



1 grounds upon which the person seeks to have the statutory  
2 summary suspension rescinded. Within 30 days after receipt of  
3 the written request or the first appearance date on the  
4 Uniform Traffic Ticket issued pursuant to a violation of  
5 Section 11-501, or a similar provision of a local ordinance,  
6 the hearing shall be conducted by the circuit court having  
7 jurisdiction. This judicial hearing, request, or process  
8 shall not stay or delay the statutory summary suspension. The  
9 hearings shall proceed in the court in the same manner as in  
10 other civil proceedings.

11 The hearing may be conducted upon a review of the law  
12 enforcement officer's own official reports; provided however,  
13 that the person may subpoena the officer. Failure of the  
14 officer to answer the subpoena shall be considered grounds  
15 for a continuance if in the court's discretion the  
16 continuance is appropriate.

17 The scope of the hearing shall be limited to the issues  
18 of:

19 1. Whether the person was placed under arrest for  
20 an offense as defined in Section 11-501, or a similar  
21 provision of a local ordinance, as evidenced by the  
22 issuance of a Uniform Traffic Ticket, or issued a Uniform  
23 Traffic Ticket out of state as provided in subsection (a)  
24 of Section 11-501.1; and

25 2. Whether the officer had reasonable grounds to  
26 believe that the person was driving or in actual physical  
27 control of a motor vehicle upon a highway while under the  
28 influence of alcohol, other drug, or combination of both;  
29 and

30 3. Whether the person, after being advised by the  
31 officer that the privilege to operate a motor vehicle  
32 would be suspended if the person refused to submit to and  
33 complete the test or tests, did refuse to submit to or  
34 complete the test or tests to determine the person's

1 alcohol or drug concentration; or

2 4. Whether the person, after being advised by the  
3 officer that the privilege to operate a motor vehicle  
4 would be suspended if the person submits to a chemical  
5 test, or tests, and the test discloses an alcohol  
6 concentration of 0.08 or more, or any amount of a drug,  
7 substance, or compound in the person's blood or urine  
8 resulting from the unlawful use or consumption of  
9 cannabis listed in the Cannabis Control Act or a  
10 controlled substance listed in the Illinois Controlled  
11 Substances Act, and the person did submit to and complete  
12 the test or tests that determined an alcohol  
13 concentration of 0.08 or more.

14 Upon the conclusion of the judicial hearing, the circuit  
15 court shall sustain or rescind the statutory summary  
16 suspension and immediately notify the Secretary of State.  
17 Reports received by the Secretary of State under this Section  
18 shall be privileged information and for use only by the  
19 courts, police officers, and Secretary of State.

20 (Source: P.A. 89-156, eff. 1-1-96; 90-43, eff. 7-2-97.)

21 (625 ILCS 5/2-118.2 new)

22 Sec. 2-118.2. Opportunity for hearing before the  
23 Secretary of State; statutory summary alcohol or other drug  
24 related suspension.

25 (a) If a complaint has not been filed in circuit court  
26 charging a person with a violation of Section 11-501 or a  
27 similar provision of a local ordinance, a statutory summary  
28 suspension of driving privileges under Section 11-501.1 shall  
29 not become effective until the person is notified in writing  
30 of the impending suspension and informed that he may request  
31 a hearing before the Secretary of State under paragraph (b)  
32 of this Section and the statutory summary suspension shall  
33 become effective as provided in Section 11-501.1.

1       (b) Within 90 days after the notice of statutory summary  
2 suspension served under Section 11-501.1, the person may make  
3 a written request for a hearing before the Secretary of  
4 State. Except as otherwise provided in this Section, the  
5 hearing shall be conducted under the provisions of Section  
6 2-118. The request to the Secretary of State shall state the  
7 grounds upon which the person seeks to have the statutory  
8 summary suspension rescinded. The Secretary shall conduct  
9 the hearing within 30 days after receipt of the written  
10 request. This hearing, request, or process shall not stay  
11 or delay the statutory summary suspension. The hearings shall  
12 proceed in the same manner as other administrative  
13 proceedings.

14       The hearing may be conducted upon a review of the law  
15 enforcement officer's own official reports; provided however,  
16 that the person may subpoena the officer. Failure of the  
17 officer to answer the subpoena shall be considered grounds  
18 for a continuance if in the Secretary's discretion the  
19 continuance is appropriate.

20       The scope of the hearing shall be limited to the issues  
21 of:

22           1. Whether the person was placed under arrest for  
23 an offense as defined in Section 11-501, or a similar  
24 provision of a local ordinance, as evidenced by the  
25 issuance of a Uniform Traffic Ticket, or issued a Uniform  
26 Traffic Ticket out of state as provided in subsection (a)  
27 of Section 11-501.1.

28           2. Whether the officer had reasonable grounds to  
29 believe that the person was driving or in actual physical  
30 control of a motor vehicle upon a highway while under the  
31 influence of alcohol, other drug, or combination of both.

32           3. Whether the person, after being advised by the  
33 officer that the privilege to operate a motor vehicle  
34 would be suspended if the person refused to submit to and

1 complete the test or tests, did refuse to submit to or  
2 complete the test or tests to determine the person's  
3 alcohol or drug concentration.

4 Upon the conclusion of the hearing, the Secretary shall  
5 sustain or rescind the statutory summary suspension.  
6 Reports received by the Secretary of State under this Section  
7 shall be privileged information and for use only by the  
8 courts, police officers, and Secretary of State.

9 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

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

16 1. Has committed an offense for which mandatory  
17 revocation of a driver's license or permit is required  
18 upon conviction;

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

24 3. Has been repeatedly involved as a driver in  
25 motor vehicle collisions or has been repeatedly convicted  
26 of offenses against laws and ordinances regulating the  
27 movement of traffic, to a degree that indicates lack of  
28 ability to exercise ordinary and reasonable care in the  
29 safe operation of a motor vehicle or disrespect for the  
30 traffic laws and the safety of other persons upon the  
31 highway;

32 4. Has by the unlawful operation of a motor vehicle  
33 caused or contributed to an accident resulting in death

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

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

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

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

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

21 9. Has made a false statement or knowingly  
22 concealed a material fact or has used false information  
23 or identification in any application for a license,  
24 identification card, or permit;

25 10. Has possessed, displayed, or attempted to  
26 fraudulently use any license, identification card, or  
27 permit not issued to the person;

28 11. Has operated a motor vehicle upon a highway of  
29 this State when the person's driving privilege or  
30 privilege to obtain a driver's license or permit was  
31 revoked or suspended unless the operation was authorized  
32 by a judicial driving permit, probationary license to  
33 drive, or a restricted driving permit issued under this  
34 Code;

1           12. Has submitted to any portion of the application  
2 process for another person or has obtained the services  
3 of another person to submit to any portion of the  
4 application process for the purpose of obtaining a  
5 license, identification card, or permit for some other  
6 person;

7           13. Has operated a motor vehicle upon a highway of  
8 this State when the person's driver's license or permit  
9 was invalid under the provisions of Sections 6-107.1 and  
10 6-110;

11           14. Has committed a violation of Section 6-301,  
12 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or  
13 14B of the Illinois Identification Card Act;

14           15. Has been convicted of violating Section 21-2 of  
15 the Criminal Code of 1961 relating to criminal trespass  
16 to vehicles in which case, the suspension shall be for  
17 one year;

18           16. Has been convicted of violating Section 11-204  
19 of this Code relating to fleeing from a police officer;

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

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

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

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

32           21. Has been convicted of violating Section 11-402  
33 of this Code relating to leaving the scene of an accident  
34 resulting in damage to a vehicle in excess of \$1,000, in

1 which case the suspension shall be for one year;

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

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

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

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

21 26. Has altered or attempted to alter a license or  
22 has possessed an altered license, identification card, or  
23 permit;

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

26 28. Has been convicted of the illegal possession,  
27 while operating or in actual physical control, as a  
28 driver, of a motor vehicle, of any controlled substance  
29 prohibited under the Illinois Controlled Substances Act  
30 or any cannabis prohibited under the provisions of the  
31 Cannabis Control Act, in which case the person's driving  
32 privileges shall be suspended for one year, and any  
33 driver who is convicted of a second or subsequent  
34 offense, within 5 years of a previous conviction, for the



1 illegal possession, while operating or in actual physical  
2 control, as a driver, of a motor vehicle, of any  
3 controlled substance prohibited under the provisions of  
4 the Illinois Controlled Substances Act or any cannabis  
5 prohibited under the Cannabis Control Act shall be  
6 suspended for 5 years. Any defendant found guilty of this  
7 offense while operating a motor vehicle, shall have an  
8 entry made in the court record by the presiding judge  
9 that this offense did occur while the defendant was  
10 operating a motor vehicle and order the clerk of the  
11 court to report the violation to the Secretary of State;

12 29. Has been convicted of the following offenses  
13 that were committed while the person was operating or in  
14 actual physical control, as a driver, of a motor vehicle:  
15 criminal sexual assault, predatory criminal sexual  
16 assault of a child, aggravated criminal sexual assault,  
17 criminal sexual abuse, aggravated criminal sexual abuse,  
18 juvenile pimping, soliciting for a juvenile prostitute  
19 and the manufacture, sale or delivery of controlled  
20 substances or instruments used for illegal drug use or  
21 abuse in which case the driver's driving privileges shall  
22 be suspended for one year;

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

27 31. Has refused to submit to a test as required by  
28 Section 11-501.6 or has submitted to a test resulting in  
29 an alcohol concentration of 0.08 or more or any amount of  
30 a drug, substance, or compound resulting from the  
31 unlawful use or consumption of cannabis as listed in the  
32 Cannabis Control Act or a controlled substance as listed  
33 in the Illinois Controlled Substances Act in which case  
34 the penalty shall be as prescribed in Section 6-208.1;

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

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

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

12          35. Has committed a violation of Section 11-1301.6  
13 of this Code; or

14          36. Is under the age of 21 years at the time of  
15 arrest and has been convicted of not less than 2  
16 offenses against traffic regulations governing the  
17 movement of vehicles committed within any 24 month  
18 period. No revocation or suspension shall be entered  
19 more than 6 months after the date of last conviction.

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

27          (b) If any conviction forming the basis of a suspension  
28 or revocation authorized under this Section is appealed, the  
29 Secretary of State may rescind or withhold the entry of the  
30 order of suspension or revocation, as the case may be,  
31 provided that a certified copy of a stay order of a court is  
32 filed with the Secretary of State. If the conviction is  
33 affirmed on appeal, the date of the conviction shall relate  
34 back to the time the original judgment of conviction was

1 entered and the 6 month limitation prescribed shall not  
2 apply.

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

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

1 effective date of this suspension, a permit may be issued  
2 for the remainder of the suspension period.

3 The provisions of this subparagraph shall not apply  
4 to any driver required to obtain a commercial driver's  
5 license under Section 6-507 during the period of a  
6 disqualification of commercial driving privileges under  
7 Section 6-514.

8 Any person who falsely states any fact in the  
9 affidavit required herein shall be guilty of perjury  
10 under Section 6-302 and upon conviction thereof shall  
11 have all driving privileges revoked without further  
12 rights.

13 3. At the conclusion of a hearing under Section  
14 2-118 of this Code, the Secretary of State shall either  
15 rescind or continue an order of revocation or shall  
16 substitute an order of suspension; or, good cause  
17 appearing therefor, rescind, continue, change, or extend  
18 the order of suspension. If the Secretary of State does  
19 not rescind the order, the Secretary may upon  
20 application, to relieve undue hardship, issue a  
21 restricted driving permit granting the privilege of  
22 driving a motor vehicle between the petitioner's  
23 residence and petitioner's place of employment or within  
24 the scope of his employment related duties, or to allow  
25 transportation for the petitioner, or a household member  
26 of the petitioner's family, to receive necessary medical  
27 care and if the professional evaluation indicates,  
28 provide transportation for alcohol remedial or  
29 rehabilitative activity, or for the petitioner to attend  
30 classes, as a student, in an accredited educational  
31 institution; if the petitioner is able to demonstrate  
32 that no alternative means of transportation is reasonably  
33 available and the petitioner will not endanger the public  
34 safety or welfare. The Secretary may, as a condition of

1 the restricted driving permit, prohibit a first time  
2 offender as defined under Section 11-500 from operating a  
3 motor vehicle not equipped with an ignition interlock  
4 device.

5 If a person's license or permit has been revoked or  
6 suspended 2 or more times due to 2 or more convictions  
7 within a 10 year period for Section 11-501 of this Code  
8 or similar provisions of local ordinances or similar  
9 out-of-state offenses, or 2 or more statutory summary  
10 suspensions under Section 11-501.1, or any combination of  
11 2 offenses, or of an offense and a statutory summary  
12 suspension, arising out of separate occurrences, that  
13 person, if issued a restricted driving permit, may not  
14 operate a vehicle unless it has been equipped with an  
15 ignition interlock device as defined in Section 1-129.1.  
16 The person must pay to the Secretary of State DUI  
17 Administration Fund an amount not to exceed \$20 per  
18 month. The Secretary shall establish by rule the amount  
19 and the procedures, terms, and conditions relating to  
20 these fees. If the Restricted Driving Permit issued by  
21 the Office of Secretary of State was issued on the basis  
22 of hardship, due to that person's need to travel as a  
23 means of employment, then this provision does not apply  
24 to an occupational vehicle owned or leased by that  
25 person's employer. In each case the Secretary may issue a  
26 restricted driving permit for a period deemed  
27 appropriate, except that all permits shall expire within  
28 one year from the date of issuance. The Secretary may  
29 not, however, issue a restricted driving permit to any  
30 person whose current revocation is the result of a second  
31 or subsequent conviction for a violation of Section  
32 11-501 of this Code or a similar provision of a local  
33 ordinance relating to the offense of operating or being  
34 in physical control of a motor vehicle while under the

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

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

27 (d) This Section is subject to the provisions of the  
28 Drivers License Compact.

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

33 (Source: P.A. 89-283, eff. 1-1-96; 89-428, eff. 12-13-95;  
34 89-462, eff. 5-29-96; 90-43, eff. 7-2-97; 90-106, eff.

1 1-1-98; 90-369, eff. 1-1-98; 90-655, eff. 7-30-98.)

2 (625 ILCS 5/6-206.1) (from Ch. 95 1/2, par. 6-206.1)

3 Sec. 6-206.1. Judicial Driving Permit. Declaration of  
4 Policy. It is hereby declared a policy of the State of  
5 Illinois that the driver who is impaired by alcohol, other  
6 drug or drugs, or intoxicating compound or compounds is a  
7 threat to the public safety and welfare. Therefore, to  
8 provide a deterrent to such practice and to remove problem  
9 drivers from the highway, a statutory summary driver's  
10 license suspension is appropriate. It is also recognized that  
11 driving is a privilege and therefore, that in some cases the  
12 granting of limited driving privileges, where consistent with  
13 public safety, is warranted during the period of suspension  
14 in the form of a judicial driving permit to drive for the  
15 purpose of employment, receiving drug treatment or medical  
16 care, and educational pursuits, where no alternative means of  
17 transportation is available.

18 The following procedures shall apply whenever a complaint  
19 has been filed in circuit court charging a first offender  
20 with a violation of is-arrested-for-any-offense-as-defined-in  
21 Section 11-501 or a similar provision of a local ordinance:

22 (a) Subsequent to a notification of a statutory summary  
23 suspension of driving privileges as provided in Section  
24 11-501.1, the first offender as defined in Section 11-500 may  
25 petition the circuit court of venue for a Judicial Driving  
26 Permit, hereinafter referred as a JDP, to relieve undue  
27 hardship. The court may issue a court order, pursuant to  
28 the criteria contained in this Section, directing the  
29 Secretary of State to issue such a JDP to the petitioner. A  
30 JDP shall not become effective prior to the 31st day of the  
31 original statutory summary suspension and shall always be  
32 subject to the following criteria:

33 1. If ordered for the purposes of employment, the

1 JDP shall be only for the purpose of providing the  
2 petitioner the privilege of driving a motor vehicle  
3 between the petitioner's residence and the petitioner's  
4 place of employment and return; or within the scope of  
5 the petitioner's employment related duties, shall be  
6 effective only during and limited to those specific times  
7 and routes actually required to commute or perform the  
8 petitioner's employment related duties.

9 2. The court, by a court order, may also direct the  
10 Secretary of State to issue a JDP to allow transportation  
11 for the petitioner, or a household member of the  
12 petitioner's family, to receive alcohol, drug, or  
13 intoxicating compound treatment or medical care, if the  
14 petitioner is able to demonstrate that no alternative  
15 means of transportation is reasonably available. Such JDP  
16 shall be effective only during the specific times  
17 actually required to commute.

18 3. The court, by a court order, may also direct the  
19 Secretary of State to issue a JDP to allow transportation  
20 by the petitioner for educational purposes upon  
21 demonstrating that there are no alternative means of  
22 transportation reasonably available to accomplish those  
23 educational purposes. Such JDP shall be only for the  
24 purpose of providing transportation to and from the  
25 petitioner's residence and the petitioner's place of  
26 educational activity, and only during the specific times  
27 and routes actually required to commute or perform the  
28 petitioner's educational requirement.

29 4. The Court shall not issue an order granting a  
30 JDP to:

31 (i) Any person unless and until the court,  
32 after considering the results of a current  
33 professional evaluation of the person's alcohol or  
34 other drug use by an agency pursuant to Section



1 15-10 of the Alcoholism and Other Drug Abuse and  
2 Dependency Act and other appropriate investigation  
3 of the person, is satisfied that granting the  
4 privilege of driving a motor vehicle on the highways  
5 will not endanger the public safety or welfare.

6 (ii) Any person who has been convicted of  
7 reckless homicide within the previous 5 years.

8 (iii) Any person whose privilege to operate a  
9 motor vehicle was invalid at the time of arrest for  
10 the current violation of Section 11-501, or a  
11 similar provision of a local ordinance, except in  
12 cases where the cause for a driver's license  
13 suspension has been removed at the time a JDP is  
14 effective. In any case, should the Secretary of  
15 State enter a suspension or revocation of driving  
16 privileges pursuant to the provisions of this Code  
17 while the JDP is in effect or pending, the Secretary  
18 shall take the prescribed action and provide a  
19 notice to the person and the court ordering the  
20 issuance of the JDP that all driving privileges,  
21 including those provided by the issuance of the JDP,  
22 have been withdrawn.

23 (iv) Any person under the age of 18 years.

24 (b) Prior to ordering the issuance of a JDP the Court  
25 should consider at least, but not be limited to, the  
26 following issues:

27 1. Whether the person is employed and no other  
28 means of commuting to the place of employment is  
29 available or that the person must drive as a condition of  
30 employment. The employer shall certify the hours of  
31 employment and the need and parameters necessary for  
32 driving as a condition to employment.

33 2. Whether the person must drive to secure alcohol  
34 or other medical treatment for himself or a family

1 member.

2 3. Whether the person must drive for educational  
3 purposes. The educational institution shall certify the  
4 person's enrollment in and academic schedule at the  
5 institution.

6 4. Whether the person has been repeatedly convicted  
7 of traffic violations or involved in motor vehicle  
8 accidents to a degree which indicates disrespect for  
9 public safety.

10 5. Whether the person has been convicted of a  
11 traffic violation in connection with a traffic accident  
12 resulting in the death of any person within the last 5  
13 years.

14 6. Whether the person is likely to obey the limited  
15 provisions of the JDP.

16 7. Whether the person has any additional traffic  
17 violations pending in any court.

18 For purposes of this Section, programs conducting  
19 professional evaluations of a person's alcohol, other drug,  
20 or intoxicating compound use must report, to the court of  
21 venue, using a form prescribed by the Secretary of State. A  
22 copy of such evaluations shall be sent to the Secretary of  
23 State by the court. However, the evaluation information shall  
24 be privileged and only available to courts and to the  
25 Secretary of State, but shall not be admissible in the  
26 subsequent trial on the underlying charge.

27 (c) The scope of any court order issued for a JDP under  
28 this Section shall be limited to the operation of a motor  
29 vehicle as provided for in subsection (a) of this Section and  
30 shall specify the petitioner's residence, place of employment  
31 or location of educational institution, and the scope of job  
32 related duties, if relevant. The JDP shall also specify days  
33 of the week and specific hours of the day when the petitioner  
34 is able to exercise the limited privilege of operating a

1 motor vehicle. If the Petitioner, who has been granted a JDP,  
2 is issued a citation for a traffic related offense, including  
3 operating a motor vehicle outside the limitations prescribed  
4 in the JDP or a violation of Section 6-303, or is convicted  
5 of any such an offense during the term of the JDP, the court  
6 shall consider cancellation of the limited driving permit.  
7 In any case, if the Petitioner commits an offense, as defined  
8 in Section 11-501, or a similar provision of a local  
9 ordinance, as evidenced by the issuance of a Uniform Traffic  
10 Ticket, the JDP shall be forwarded by the court of venue to  
11 the court ordering the issuance of the JDP, for cancellation.  
12 The court shall notify the Secretary of State of any such  
13 cancellation.

14 (d) The Secretary of State shall, upon receiving a court  
15 order from the court of venue, issue a JDP to a successful  
16 Petitioner under this Section. Such court order form shall  
17 also contain a notification, which shall be sent to the  
18 Secretary of State, providing the name, driver's license  
19 number and legal address of the successful petitioner, and  
20 the full and detailed description of the limitations of the  
21 JDP. This information shall be available only to the courts,  
22 police officers, and the Secretary of State, except during  
23 the actual period the JDP is valid, during which time it  
24 shall be a public record. The Secretary of State shall design  
25 and furnish to the courts an official court order form to be  
26 used by the courts when directing the Secretary of State to  
27 issue a JDP.

28 Any submitted court order that contains insufficient data  
29 or fails to comply with this Code shall not be utilized for  
30 JDP issuance or entered to the driver record but shall be  
31 returned to the issuing court indicating why the JDP cannot  
32 be so entered. A notice of this action shall also be sent to  
33 the JDP petitioner by the Secretary of State.

34 (e) The circuit court of venue may conduct the judicial

1 hearing, as provided in Section 2-118.1, and the JDP hearing  
2 provided in this Section, concurrently. Such concurrent  
3 hearing shall proceed in the court in the same manner as in  
4 other civil proceedings.

5 (f) The circuit court of venue may, as a condition of  
6 the issuance of a JDP, prohibit the person from operating a  
7 motor vehicle not equipped with an ignition interlock device.  
8 (Source: P.A. 90-369, eff. 1-1-98; 90-779, eff. 1-1-99;  
9 91-127, eff. 1-1-00.)

10 (625 ILCS 5/11-501.1) (from Ch. 95 1/2, par. 11-501.1)

11 Sec. 11-501.1. Suspension of drivers license; statutory  
12 summary alcohol, other drug or drugs, or intoxicating  
13 compound or compounds related suspension; implied consent.

14 (a) Any person who drives or is in actual physical  
15 control of a motor vehicle upon the public highways of this  
16 State shall be deemed to have given consent, subject to the  
17 provisions of Section 11-501.2, to a chemical test or tests  
18 of blood, breath, or urine for the purpose of determining the  
19 content of alcohol, other drug or drugs, or intoxicating  
20 compound or compounds or any combination thereof in the  
21 person's blood if arrested, as evidenced by the issuance of a  
22 Uniform Traffic Ticket, for any offense as defined in Section  
23 11-501 or a similar provision of a local ordinance. The test  
24 or tests shall be administered at the direction of the  
25 arresting officer. The law enforcement agency employing the  
26 officer shall designate which of the aforesaid tests shall be  
27 administered. A urine test may be administered even after a  
28 blood or breath test or both has been administered. For  
29 purposes of this Section, an Illinois law enforcement officer  
30 of this State who is investigating the person for any offense  
31 defined in Section 11-501 may travel into an adjoining state,  
32 where the person has been transported for medical care, to  
33 complete an investigation and to request that the person

1 submit to the test or tests set forth in this Section. The  
2 requirements of this Section that the person be arrested are  
3 inapplicable, but the officer shall issue the person a  
4 Uniform Traffic Ticket for an offense as defined in Section  
5 11-501 or a similar provision of a local ordinance prior to  
6 requesting that the person submit to the test or tests. The  
7 issuance of the Uniform Traffic Ticket shall not constitute  
8 an arrest, but shall be for the purpose of notifying the  
9 person that he or she is subject to the provisions of this  
10 Section and of the officer's belief of the existence of  
11 probable cause to arrest. Upon returning to this State, the  
12 officer shall file the Uniform Traffic Ticket with the  
13 Circuit Clerk of the county where the offense was committed,  
14 and shall seek the issuance of an arrest warrant or a summons  
15 for the person.

16 (b) Any person who is dead, unconscious, or who is  
17 otherwise in a condition rendering the person incapable of  
18 refusal, shall be deemed not to have withdrawn the consent  
19 provided by paragraph (a) of this Section and the test or  
20 tests may be administered, subject to the provisions of  
21 Section 11-501.2.

22 (c) A person requested to submit to a test as provided  
23 above shall be warned by the law enforcement officer  
24 requesting the test that a refusal to submit to the test will  
25 result in the statutory summary suspension of the person's  
26 privilege to operate a motor vehicle as provided in Section  
27 6-208.1 of this Code. The person shall also be warned by the  
28 law enforcement officer that if the person submits to the  
29 test or tests provided in paragraph (a) of this Section and  
30 the alcohol concentration in the person's blood or breath is  
31 0.08 or greater, or any amount of a drug, substance, or  
32 compound resulting from the unlawful use or consumption of  
33 cannabis as covered by the Cannabis Control Act, a controlled  
34 substance listed in the Illinois Controlled Substances Act,

1 or an intoxicating compound listed in the Use of Intoxicating  
2 Compounds Act is detected in the person's blood or urine, a  
3 statutory summary suspension of the person's privilege to  
4 operate a motor vehicle, as provided in Sections 6-208.1 and  
5 11-501.1 of this Code, will be imposed.

6 A person who is under the age of 21 at the time the  
7 person is requested to submit to a test as provided above  
8 shall, in addition to the warnings provided for in this  
9 Section, be further warned by the law enforcement officer  
10 requesting the test that if the person submits to the test or  
11 tests provided in paragraph (a) of this Section and the  
12 alcohol concentration in the person's blood or breath is  
13 greater than 0.00 and less than 0.08, a suspension of the  
14 person's privilege to operate a motor vehicle, as provided  
15 under Sections 6-208.2 and 11-501.8 of this Code, will be  
16 imposed. The results of this test shall be admissible in a  
17 civil or criminal action or proceeding arising from an arrest  
18 for an offense as defined in Section 11-501 of this Code or a  
19 similar provision of a local ordinance or pursuant to Section  
20 11-501.4 in prosecutions for reckless homicide brought under  
21 the Criminal Code of 1961. These test results, however, shall  
22 be admissible only in actions or proceedings directly related  
23 to the incident upon which the test request was made.

24 (d) If the person refuses testing or submits to a test  
25 that discloses an alcohol concentration of 0.08 or more, or  
26 any amount of a drug, substance, or intoxicating compound in  
27 the person's breath, blood, or urine resulting from the  
28 unlawful use or consumption of cannabis listed in the  
29 Cannabis Control Act, a controlled substance listed in the  
30 Illinois Controlled Substances Act, or an intoxicating  
31 compound listed in the Use of Intoxicating Compounds Act, the  
32 law enforcement officer shall immediately submit a sworn  
33 report to ~~the circuit court of venue~~ and the Secretary of  
34 State, certifying that the test or tests was or were

1 requested under paragraph (a) and the person refused to  
2 submit to a test, or tests, or submitted to testing that  
3 disclosed an alcohol concentration of 0.08 or more. If the  
4 law enforcement officer files a complaint in the circuit  
5 court charging the person with a violation of Section 11-501  
6 or a similar provision of a local ordinance, the law  
7 enforcement officer shall also submit the sworn report to the  
8 local court of venue.

9 (e) Upon receipt of the sworn report of a law  
10 enforcement officer submitted under paragraph (d), the  
11 Secretary of State shall enter the statutory summary  
12 suspension for the periods specified in Section 6-208.1, and  
13 effective as provided in paragraph (g).

14 If the person is a first offender as defined in Section  
15 11-500 of this Code, and is not convicted of a violation of  
16 Section 11-501 of this Code or a similar provision of a local  
17 ordinance, then reports received by the Secretary of State  
18 under this Section shall, except during the actual time the  
19 Statutory Summary Suspension is in effect, be privileged  
20 information and for use only by the courts, police officers,  
21 prosecuting authorities or the Secretary of State.

22 (f) The law enforcement officer submitting the sworn  
23 report under paragraph (d) shall serve immediate notice of  
24 the statutory summary suspension on the person and the  
25 suspension shall be effective as provided in paragraph (g).  
26 In cases where the blood alcohol concentration of 0.08 or  
27 greater or any amount of a drug, substance, or compound  
28 resulting from the unlawful use or consumption of cannabis as  
29 covered by the Cannabis Control Act, a controlled substance  
30 listed in the Illinois Controlled Substances Act, or an  
31 intoxicating compound listed in the Use of Intoxicating  
32 Compounds Act is established by a subsequent analysis of  
33 blood or urine collected at the time of arrest, the arresting  
34 officer or arresting agency shall give notice as provided in

1 this Section or by deposit in the United States mail of the  
2 notice in an envelope with postage prepaid and addressed to  
3 the person at his address as shown on the Uniform Traffic  
4 Ticket and the statutory summary suspension shall begin as  
5 provided in paragraph (g). If the law enforcement officer  
6 files a complaint in the circuit court charging the person  
7 with a violation of Section 11-501 or a similar provision of  
8 a local ordinance, the officer shall confiscate any Illinois  
9 driver's license or permit on the person at the time of  
10 arrest. If the person has a valid driver's license or permit,  
11 the officer shall issue the person a receipt, in a form  
12 prescribed by the Secretary of State, that will allow that  
13 person to drive during the periods provided for in paragraph  
14 (g). The officer shall immediately forward the driver's  
15 license or permit to the circuit court of venue along with  
16 the sworn report provided for in paragraph (d). If the law  
17 enforcement officer does not file a complaint in the circuit  
18 court, the law enforcement officer shall immediately forward  
19 the driver's license or permit to the Secretary of State  
20 along with the sworn report provided for in paragraph (d).

21 (g) The statutory summary suspension referred to in this  
22 Section shall take effect on the 46th day following the date  
23 the notice of the statutory summary suspension was given to  
24 the person.

25 (h) The following procedure shall apply whenever a  
26 person is arrested for any offense as defined in Section  
27 11-501 or a similar provision of a local ordinance:

28 Upon receipt of the sworn report from the law enforcement  
29 officer, the Secretary of State shall confirm the statutory  
30 summary suspension by mailing a notice of the effective date  
31 of the suspension to the person and, if a complaint has been  
32 filed in circuit court charging the person with a violation  
33 of Section 11-501 or a similar provision of a local  
34 ordinance, to the court of venue. However, should the sworn



1 report be defective by not containing sufficient information  
 2 or be completed in error, the confirmation of the statutory  
 3 summary suspension shall not be mailed to the person or  
 4 entered to the record. Instead, a copy of the report and  
 5 information identifying any defect shall be forwarded to the  
 6 issuing agency. Additionally, if a complaint has been filed  
 7 in circuit court charging the person with a violation of  
 8 Section 11-501 or a similar provision of a local ordinance,  
 9 the sworn report shall be forwarded to the court of venue  
 10 along with information identifying any defect in the sworn  
 11 report;~~---instead,---the-sworn-report-shall-be-forwarded-to-the~~  
 12 ~~court-of-venue-with-a-copy-retained--to--the--issuing--agency~~  
 13 ~~identifying-any-defect.~~

14 (Source: P.A. 90-43, eff. 7-2-97; 90-779, eff. 1-1-99;  
 15 91-357, eff. 7-29-99.)

16 (625 ILCS 5/11-506 new)

17 Sec. 11-506. Securing of vehicles from impaired drivers.  
 18 When specific and articulable facts and the inferences from  
 19 those facts give rise to a rational basis for concluding that  
 20 the driver of a vehicle is impaired from alcohol, drugs,  
 21 intoxicating compounds, or a combination of them to the  
 22 extent that the continued operation of the vehicle by the  
 23 driver would constitute a clear and present danger to any  
 24 person, a law enforcement officer may secure the driver's  
 25 vehicle for up to 24 hours. For the purpose of this Section,  
 26 "secure" means that the officer may: (i) direct the driver  
 27 not to operate the vehicle, (ii) take possession of the  
 28 driver's vehicle keys, (iii) impound the vehicle, or (iv)  
 29 take other reasonable steps to ensure the driver does not  
 30 operate the vehicle. If the vehicle is impounded, the driver  
 31 shall be liable for all costs of impoundment. The law  
 32 enforcement officer may release the vehicle to a person other  
 33 than the driver if: (i) that other person is the owner or

1 renter of the vehicle or the driver is owner of the vehicle  
2 and gives permission to the other person to operate the  
3 vehicle and (ii) the other person possesses a valid  
4 operator's license and would not, as determined by the law  
5 enforcement officer, either have a lack of ability to operate  
6 the vehicle in a safe manner or be operating the vehicle in  
7 violation of this Code.

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law."