evidence, including
15 but not limited to testimony, affidavits, records, and the
16 results of regular alcohol or drug tests.

17 A restricted driving permit issued under this
18 paragraph (1.5) shall provide that the holder may only
19 operate vehicles equipped with an ignition interlock
20 device. The Secretary may cancel a restricted driving
21 permit or amend the conditions of a restricted driving
22 permit issued under this paragraph (1.5) if the holder
23 operates a vehicle that is not equipped with an ignition
24 interlock device, or for any other reason authorized under
25 this Code.

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

12 (3) If:

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

16 (i) a single conviction of violating Section
17 11-501 of this Code or a similar provision of a
18 local ordinance or a similar out-of-state offense,
19 or Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, where the use of alcohol or
21 other drugs is recited as an element of the
22 offense, or a similar out-of-state offense; or

23 (ii) a statutory summary suspension or
24 revocation under Section 11-501.1; or

25 (iii) a suspension pursuant to Section
26 6-203.1;

1 arising out of separate occurrences; or

2 (B) a person has been convicted of one violation of
3 Section 6-303 of this Code committed while his or her
4 driver's license, permit, or privilege was revoked
5 because of a violation of Section 9-3 of the Criminal
6 Code of 1961 or the Criminal Code of 2012, relating to
7 the offense of reckless homicide where the use of
8 alcohol or other drugs was recited as an element of the
9 offense, or a similar provision of a law of another
10 state;

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

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

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

26 (6) In each case the Secretary of State may issue a

1 restricted driving permit for a period he deems
2 appropriate, except that the permit shall expire within one
3 year from the date of issuance. The Secretary may not,
4 however, issue a restricted driving permit to any person
5 whose current revocation is the result of a second or
6 subsequent conviction for a violation of Section 11-501 of
7 this Code or a similar provision of a local ordinance or
8 any similar out-of-state offense, or Section 9-3 of the
9 Criminal Code of 1961 or the Criminal Code of 2012, where
10 the use of alcohol or other drugs is recited as an element
11 of the offense, or any similar out-of-state offense, or any
12 combination of these offenses, until the expiration of at
13 least one year from the date of the revocation. A
14 restricted driving permit issued under this Section shall
15 be subject to cancellation, revocation, and suspension by
16 the Secretary of State in like manner and for like cause as
17 a driver's license issued under this Code may be cancelled,
18 revoked, or suspended; except that a conviction upon one or
19 more offenses against laws or ordinances regulating the
20 movement of traffic shall be deemed sufficient cause for
21 the revocation, suspension, or cancellation of a
22 restricted driving permit. The Secretary of State may, as a
23 condition to the issuance of a restricted driving permit,
24 require the petitioner to participate in a designated
25 driver remedial or rehabilitative program. The Secretary
26 of State is authorized to cancel a restricted driving

1 permit if the permit holder does not successfully complete
2 the program. However, if an individual's driving
3 privileges have been revoked in accordance with paragraph
4 13 of subsection (a) of this Section, no restricted driving
5 permit shall be issued until the individual has served 6
6 months of the revocation period.

7 (c-5) (Blank).

8 (c-6) If a person is convicted of a second violation of
9 operating a motor vehicle while the person's driver's license,
10 permit or privilege was revoked, where the revocation was for a
11 violation of Section 9-3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012 relating to the offense of reckless
13 homicide or a similar out-of-state offense, the person's
14 driving privileges shall be revoked pursuant to subdivision
15 (a) (15) of this Section. The person may not make application
16 for a license or permit until the expiration of five years from
17 the effective date of the revocation or the expiration of five
18 years from the date of release from a term of imprisonment,
19 whichever is later.

20 (c-7) If a person is convicted of a third or subsequent
21 violation of operating a motor vehicle while the person's
22 driver's license, permit or privilege was revoked, where the
23 revocation was for a violation of Section 9-3 of the Criminal
24 Code of 1961 or the Criminal Code of 2012 relating to the
25 offense of reckless homicide or a similar out-of-state offense,
26 the person may never apply for a license or permit.

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

19 (2) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense, or Section 9-3
23 of the Criminal Code of 1961 or the Criminal Code of 2012,
24 where the use of alcohol or other drugs is recited as an
25 element of the offense, or a similar out-of-state offense,
26 or a combination of these offenses, arising out of separate

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

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

8 (A) a single conviction of violating Section
9 11-501 of this Code or a similar provision of a local
10 ordinance or a similar out-of-state offense, or
11 Section 9-3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, where the use of alcohol or
13 other drugs is recited as an element of the offense, or
14 a similar out-of-state offense; or

15 (B) a statutory summary suspension or revocation
16 under Section 11-501.1; or

17 (C) a suspension pursuant to Section 6-203.1;

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

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

1 fees.

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

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

17 (d-5) The revocation of the license, permit, or driving
18 privileges of a person convicted of a third or subsequent
19 violation of Section 6-303 of this Code committed while his or
20 her driver's license, permit, or privilege was revoked because
21 of a violation of Section 9-3 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, relating to the offense of reckless
23 homicide, or a similar provision of a law of another state, is
24 permanent. The Secretary may not, at any time, issue a license
25 or permit to that person.

26 (e) This Section is subject to the provisions of the Driver

1 License Compact.

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

6 (g) The Secretary of State shall not issue a restricted
7 driving permit to a person under the age of 16 years whose
8 driving privileges have been revoked under any provisions of
9 this Code.

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

20 (i) (Blank).

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

26 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;

1 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
2 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.
3 1-1-13; 97-1150, eff. 1-25-13.)

4 (625 ILCS 5/6-206)

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

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

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

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

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

1 highway;

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

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

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

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

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

24 9. Has made a false statement or knowingly concealed a
25 material fact or has used false information or
26 identification in any application for a license,

1 identification card, or permit;

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

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

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

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

21 14. Has committed a violation of Section 6-301,
22 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
23 of the Illinois Identification Card Act;

24 15. Has been convicted of violating Section 21-2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 relating
26 to criminal trespass to vehicles in which case, the

1 suspension shall be for one year;

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

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

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

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

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

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

20 22. Has used a motor vehicle in violating paragraph
21 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
22 the Criminal Code of 1961 or the Criminal Code of 2012
23 relating to unlawful use of weapons, in which case the
24 suspension shall be for one year;

25 23. Has, as a driver, been convicted of committing a
26 violation of paragraph (a) of Section 11-502 of this Code

1 for a second or subsequent time within one year of a
2 similar violation;

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

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

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

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

18 28. Has been convicted for a first time of the illegal
19 possession, while operating or in actual physical control,
20 as a driver, of a motor vehicle, of any controlled
21 substance prohibited under the Illinois Controlled
22 Substances Act, any cannabis prohibited under the Cannabis
23 Control Act, or any methamphetamine prohibited under the
24 Methamphetamine Control and Community Protection Act, in
25 which case the person's driving privileges shall be
26 suspended for one year. Any defendant found guilty of this

1 offense while operating a motor vehicle, shall have an
2 entry made in the court record by the presiding judge that
3 this offense did occur while the defendant was operating a
4 motor vehicle and order the clerk of the court to report
5 the violation to the Secretary of State;

6 29. Has been convicted of the following offenses that
7 were committed while the person was operating or in actual
8 physical control, as a driver, of a motor vehicle: criminal
9 sexual assault, predatory criminal sexual assault of a
10 child, aggravated criminal sexual assault, criminal sexual
11 abuse, aggravated criminal sexual abuse, juvenile pimping,
12 soliciting for a juvenile prostitute, promoting juvenile
13 prostitution as described in subdivision (a)(1), (a)(2),
14 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961
15 or the Criminal Code of 2012, and the manufacture, sale or
16 delivery of controlled substances or instruments used for
17 illegal drug use or abuse in which case the driver's
18 driving privileges shall be suspended for one year;

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

23 31. Has refused to submit to a test as required by
24 Section 11-501.6 of this Code or Section 5-16c of the Boat
25 Registration and Safety Act or has submitted to a test
26 resulting in an alcohol concentration of 0.08 or more or

1 any amount of a drug, substance, or compound resulting from
2 the unlawful use or consumption of cannabis as listed in
3 the Cannabis Control Act, a controlled substance as listed
4 in the Illinois Controlled Substances Act, an intoxicating
5 compound as listed in the Use of Intoxicating Compounds
6 Act, or methamphetamine as listed in the Methamphetamine
7 Control and Community Protection Act, in which case the
8 penalty shall be as prescribed in Section 6-208.1;

9 32. Has been convicted of Section 24-1.2 of the
10 Criminal Code of 1961 or the Criminal Code of 2012 relating
11 to the aggravated discharge of a firearm if the offender
12 was located in a motor vehicle at the time the firearm was
13 discharged, in which case the suspension shall be for 3
14 years;

15 33. Has as a driver, who was less than 21 years of age
16 on the date of the offense, been convicted a first time of
17 a violation of paragraph (a) of Section 11-502 of this Code
18 or a similar provision of a local ordinance;

19 34. Has committed a violation of Section 11-1301.5 of
20 this Code or a similar provision of a local ordinance;

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

23 36. Is under the age of 21 years at the time of arrest
24 and has been convicted of not less than 2 offenses against
25 traffic regulations governing the movement of vehicles
26 committed within any 24 month period. No revocation or

1 suspension shall be entered more than 6 months after the
2 date of last conviction;

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

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

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

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

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

18 42. Has committed a violation of subsection (a-1) of
19 Section 11-1301.3 of this Code or a similar provision of a
20 local ordinance;

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

26 44. Is under the age of 21 years at the time of arrest

1 and has been convicted of an offense against traffic
2 regulations governing the movement of vehicles after
3 having previously had his or her driving privileges
4 suspended or revoked pursuant to subparagraph 36 of this
5 Section;

6 45. Has, in connection with or during the course of a
7 formal hearing conducted under Section 2-118 of this Code:

8 (i) committed perjury; (ii) submitted fraudulent or
9 falsified documents; (iii) submitted documents that have
10 been materially altered; or (iv) submitted, as his or her
11 own, documents that were in fact prepared or composed for
12 another person;

13 46. Has committed a violation of subsection (j) of
14 Section 3-413 of this Code; or

15 47. Has committed a violation of Section 11-502.1 of
16 this Code.

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

24 (b) If any conviction forming the basis of a suspension or
25 revocation authorized under this Section is appealed, the
26 Secretary of State may rescind or withhold the entry of the

1 order of suspension or revocation, as the case may be, provided
2 that a certified copy of a stay order of a court is filed with
3 the Secretary of State. If the conviction is affirmed on
4 appeal, the date of the conviction shall relate back to the
5 time the original judgment of conviction was entered and the 6
6 month limitation prescribed shall not apply.

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

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

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

14 The provisions of this subparagraph shall not apply to
15 any driver required to possess a CDL for the purpose of
16 operating a commercial motor vehicle.

17 Any person who falsely states any fact in the affidavit
18 required herein shall be guilty of perjury under Section
19 6-302 and upon conviction thereof shall have all driving
20 privileges revoked without further rights.

21 3. At the conclusion of a hearing under Section 2-118
22 of this Code, the Secretary of State shall either rescind
23 or continue an order of revocation or shall substitute an
24 order of suspension; or, good cause appearing therefor,
25 rescind, continue, change, or extend the order of
26 suspension. If the Secretary of State does not rescind the

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

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

1 suspended due to 2 or more convictions of violating
2 Section 11-501 of this Code or a similar provision of a
3 local ordinance or a similar out-of-state offense, or
4 Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012, where the use of alcohol or
6 other drugs is recited as an element of the offense, or
7 a similar out-of-state offense, or a combination of
8 these offenses, arising out of separate occurrences,
9 that person, if issued a restricted driving permit, may
10 not operate a vehicle unless it has been equipped with
11 an ignition interlock device as defined in Section
12 1-129.1.

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

16 (i) a single conviction of violating Section
17 11-501 of this Code or a similar provision of a
18 local ordinance or a similar out-of-state offense
19 or Section 9-3 of the Criminal Code of 1961 or the
20 Criminal Code of 2012, where the use of alcohol or
21 other drugs is recited as an element of the
22 offense, or a similar out-of-state offense; or

23 (ii) a statutory summary suspension or
24 revocation under Section 11-501.1; or

25 (iii) a suspension under Section 6-203.1;
26 arising out of separate occurrences; that person, if

1 issued a restricted driving permit, may not operate a
2 vehicle unless it has been equipped with an ignition
3 interlock device as defined in Section 1-129.1.

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

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

17 (E) In each case the Secretary may issue a
18 restricted driving permit for a period deemed
19 appropriate, except that all permits shall expire
20 within one year from the date of issuance. The
21 Secretary may not, however, issue a restricted driving
22 permit to any person whose current revocation is the
23 result of a second or subsequent conviction for a
24 violation of Section 11-501 of this Code or a similar
25 provision of a local ordinance or any similar
26 out-of-state offense, or Section 9-3 of the Criminal

1 Code of 1961 or the Criminal Code of 2012, where the
2 use of alcohol or other drugs is recited as an element
3 of the offense, or any similar out-of-state offense, or
4 any combination of those offenses, until the
5 expiration of at least one year from the date of the
6 revocation. A restricted driving permit issued under
7 this Section shall be subject to cancellation,
8 revocation, and suspension by the Secretary of State in
9 like manner and for like cause as a driver's license
10 issued under this Code may be cancelled, revoked, or
11 suspended; except that a conviction upon one or more
12 offenses against laws or ordinances regulating the
13 movement of traffic shall be deemed sufficient cause
14 for the revocation, suspension, or cancellation of a
15 restricted driving permit. The Secretary of State may,
16 as a condition to the issuance of a restricted driving
17 permit, require the applicant to participate in a
18 designated driver remedial or rehabilitative program.
19 The Secretary of State is authorized to cancel a
20 restricted driving permit if the permit holder does not
21 successfully complete the program.

22 (F) If a person is convicted of a combination of 4
23 or more offenses which include a violation of Section
24 11-501 of this Code or a similar provision of a local
25 ordinance, Section 11-401 of this Code, or Section 9-3
26 of the Criminal Code of 1961 or the Criminal Code of

1 2012, or a combination of violations of similar
2 provisions of local ordinances, similar out-of-state
3 offenses, or similar offenses committed on a military
4 installation, the person may make application for a
5 restricted driving permit, at a formal hearing
6 conducted under Section 2-118 of this Code, after the
7 expiration of 5 years from the effective date of the
8 most recent revocation or after the expiration of 5
9 years from the date of release from a period of
10 imprisonment resulting from a conviction of the most
11 recent offense, whichever is later, provided the
12 person, in addition to all other requirements of the
13 Secretary, shows by clear and convincing evidence:

14 (i) a minimum 3 years of uninterrupted
15 abstinence from alcohol, other drug or drugs,
16 intoxicating compound or compounds, or any
17 combination thereof immediately prior to
18 submitting the application; and

19 (ii) the successful completion of all
20 rehabilitative activity recommended by a properly
21 licensed service provider, pursuant to an
22 assessment of the person's alcohol or drug use.

23 In determining whether an applicant is eligible
24 for a restricted driving permit under this
25 subparagraph (F), the Secretary may consider any
26 relevant evidence, including but not limited to

1 testimony, affidavits, records, and the results of
2 regular alcohol or drug tests.

3 A restricted driving permit issued under this
4 subparagraph (F) shall provide that the holder may only
5 operate vehicles equipped with an ignition interlock
6 device. The Secretary may cancel a restricted driving
7 permit or amend the conditions of a restricted driving
8 permit issued under this subparagraph (F) if the holder
9 operates a vehicle that is not equipped with an
10 ignition interlock device, or for any other reason
11 authorized under this Code.

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

25 (c-4) In the case of a suspension under paragraph 43 of
26 subsection (a), the Secretary of State shall notify the person

1 by mail that his or her driving privileges and driver's license
2 will be suspended one month after the date of the mailing of
3 the notice.

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

11 (d) This Section is subject to the provisions of the
12 Drivers License Compact.

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

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

22 (Source: P.A. 97-229, eff. 7-28-11; 97-333, eff. 8-12-11;
23 97-743, eff. 1-1-13; 97-838, eff. 1-1-13; 97-844, eff. 1-1-13;
24 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-103, eff.
25 1-1-14; 98-122, eff. 1-1-14; revised 9-19-13.)

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

2 Sec. 6-208. Period of Suspension - Application After
3 Revocation.

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

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

16 1. Except as provided in subparagraphs 1.5, 2, 3, 4,
17 and 5, the person may make application for a license (A)
18 after the expiration of one year from the effective date of
19 the revocation, (B) in the case of a violation of paragraph
20 (b) of Section 11-401 of this Code or a similar provision
21 of a local ordinance, after the expiration of 3 years from
22 the effective date of the revocation, or (C) in the case of
23 a violation of Section 9-3 of the Criminal Code of 1961 or
24 the Criminal Code of 2012 or a similar provision of a law
25 of another state relating to the offense of reckless
26 homicide or a violation of subparagraph (F) of paragraph 1

1 of subsection (d) of Section 11-501 of this Code relating
2 to aggravated driving under the influence of alcohol, other
3 drug or drugs, intoxicating compound or compounds, or any
4 combination thereof, if the violation was the proximate
5 cause of a death, after the expiration of 2 years from the
6 effective date of the revocation or after the expiration of
7 24 months from the date of release from a period of
8 imprisonment as provided in Section 6-103 of this Code,
9 whichever is later.

10 1.5. If the person is convicted of a violation of
11 Section 6-303 of this Code committed while his or her
12 driver's license, permit, or privilege was revoked because
13 of a violation of Section 9-3 of the Criminal Code of 1961
14 or the Criminal Code of 2012, relating to the offense of
15 reckless homicide, or a similar provision of a law of
16 another state, the person may not make application for a
17 license or permit until the expiration of 3 years from the
18 date of the conviction.

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

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

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

25 (C) Section 9-3 of the Criminal Code of 1961 or the
26 Criminal Code of 2012, relating to the offense of

1 reckless homicide; or

2 (D) any combination of the above offenses
3 committed at different instances;

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

11 2.5. If a person is convicted of a second violation of
12 Section 6-303 of this Code committed while the person's
13 driver's license, permit, or privilege was revoked because
14 of a violation of Section 9-3 of the Criminal Code of 1961
15 or the Criminal Code of 2012, relating to the offense of
16 reckless homicide, or a similar provision of a law of
17 another state, the person may not make application for a
18 license or permit until the expiration of 5 years from the
19 date of release from a term of imprisonment.

20 3. However, except as provided in subparagraph 4, if
21 such person is convicted of committing a third ~~or~~
22 ~~subsequent~~ violation or any combination of the above
23 offenses, including similar out-of-state offenses and
24 similar offenses committed on a military installation,
25 contained in subparagraph 2, then such person may not make
26 application for a license until after the expiration of 10

1 years from the effective date of the most recent
2 revocation.

3 4. Except as provided in paragraph (1.5) of subsection
4 (c) of Section 6-205 and subparagraph (F) of paragraph (3)
5 of subsection (c) of Section 6-206 of this Code, the ~~The~~
6 person may not make application for a license if the person
7 is convicted of committing a fourth or subsequent violation
8 of Section 11-501 of this Code or a similar provision of a
9 local ordinance, Section 11-401 of this Code, Section 9-3
10 of the Criminal Code of 1961 or the Criminal Code of 2012,
11 or a combination of these offenses, similar provisions of
12 local ordinances, similar out-of-state offenses, or
13 similar offenses committed on a military installation.

14 4.5. A bona fide resident of a foreign jurisdiction who
15 is subject to the provisions of subparagraph 4 of this
16 subsection (b) may make application for termination of the
17 revocation after a period of 10 years from the effective
18 date of the most recent revocation. However, if a person
19 who has been granted a termination of revocation under this
20 subparagraph 4.5 subsequently becomes a resident of this
21 State, the revocation shall be reinstated and the person
22 shall be subject to the provisions of subparagraph 4.

23 5. The person may not make application for a license or
24 permit if the person is convicted of a third or subsequent
25 violation of Section 6-303 of this Code committed while his
26 or her driver's license, permit, or privilege was revoked

1 because of a violation of Section 9-3 of the Criminal Code
2 of 1961 or the Criminal Code of 2012, relating to the
3 offense of reckless homicide, or a similar provision of a
4 law of another state.

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

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

16 (c) (Blank).

17 (Source: P.A. 96-607, eff. 8-24-09; 97-1150, eff. 1-25-13.)

18 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

21 (a) Except as otherwise provided in subsection (a-5), any
22 person who drives or is in actual physical control of a motor
23 vehicle on any highway of this State at a time when such
24 person's driver's license, permit or privilege to do so or the
25 privilege to obtain a driver's license or permit is revoked or

1 suspended as provided by this Code or the law of another state,
2 except as may be specifically allowed by a judicial driving
3 permit issued prior to January 1, 2009, monitoring device
4 driving permit, family financial responsibility driving
5 permit, probationary license to drive, or a restricted driving
6 permit issued pursuant to this Code or under the law of another
7 state, shall be guilty of a Class A misdemeanor.

8 (a-3) A second or subsequent violation of subsection (a) of
9 this Section is a Class 4 felony if committed by a person whose
10 driving or operation of a motor vehicle is the proximate cause
11 of a motor vehicle accident that causes personal injury or
12 death to another. For purposes of this subsection, a personal
13 injury includes any Type A injury as indicated on the traffic
14 accident report completed by a law enforcement officer that
15 requires immediate professional attention in either a doctor's
16 office or a medical facility. A Type A injury includes severe
17 bleeding wounds, distorted extremities, and injuries that
18 require the injured party to be carried from the scene.

19 (a-5) Any person who violates this Section as provided in
20 subsection (a) while his or her driver's license, permit or
21 privilege is revoked because of a violation of Section 9-3 of
22 the Criminal Code of 1961 or the Criminal Code of 2012,
23 relating to the offense of reckless homicide or a similar
24 provision of a law of another state, is guilty of a Class 4
25 felony. The person shall be required to undergo a professional
26 evaluation, as provided in Section 11-501 of this Code, to

1 determine if an alcohol, drug, or intoxicating compound problem
2 exists and the extent of the problem, and to undergo the
3 imposition of treatment as appropriate.

4 (a-10) A person's driver's license, permit, or privilege to
5 obtain a driver's license or permit may be subject to multiple
6 revocations, multiple suspensions, or any combination of both
7 simultaneously. No revocation or suspension shall serve to
8 negate, invalidate, cancel, postpone, or in any way lessen the
9 effect of any other revocation or suspension entered prior or
10 subsequent to any other revocation or suspension.

11 (b) (Blank).

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

25 (b-2) Except as provided in subsection (b-6), upon
26 receiving a report of the conviction of any violation

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

10 (b-3) (Blank).

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

19 (b-5) Any person convicted of violating this Section shall
20 serve a minimum term of imprisonment of 30 consecutive days or
21 300 hours of community service when the person's driving
22 privilege was revoked or suspended as a result of a violation
23 of Section 9-3 of the Criminal Code of 1961 or the Criminal
24 Code of 2012, relating to the offense of reckless homicide, or
25 a similar provision of a law of another state.

26 (b-6) Upon receiving a report of a first conviction of

1 operating a motor vehicle while the person's driver's license,
2 permit or privilege was revoked where the revocation was for a
3 violation of Section 9-3 of the Criminal Code of 1961 or the
4 Criminal Code of 2012 relating to the offense of reckless
5 homicide or a similar out-of-state offense, the Secretary shall
6 not issue a driver's license for an additional period of three
7 years from the date of such conviction.

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

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

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

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

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

26 (c-1) Except as provided in subsections (c-5) and (d), any

1 person convicted of a second violation of this Section shall be
2 ordered by the court to serve a minimum of 100 hours of
3 community service.

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

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

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

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

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

24 (c-5) Any person convicted of a second violation of this
25 Section is guilty of a Class 2 felony, is not eligible for
26 probation or conditional discharge, and shall serve a mandatory

1 term of imprisonment, if:

2 (1) the current violation occurred when the person's
3 driver's license was suspended or revoked for a violation
4 of Section 9-3 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, relating to the offense of reckless homicide,
6 or a similar out-of-state offense; and

7 (2) the prior conviction under this Section occurred
8 while the person's driver's license was suspended or
9 revoked for a violation of Section 9-3 of the Criminal Code
10 of 1961 or the Criminal Code of 2012 relating to the
11 offense of reckless homicide, or a similar out-of-state
12 offense, or was suspended or revoked for a violation of
13 Section 11-401 or 11-501 of this Code, a similar
14 out-of-state offense, a similar provision of a local
15 ordinance, or a statutory summary suspension or revocation
16 under Section 11-501.1 of this Code.

17 (d) Any person convicted of a second violation of this
18 Section shall be guilty of a Class 4 felony and shall serve a
19 minimum term of imprisonment of 30 days or 300 hours of
20 community service, as determined by the court, if:

21 (1) the current violation occurred when the person's
22 driver's license was suspended or revoked for a violation
23 of Section 11-401 or 11-501 of this Code, a similar
24 out-of-state offense, a similar provision of a local
25 ordinance, or a statutory summary suspension or revocation
26 under Section 11-501.1 of this Code; and

1 (2) the prior conviction under this Section occurred
2 while the person's driver's license was suspended or
3 revoked for a violation of Section 11-401 or 11-501 of this
4 Code, a similar out-of-state offense, a similar provision
5 of a local ordinance, or a statutory summary suspension or
6 revocation under Section 11-501.1 of this Code, or for a
7 violation of Section 9-3 of the Criminal Code of 1961 or
8 the Criminal Code of 2012, relating to the offense of
9 reckless homicide, or a similar out-of-state offense.

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

15 (d-2) Any person convicted of a third violation of this
16 Section is guilty of a Class 4 felony and must serve a minimum
17 term of imprisonment of 30 days, if:

18 (1) the current violation occurred when the person's
19 driver's license was suspended or revoked for a violation
20 of Section 11-401 or 11-501 of this Code, or a similar
21 out-of-state offense, or a similar provision of a local
22 ordinance, or a statutory summary suspension or revocation
23 under Section 11-501.1 of this Code; and

24 (2) the prior convictions under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 11-401 or 11-501 of this

1 Code, a similar out-of-state offense, a similar provision
2 of a local ordinance, or a statutory summary suspension or
3 revocation under Section 11-501.1 of this Code, or for a
4 violation of Section 9-3 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, relating to the offense of
6 reckless homicide, or a similar out-of-state offense.

7 (d-2.5) Any person convicted of a third violation of this
8 Section is guilty of a Class 1 felony, is not eligible for
9 probation or conditional discharge, and must serve a mandatory
10 term of imprisonment, if:

11 (1) the current violation occurred while the person's
12 driver's license was suspended or revoked for a violation
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, relating to the offense of reckless homicide,
15 or a similar out-of-state offense. The person's driving
16 privileges shall be revoked for the remainder of the
17 person's life; and

18 (2) the prior convictions under this Section occurred
19 while the person's driver's license was suspended or
20 revoked for a violation of Section 9-3 of the Criminal Code
21 of 1961 or the Criminal Code of 2012, relating to the
22 offense of reckless homicide, or a similar out-of-state
23 offense, or was suspended or revoked for a violation of
24 Section 11-401 or 11-501 of this Code, a similar
25 out-of-state offense, a similar provision of a local
26 ordinance, or a statutory summary suspension or revocation

1 under Section 11-501.1 of this Code.

2 (d-3) Any person convicted of a fourth, fifth, sixth,
3 seventh, eighth, or ninth violation of this Section is guilty
4 of a Class 4 felony and must serve a minimum term of
5 imprisonment of 180 days, if:

6 (1) the current violation occurred when the person's
7 driver's license was suspended or revoked for a violation
8 of Section 11-401 or 11-501 of this Code, a similar
9 out-of-state offense, a similar provision of a local
10 ordinance, or a statutory summary suspension or revocation
11 under Section 11-501.1 of this Code; and

12 (2) the prior convictions under this Section occurred
13 while the person's driver's license was suspended or
14 revoked for a violation of Section 11-401 or 11-501 of this
15 Code, a similar out-of-state offense, a similar provision
16 of a local ordinance, or a statutory summary suspension or
17 revocation under Section 11-501.1 of this Code, or for a
18 violation of Section 9-3 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, relating to the offense of
20 reckless homicide, or a similar out-of-state offense.

21 (d-3.5) Any person convicted of a fourth or subsequent
22 violation of this Section is guilty of a Class 1 felony, is not
23 eligible for probation or conditional discharge, and must serve
24 a mandatory term of imprisonment, and is eligible for an
25 extended term, if:

26 (1) the current violation occurred when the person's

1 driver's license was suspended or revoked for a violation
2 of Section 9-3 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, relating to the offense of reckless homicide,
4 or a similar out-of-state offense; and

5 (2) the prior convictions under this Section occurred
6 while the person's driver's license was suspended or
7 revoked for a violation of Section 9-3 of the Criminal Code
8 of 1961 or the Criminal Code of 2012, relating to the
9 offense of reckless homicide, or a similar out-of-state
10 offense, or was suspended or revoked for a violation of
11 Section 11-401 or 11-501 of this Code, a similar
12 out-of-state offense, a similar provision of a local
13 ordinance, or a statutory summary suspension or revocation
14 under Section 11-501.1 of this Code.

15 (d-4) Any person convicted of a tenth, eleventh, twelfth,
16 thirteenth, or fourteenth violation of this Section is guilty
17 of a Class 3 felony, and is not eligible for probation or
18 conditional discharge, if:

19 (1) the current violation occurred when the person's
20 driver's license was suspended or revoked for a violation
21 of Section 11-401 or 11-501 of this Code, or a similar
22 out-of-state offense, or a similar provision of a local
23 ordinance, or a statutory summary suspension or revocation
24 under Section 11-501.1 of this Code; and

25 (2) the prior convictions under this Section occurred
26 while the person's driver's license was suspended or

1 revoked for a violation of Section 11-401 or 11-501 of this
2 Code, a similar out-of-state offense, a similar provision
3 of a local ordinance, or a statutory suspension or
4 revocation under Section 11-501.1 of this Code, or for a
5 violation of Section 9-3 of the Criminal Code of 1961 or
6 the Criminal Code of 2012, relating to the offense of
7 reckless homicide, or a similar out-of-state offense.

8 (d-5) Any person convicted of a fifteenth or subsequent
9 violation of this Section is guilty of a Class 2 felony, and is
10 not eligible for probation or conditional discharge, if:

11 (1) the current violation occurred when the person's
12 driver's license was suspended or revoked for a violation
13 of Section 11-401 or 11-501 of this Code, or a similar
14 out-of-state offense, or a similar provision of a local
15 ordinance, or a statutory summary suspension or revocation
16 under Section 11-501.1 of this Code; and

17 (2) the prior convictions under this Section occurred
18 while the person's driver's license was suspended or
19 revoked for a violation of Section 11-401 or 11-501 of this
20 Code, a similar out-of-state offense, a similar provision
21 of a local ordinance, or a statutory summary suspension or
22 revocation under Section 11-501.1 of this Code, or for a
23 violation of Section 9-3 of the Criminal Code of 1961 or
24 the Criminal Code of 2012, relating to the offense of
25 reckless homicide, or a similar out-of-state offense.

26 (e) Any person in violation of this Section who is also in

1 violation of Section 7-601 of this Code relating to mandatory
2 insurance requirements, in addition to other penalties imposed
3 under this Section, shall have his or her motor vehicle
4 immediately impounded by the arresting law enforcement
5 officer. The motor vehicle may be released to any licensed
6 driver upon a showing of proof of insurance for the vehicle
7 that was impounded and the notarized written consent for the
8 release by the vehicle owner.

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

12 (g) The motor vehicle used in a violation of this Section
13 is subject to seizure and forfeiture as provided in Sections
14 36-1 and 36-2 of the Criminal Code of 2012 if the person's
15 driving privilege was revoked or suspended as a result of:

16 (1) a violation of Section 11-501 of this Code, a
17 similar provision of a local ordinance, or a similar
18 provision of a law of another state;

19 (2) a violation of paragraph (b) of Section 11-401 of
20 this Code, a similar provision of a local ordinance, or a
21 similar provision of a law of another state;

22 (3) a statutory summary suspension or revocation under
23 Section 11-501.1 of this Code or a similar provision of a
24 law of another state; or

25 (4) a violation of Section 9-3 of the Criminal Code of
26 1961 or the Criminal Code of 2012 relating to the offense

1 of reckless homicide, or a similar provision of a law of
2 another state.

3 (Source: P.A. 97-984, eff. 1-1-13; 97-1150, eff. 1-25-13;
4 98-285, eff. 1-1-14; 98-418, eff. 8-16-13; 98-573, eff.
5 8-27-13; revised 9-19-13.)