



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB4008

by Rep. Jay Hoffman

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-102  
625 ILCS 5/6-303

from Ch. 95 1/2, par. 6-102  
from Ch. 95 1/2, par. 6-303

Amends the Illinois Vehicle Code. Provides that a person operating a farm tractor (regardless of whether operation of the farm tractor is between the home farm buildings and any adjacent or nearby land) for the exclusive purpose of conducting farm operations need not be licensed as a driver. Provides that U.S. government employees operating a motor vehicle owned or leased by the U.S. government; road machines and farm tractors; and crew members involved in the operation of trains, are exempt from provisions concerning driving while a driver's license, permit or privilege to operate a motor vehicle is suspended or revoked.

LRB099 08870 RJF 29042 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 6-102 and 6-303 as follows:

6 (625 ILCS 5/6-102) (from Ch. 95 1/2, par. 6-102)

7 Sec. 6-102. What persons are exempt. The following persons  
8 are exempt from the requirements of Section 6-101 and are not  
9 required to have an Illinois drivers license or permit if one  
10 or more of the following qualifying exemptions are met and  
11 apply:

12 1. Any employee of the United States Government or any  
13 member of the Armed Forces of the United States, while  
14 operating a motor vehicle owned by or leased to the United  
15 States Government and being operated on official business  
16 need not be licensed;

17 2. A nonresident who has in his immediate possession a  
18 valid license issued to him in his home state or country  
19 may operate a motor vehicle for which he is licensed for  
20 the period during which he is in this State;

21 3. A nonresident and his spouse and children living  
22 with him who is a student at a college or university in  
23 Illinois who have a valid license issued by their home

1 State.

2 4. A person operating a road machine temporarily upon a  
3 highway or operating a farm tractor ~~between the home farm~~  
4 ~~buildings and any adjacent or nearby farm land~~ for the  
5 exclusive purpose of conducting farm operations need not be  
6 licensed as a driver.

7 5. A resident of this State who has been serving as a  
8 member of the Armed Forces of the United States outside the  
9 Continental limits of the United States, for a period of  
10 120 days following his return to the continental limits of  
11 the United States.

12 6. A nonresident on active duty in the Armed Forces of  
13 the United States who has a valid license issued by his  
14 home state and such nonresident's spouse, and dependent  
15 children and living with parents, who have a valid license  
16 issued by their home state.

17 7. A nonresident who becomes a resident of this State,  
18 may for a period of the first 90 days of residence in  
19 Illinois operate any motor vehicle which he was qualified  
20 or licensed to drive by his home state or country so long  
21 as he has in his possession, a valid and current license  
22 issued to him by his home state or country. Upon expiration  
23 of such 90 day period, such new resident must comply with  
24 the provisions of this Act and apply for an Illinois  
25 license or permit.

26 8. An engineer, conductor, brakeman, or any other

1 member of the crew of a locomotive or train being operated  
2 upon rails, including operation on a railroad crossing over  
3 a public street, road or highway. Such person is not  
4 required to display a driver's license to any law  
5 enforcement officer in connection with the operation of a  
6 locomotive or train within this State.

7 The provisions of this Section granting exemption to any  
8 nonresident shall be operative to the same extent that the laws  
9 of the State or country of such nonresident grant like  
10 exemption to residents of this State.

11 The Secretary of State may implement the exemption  
12 provisions of this Section by inclusion thereof in a  
13 reciprocity agreement, arrangement or declaration issued  
14 pursuant to this Act.

15 (Source: P.A. 96-607, eff. 8-24-09; 97-835, eff. 7-20-12.)

16 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

19 (a) Except as otherwise provided in subsection (a-5), and  
20 excepted as exempted under subsections 1, 4, and 8 of Section  
21 6-102 of this Code, any person who drives or is in actual  
22 physical control of a motor vehicle on any highway of this  
23 State at a time when such person's driver's license, permit or  
24 privilege to do so or the privilege to obtain a driver's  
25 license or permit is revoked or suspended as provided by this

1 Code or the law of another state, except as may be specifically  
2 allowed by a judicial driving permit issued prior to January 1,  
3 2009, monitoring device driving permit, family financial  
4 responsibility driving permit, probationary license to drive,  
5 or a restricted driving permit issued pursuant to this Code or  
6 under the law of another state, shall be guilty of a Class A  
7 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 and who is  
17 convicted of a violation of this Section as a result of  
18 operating or being in actual physical control of a motor  
19 vehicle not equipped with an ignition interlock device at the  
20 time of the offense shall be guilty of a Class 4 felony and  
21 shall serve a minimum term of imprisonment of 30 days.

22 (c-5) Any person convicted of a second violation of this  
23 Section is guilty of a Class 2 felony, is not eligible for  
24 probation or conditional discharge, and shall serve a mandatory  
25 term of imprisonment, 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 conviction 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) Any person convicted of a second violation of this  
16 Section shall be guilty of a Class 4 felony and shall serve a  
17 minimum term of imprisonment of 30 days or 300 hours of  
18 community service, as determined by the court, 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, a similar  
22 out-of-state offense, 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 conviction 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 summary 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-1) Except as provided in subsections (d-2), (d-2.5), and  
9           (d-3), any person convicted of a third or subsequent violation  
10          of this Section shall serve a minimum term of imprisonment of  
11          30 days or 300 hours of community service, as determined by the  
12          court.

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

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

22               (2) the prior convictions under this Section occurred  
23               while the person's driver's license was suspended or  
24               revoked for a violation of Section 11-401 or 11-501 of this  
25               Code, a similar out-of-state offense, a similar provision  
26               of a local ordinance, or a statutory summary suspension or

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

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

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

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

26 (d-3) Any person convicted of a fourth, fifth, sixth,

1 seventh, eighth, or ninth violation of this Section is guilty  
2 of a Class 4 felony and must serve a minimum term of  
3 imprisonment of 180 days, if:

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

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

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

24 (1) the current violation occurred when the person's  
25 driver's license was suspended or revoked for a violation  
26 of Section 9-3 of the Criminal Code of 1961 or the Criminal

1 Code of 2012, relating to the offense of reckless homicide,  
2 or a similar out-of-state offense; and

3 (2) the prior convictions under this Section occurred  
4 while the person's driver's license was suspended or  
5 revoked for a violation of Section 9-3 of the Criminal Code  
6 of 1961 or the Criminal Code of 2012, relating to the  
7 offense of reckless homicide, or a similar out-of-state  
8 offense, or was suspended or revoked for a violation of  
9 Section 11-401 or 11-501 of this Code, a similar  
10 out-of-state offense, 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-4) Any person convicted of a tenth, eleventh, twelfth,  
14 thirteenth, or fourteenth violation of this Section is guilty  
15 of a Class 3 felony, and is not eligible for probation or  
16 conditional discharge, if:

17 (1) the current violation occurred when the person's  
18 driver's license was suspended or revoked for a violation  
19 of Section 11-401 or 11-501 of this Code, or a similar  
20 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; and

23 (2) the prior convictions under this Section occurred  
24 while the person's driver's license was suspended or  
25 revoked for a violation of Section 11-401 or 11-501 of this  
26 Code, a similar out-of-state offense, a similar provision

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

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

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

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

24 (e) Any person in violation of this Section who is also in  
25 violation of Section 7-601 of this Code relating to mandatory  
26 insurance requirements, in addition to other penalties imposed

1 under this Section, shall have his or her motor vehicle  
2 immediately impounded by the arresting law enforcement  
3 officer. The motor vehicle may be released to any licensed  
4 driver upon a showing of proof of insurance for the vehicle  
5 that was impounded and the notarized written consent for the  
6 release by the vehicle owner.

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

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

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

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

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

23 (4) a violation of Section 9-3 of the Criminal Code of  
24 1961 or the Criminal Code of 2012 relating to the offense  
25 of reckless homicide, or a similar provision of a law of  
26 another state.



1 (Source: P.A. 97-984, eff. 1-1-13; 97-1150, eff. 1-25-13;  
2 98-285, eff. 1-1-14; 98-418, eff. 8-16-13; 98-573, eff.  
3 8-27-13; 98-756, eff. 7-16-14.)