

1 AN ACT in relation to vehicles.

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
5 changing Section 6-103 and 6-208 as follows:

6 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

7 Sec. 6-103. What persons shall not be licensed as drivers
8 or granted permits. The Secretary of State shall not issue,
9 renew, or allow the retention of any driver's license nor
10 issue any permit under this Code:

11 1. To any person, as a driver, who is under the age
12 of 18 years except as provided in Section 6-107, and
13 except that an instruction permit may be issued under
14 paragraphs (a) and (b) of Section 6-105 to a child who is
15 not less than 15 years of age if the child is enrolled in
16 an approved driver education course as defined in Section
17 1-103 of this Code and requires an instruction permit to
18 participate therein, except that an instruction permit
19 may be issued under the provisions of Section 6-107.1 to
20 a child who is 17 years and 9 months of age without the
21 child having enrolled in an approved driver education
22 course and except that an instruction permit may be
23 issued to a child who is at least 15 years and 6 months
24 of age, is enrolled in school, meets the educational
25 requirements of the Driver Education Act, and has passed
26 examinations the Secretary of State in his or her
27 discretion may prescribe;

28 2. To any person who is under the age of 18 as an
29 operator of a motorcycle other than a motor driven cycle
30 unless the person has, in addition to meeting the
31 provisions of Section 6-107 of this Code, completed a

1 motorcycle training course approved by the Illinois
2 Department of Transportation and successfully completes
3 the required Secretary of State's motorcycle driver's
4 examination;

5 3. To any person, as a driver, whose driver's
6 license or permit has been suspended, during the
7 suspension, nor to any person whose driver's license or
8 permit has been revoked, except as provided in Sections
9 6-205, 6-206, and 6-208;

10 4. To any person, as a driver, who is a user of
11 alcohol or any other drug to a degree that renders the
12 person incapable of safely driving a motor vehicle;

13 5. To any person, as a driver, who has previously
14 been adjudged to be afflicted with or suffering from any
15 mental or physical disability or disease and who has not
16 at the time of application been restored to competency by
17 the methods provided by law;

18 6. To any person, as a driver, who is required by
19 the Secretary of State to submit an alcohol and drug
20 evaluation or take an examination provided for in this
21 Code unless the person has successfully passed the
22 examination and submitted any required evaluation;

23 7. To any person who is required under the
24 provisions of the laws of this State to deposit security
25 or proof of financial responsibility and who has not
26 deposited the security or proof;

27 8. To any person when the Secretary of State has
28 good cause to believe that the person by reason of
29 physical or mental disability would not be able to safely
30 operate a motor vehicle upon the highways, unless the
31 person shall furnish to the Secretary of State a verified
32 written statement, acceptable to the Secretary of State,
33 from a competent medical specialist to the effect that
34 the operation of a motor vehicle by the person would not

1 be inimical to the public safety;

2 9. To any person, as a driver, who is 69 years of
3 age or older, unless the person has successfully complied
4 with the provisions of Section 6-109;

5 10. To any person convicted, within 12 months of
6 application for a license, of any of the sexual offenses
7 enumerated in paragraph 2 of subsection (b) of Section
8 6-205;

9 11. To any person who is under the age of 21 years
10 with a classification prohibited in paragraph (b) of
11 Section 6-104 and to any person who is under the age of
12 18 years with a classification prohibited in paragraph
13 (c) of Section 6-104;

14 12. To any person who has been either convicted of
15 or adjudicated under the Juvenile Court Act of 1987 based
16 upon a violation of the Cannabis Control Act or the
17 Illinois Controlled Substances Act while that person was
18 in actual physical control of a motor vehicle. For
19 purposes of this Section, any person placed on probation
20 under Section 10 of the Cannabis Control Act or Section
21 410 of the Illinois Controlled Substances Act shall not
22 be considered convicted. Any person found guilty of this
23 offense, while in actual physical control of a motor
24 vehicle, shall have an entry made in the court record by
25 the judge that this offense did occur while the person
26 was in actual physical control of a motor vehicle and
27 order the clerk of the court to report the violation to
28 the Secretary of State as such. The Secretary of State
29 shall not issue a new license or permit for a period of
30 one year;

31 13. To any person who is under the age of 18 years
32 and who has committed the offense of operating a motor
33 vehicle without a valid license or permit in violation of
34 Section 6-101; or

1 14. To any person who is 90 days or more delinquent
2 in court ordered child support payments or has been
3 adjudicated in arrears in an amount equal to 90 days'
4 obligation or more and who has been found in contempt of
5 court for failure to pay the support, subject to the
6 requirements and procedures of Article VII of Chapter 7
7 of the Illinois Vehicle Code; or-

8 15. To any person released from a term of
9 imprisonment for violating Section 9-3 of the Criminal
10 Code of 1961 relating to reckless homicide within 24
11 months of release from a term of imprisonment. The 24
12 months does not commence until the expiration of any
13 period of mandatory supervised release or parole.

14 The Secretary of State shall retain all conviction
15 information, if the information is required to be held
16 confidential under the Juvenile Court Act of 1987.

17 (Source: P.A. 90-369, eff. 1-1-98; 90-733, eff. 8-11-98.)

18 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

19 Sec. 6-208. Period of Suspension - Application After
20 Revocation.

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

26 (b) Any person whose license, permit or privilege to
27 drive a motor vehicle on the highways has been revoked shall
28 not be entitled to have such license, permit or privilege
29 renewed or restored. However, such person may, except as
30 provided under subsection (d) of Section 6-205, make
31 application for a license pursuant to Section 6-106 (i) if
32 the revocation was for a cause which has been removed or (ii)
33 as provided in the following subparagraphs:

1 1. Except as provided in subparagraphs 2, 3, and 4,
2 the person may make application for a license after the
3 expiration of one year from the effective date of the
4 revocation or, in the case of a violation of paragraph
5 (b) of Section 11-401 of this Code or a similar provision
6 of a local ordinance, after the expiration of 3 years
7 from the effective date of the revocation or, in the case
8 of a violation of Section 9-3 of the Criminal Code of
9 1961 relating to the offense of reckless homicide, after
10 the expiration of 2 years from the effective date of the
11 revocation or after the expiration of 24 months from the
12 date of release from a period of imprisonment, mandatory
13 release, or parole as provided in Section 6-103 of this
14 Code, whichever is later.

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

17 (A) Section 11-501 of this Code, or a similar
18 provision of a local ordinance; or

19 (B) Paragraph (b) of Section 11-401 of this
20 Code, or a similar provision of a local ordinance;
21 or

22 (C) Section 9-3 of the Criminal Code of 1961,
23 as amended, relating to the offense of reckless
24 homicide; or

25 (D) any combination of the above offenses
26 committed at different instances;

27 then such person may not make application for a license
28 until after the expiration of 5 years from the effective
29 date of the most recent revocation. The 20 year period
30 shall be computed by using the dates the offenses were
31 committed and shall also include similar out-of-state
32 offenses.

33 3. However, except as provided in subparagraph 4,
34 if such person is convicted of committing a third, or

1 subsequent, violation or any combination of the above
2 offenses, including similar out-of-state offenses,
3 contained in subparagraph 2, then such person may not
4 make application for a license until after the expiration
5 of 10 years from the effective date of the most recent
6 revocation.

7 4. The person may not make application for a
8 license if the person is convicted of committing a fourth
9 or subsequent violation of Section 11-501 of this Code or
10 a similar provision of a local ordinance, paragraph (b)
11 of Section 11-401 of this Code, Section 9-3 of the
12 Criminal Code of 1961, or a combination of these offenses
13 or similar provisions of local ordinances or similar
14 out-of-state offenses if the original revocation or
15 suspension was for a violation of Section 11-501 or
16 11-501.1 of this Code or a similar provision of a local
17 ordinance.

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

23 In no event shall the Secretary issue such license unless
24 and until such person has had a hearing pursuant to this Code
25 and the appropriate administrative rules and the Secretary is
26 satisfied, after a review or investigation of such person,
27 that to grant the privilege of driving a motor vehicle on the
28 highways will not endanger the public safety or welfare.

29 (Source: P.A. 90-543, eff. 12-1-97; 90-738, eff. 1-1-99;
30 91-357, eff. 7-29-99.)