

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 6-206 as follows:

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

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

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

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

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

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

29 4. Has by the unlawful operation of a motor vehicle  
30 caused or contributed to an accident resulting in death  
31 or injury requiring immediate professional treatment in a

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

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

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

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

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

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

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

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

34 12. Has submitted to any portion of the application

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 shall be as prescribed in Section 6-208.1;

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

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

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

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

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

21 37. Has committed a violation of subsection (c) of  
22 Section 11-907 of this Code; or

23 38. Is under 21 years of and has purchased,  
24 attempted to purchase, or consumed beverage alcohol in an  
25 on-premises or off-premises business licensed to serve or  
26 sell beverage alcohol.

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

34 (b) If any conviction forming the basis of a suspension

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

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

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

1 Secretary of State shall issue the driver a permit to  
2 operate a vehicle in connection with the driver's regular  
3 occupation only. Unless the permit is issued by the  
4 Secretary of State prior to the date of suspension, the  
5 privilege to drive any motor vehicle shall be suspended  
6 as set forth in the notice that was mailed under this  
7 Section. If an affidavit is received subsequent to the  
8 effective date of this suspension, a permit may be issued  
9 for the remainder of the suspension period.

10 The provisions of this subparagraph shall not apply  
11 to any driver required to obtain a commercial driver's  
12 license under Section 6-507 during the period of a  
13 disqualification of commercial driving privileges under  
14 Section 6-514.

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

20 3. At the conclusion of a hearing under Section  
21 2-118 of this Code, the Secretary of State shall either  
22 rescind or continue an order of revocation or shall  
23 substitute an order of suspension; or, good cause  
24 appearing therefor, rescind, continue, change, or extend  
25 the order of suspension. If the Secretary of State does  
26 not rescind the order, the Secretary may upon  
27 application, to relieve undue hardship, issue a  
28 restricted driving permit granting the privilege of  
29 driving a motor vehicle between the petitioner's  
30 residence and petitioner's place of employment or within  
31 the scope of his employment related duties, or to allow  
32 transportation for the petitioner, or a household member  
33 of the petitioner's family, to receive necessary medical  
34 care and if the professional evaluation indicates,



1 provide transportation for alcohol remedial or  
2 rehabilitative activity, or for the petitioner to attend  
3 classes, as a student, in an accredited educational  
4 institution; if the petitioner is able to demonstrate  
5 that no alternative means of transportation is reasonably  
6 available and the petitioner will not endanger the public  
7 safety or welfare.

8 If a person's license or permit has been revoked or  
9 suspended due to 2 or more convictions of violating  
10 Section 11-501 of this Code or a similar provision of a  
11 local ordinance or a similar out-of-state offense,  
12 arising out of separate occurrences, that person, if  
13 issued a restricted driving permit, may not operate a  
14 vehicle unless it has been equipped with an ignition  
15 interlock device as defined in Section 1-129.1.

16 If a person's license or permit has been revoked or  
17 suspended 2 or more times within a 10 year period due to  
18 a single conviction of violating Section 11-501 of this  
19 Code or a similar provision of a local ordinance or a  
20 similar out-of-state offense, and a statutory summary  
21 suspension under Section 11-501.1, or 2 or more statutory  
22 summary suspensions, or combination of 2 offenses, or of  
23 an offense and a statutory summary suspension, arising  
24 out of separate occurrences, that person, if issued a  
25 restricted driving permit, may not operate a vehicle  
26 unless it has been equipped with an ignition interlock  
27 device as defined in Section 1-129.1. The person must pay  
28 to the Secretary of State DUI Administration Fund an  
29 amount not to exceed \$20 per month. The Secretary shall  
30 establish by rule the amount and the procedures, terms,  
31 and conditions relating to these fees. If the restricted  
32 driving permit was issued for employment purposes, then  
33 this provision does not apply to the operation of an  
34 occupational vehicle owned or leased by that person's

1 employer. In each case the Secretary may issue a  
2 restricted driving permit for a period deemed  
3 appropriate, except that all permits shall expire within  
4 one year from the date of issuance. The Secretary may  
5 not, however, issue a restricted driving permit to any  
6 person whose current revocation is the result of a second  
7 or subsequent conviction for a violation of Section  
8 11-501 of this Code or a similar provision of a local  
9 ordinance relating to the offense of operating or being  
10 in physical control of a motor vehicle while under the  
11 influence of alcohol, other drug or drugs, intoxicating  
12 compound or compounds, or any similar out-of-state  
13 offense, or any combination of those offenses, until the  
14 expiration of at least one year from the date of the  
15 revocation. A restricted driving permit issued under this  
16 Section shall be subject to cancellation, revocation, and  
17 suspension by the Secretary of State in like manner and  
18 for like cause as a driver's license issued under this  
19 Code may be cancelled, revoked, or suspended; except that  
20 a conviction upon one or more offenses against laws or  
21 ordinances regulating the movement of traffic shall be  
22 deemed sufficient cause for the revocation, suspension,  
23 or cancellation of a restricted driving permit. The  
24 Secretary of State may, as a condition to the issuance of  
25 a restricted driving permit, require the applicant to  
26 participate in a designated driver remedial or  
27 rehabilitative program. The Secretary of State is  
28 authorized to cancel a restricted driving permit if the  
29 permit holder does not successfully complete the program.

30 (c-5) The Secretary of State may, as a condition of the  
31 reissuance of a driver's license or permit to an applicant  
32 whose driver's license or permit has been suspended before he  
33 or she reached the age of 18 years pursuant to any of the  
34 provisions of this Section, require the applicant to

1 participate in a driver remedial education course and be  
2 retested under Section 6-109 of this Code.

3 (d) This Section is subject to the provisions of the  
4 Drivers License Compact.

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

9 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;  
10 92-458, eff. 8-22-01; revised 8-27-01.)