

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 6-303 as follows:

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

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

9 (a) Except as otherwise provided in subsection (a-5), any
10 person who drives or is in actual physical control of a motor
11 vehicle on any highway of this State at a time when such
12 person's driver's license, permit or privilege to do so or the
13 privilege to obtain a driver's license or permit is revoked or
14 suspended as provided by this Code or the law of another state,
15 except as may be specifically allowed by a judicial driving
16 permit issued prior to January 1, 2009, monitoring device
17 driving permit, family financial responsibility driving
18 permit, probationary license to drive, or a restricted driving
19 permit issued pursuant to this Code or under the law of another
20 state, shall be guilty of a Class A misdemeanor.

21 (a-3) A second or subsequent violation of subsection (a) of
22 this Section is a Class 4 felony if committed by a person whose
23 driving or operation of a motor vehicle is the proximate cause

1 of a motor vehicle accident that causes personal injury or
2 death to another. For purposes of this subsection, a personal
3 injury includes any Type A injury as indicated on the traffic
4 accident report completed by a law enforcement officer that
5 requires immediate professional attention in either a doctor's
6 office or a medical facility. A Type A injury includes severe
7 bleeding wounds, distorted extremities, and injuries that
8 require the injured party to be carried from the scene.

9 (a-5) Any person who violates this Section as provided in
10 subsection (a) while his or her driver's license, permit or
11 privilege is revoked because of a violation of Section 9-3 of
12 the Criminal Code of 1961 or the Criminal Code of 2012,
13 relating to the offense of reckless homicide or a similar
14 provision of a law of another state, is guilty of a Class 4
15 felony. The person shall be required to undergo a professional
16 evaluation, as provided in Section 11-501 of this Code, to
17 determine if an alcohol, drug, or intoxicating compound problem
18 exists and the extent of the problem, and to undergo the
19 imposition of treatment as appropriate.

20 (b) (Blank).

21 (b-1) Upon receiving a report of the conviction of any
22 violation indicating a person was operating a motor vehicle
23 during the time when the person's driver's license, permit or
24 privilege was suspended by the Secretary of State or the
25 driver's licensing administrator of another state, except as
26 specifically allowed by a probationary license, judicial

1 driving permit, restricted driving permit or monitoring device
2 driving permit the Secretary shall extend the suspension for
3 the same period of time as the originally imposed suspension
4 unless the suspension has already expired, in which case the
5 Secretary shall be authorized to suspend the person's driving
6 privileges for the same period of time as the originally
7 imposed suspension.

8 (b-2) Except as provided in subsection (b-6), upon
9 receiving a report of the conviction of any violation
10 indicating a person was operating a motor vehicle when the
11 person's driver's license, permit or privilege was revoked by
12 the Secretary of State or the driver's license administrator of
13 any other state, except as specifically allowed by a restricted
14 driving permit issued pursuant to this Code or the law of
15 another state, the Secretary shall not issue a driver's license
16 for an additional period of one year from the date of such
17 conviction indicating such person was operating a vehicle
18 during such period of revocation.

19 (b-3) (Blank).

20 (b-4) When the Secretary of State receives a report of a
21 conviction of any violation indicating a person was operating a
22 motor vehicle that was not equipped with an ignition interlock
23 device during a time when the person was prohibited from
24 operating a motor vehicle not equipped with such a device, the
25 Secretary shall not issue a driver's license to that person for
26 an additional period of one year from the date of the

1 conviction.

2 (b-5) Any person convicted of violating this Section shall
3 serve a minimum term of imprisonment of 30 consecutive days or
4 300 hours of community service when the person's driving
5 privilege was revoked or suspended as a result of a violation
6 of Section 9-3 of the Criminal Code of 1961 or the Criminal
7 Code of 2012, relating to the offense of reckless homicide, or
8 a similar provision of a law of another state.

9 (b-6) Upon receiving a report of a first conviction of
10 operating a motor vehicle while the person's driver's license,
11 permit or privilege was revoked where the revocation was for a
12 violation of Section 9-3 of the Criminal Code of 1961 or the
13 Criminal Code of 2012 relating to the offense of reckless
14 homicide or a similar out-of-state offense, the Secretary shall
15 not issue a driver's license for an additional period of three
16 years from the date of such conviction.

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

22 (1) a violation of Section 11-501 of this Code or a
23 similar provision of a local ordinance relating to the
24 offense of operating or being in physical control of a
25 vehicle while under the influence of alcohol, any other
26 drug or any combination thereof; or

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

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

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

9 (c-1) Except as provided in subsections (c-5) and (d), any
10 person convicted of a second violation of this Section shall be
11 ordered by the court to serve a minimum of 100 hours of
12 community service.

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

16 (1) Seizure of the license plates of the person's
17 vehicle.

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

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

25 (c-4) Any person who has been issued a MDDP and who is
26 convicted of a violation of this Section as a result of

1 operating or being in actual physical control of a motor
2 vehicle not equipped with an ignition interlock device at the
3 time of the offense shall be guilty of a Class 4 felony and
4 shall serve a minimum term of imprisonment of 30 days.

5 (c-5) Any person convicted of a second violation of this
6 Section is guilty of a Class 2 felony, is not eligible for
7 probation or conditional discharge, and shall serve a mandatory
8 term of imprisonment, if the revocation or suspension was for a
9 violation of Section 9-3 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, relating to the offense of reckless
11 homicide, or a similar out-of-state offense.

12 (d) Any person convicted of a second violation of this
13 Section shall be guilty of a Class 4 felony and shall serve a
14 minimum term of imprisonment of 30 days or 300 hours of
15 community service, as determined by the court, if the original
16 revocation or suspension was for a violation of Section 11-401
17 or 11-501 of this Code, or a similar out-of-state offense, or a
18 similar provision of a local ordinance, or a statutory summary
19 suspension or revocation under Section 11-501.1 of this Code.

20 (d-1) Except as provided in subsections (d-2), (d-2.5), and
21 (d-3), any person convicted of a third or subsequent violation
22 of this Section shall serve a minimum term of imprisonment of
23 30 days or 300 hours of community service, as determined by the
24 court.

25 (d-2) Any person convicted of a third violation of this
26 Section is guilty of a Class 4 felony and must serve a minimum

1 term of imprisonment of 30 days if the revocation or suspension
2 was for a violation of Section 11-401 or 11-501 of this Code,
3 or a similar out-of-state offense, or a similar provision of a
4 local ordinance, or a statutory summary suspension or
5 revocation under Section 11-501.1 of this Code.

6 (d-2.5) Any person convicted of a third violation of this
7 Section is guilty of a Class 1 felony, is not eligible for
8 probation or conditional discharge, and must serve a mandatory
9 term of imprisonment if the revocation or suspension was for a
10 violation of Section 9-3 of the Criminal Code of 1961 or the
11 Criminal Code of 2012, relating to the offense of reckless
12 homicide, or a similar out-of-state offense. The person's
13 driving privileges shall be revoked for the remainder of the
14 person's life.

15 (d-3) Any person convicted of a fourth, fifth, sixth,
16 seventh, eighth, or ninth violation of this Section is guilty
17 of a Class 4 felony and must serve a minimum term of
18 imprisonment of 180 days if the revocation or suspension was
19 for a violation of Section 11-401 or 11-501 of this Code, or a
20 similar out-of-state offense, or a similar provision of a local
21 ordinance, or a statutory summary suspension or revocation
22 under Section 11-501.1 of this Code.

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

1 extended term, if the revocation or suspension was for a
2 violation of Section 9-3 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, relating to the offense of reckless
4 homicide, or a similar out-of-state offense.

5 (d-4) Any person convicted of a tenth, eleventh, twelfth,
6 thirteenth, or fourteenth violation of this Section is guilty
7 of a Class 3 felony, and is not eligible for probation or
8 conditional discharge, if the revocation or suspension was for
9 a violation of Section 11-401 or 11-501 of this Code, or a
10 similar out-of-state offense, or a similar provision of a local
11 ordinance, or a statutory summary suspension or revocation
12 under Section 11-501.1 of this Code.

13 (d-5) Any person convicted of a fifteenth or subsequent
14 violation of this Section is guilty of a Class 2 felony, and is
15 not eligible for probation or conditional discharge, if the
16 revocation or suspension was for a violation of Section 11-401
17 or 11-501 of this Code, or a similar out-of-state offense, or a
18 similar provision of a local ordinance, or a statutory summary
19 suspension or revocation under Section 11-501.1 of this Code.

20 (e) Any person in violation of this Section who is also in
21 violation of Section 7-601 of this Code relating to mandatory
22 insurance requirements, in addition to other penalties imposed
23 under this Section, shall have his or her motor vehicle
24 immediately impounded by the arresting law enforcement
25 officer. The motor vehicle may be released to any licensed
26 driver upon a showing of proof of insurance for the vehicle

1 that was impounded and the notarized written consent for the
2 release by the vehicle owner.

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

6 (g) The motor vehicle used in a violation of this Section
7 is subject to seizure and forfeiture as provided in Sections
8 36-1 and 36-2 of the Criminal Code of 2012 if the person's
9 driving privilege was revoked or suspended as a result of:

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

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

16 (3) a statutory summary suspension or revocation under
17 Section 11-501.1 of this Code or a similar provision of a
18 law of another state; or

19 (4) a violation of Section 9-3 of the Criminal Code of
20 1961 or the Criminal Code of 2012 relating to the offense
21 of reckless homicide, or a similar provision of a law of
22 another state.

23 (Source: P.A. 96-502, eff. 1-1-10; 96-607, eff. 8-24-09;
24 96-1000, eff. 7-2-10; 96-1344, eff. 7-1-11; 97-984, eff.
25 1-1-13; 97-1150, eff. 1-25-13.)