

1 AN ACT in relation to alcoholic liquor.

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

4 Section 5. The Liquor Control Act of 1934 is amended by
5 changing Section 4-4 as follows:

6 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

7 Sec. 4-4. Each local liquor control commissioner shall
8 also have the following powers, functions and duties with
9 respect to licenses, other than licenses to manufacturers,
10 importing distributors, distributors, foreign importers,
11 non-resident dealers, non-beverage users, brokers, railroads,
12 airplanes and boats.

13 1. To grant and or suspend for not more than thirty
14 days or revoke for cause all local licenses issued to
15 persons for premises within his jurisdiction;

16 2. To enter or to authorize any law enforcing
17 officer to enter at any time upon any premises licensed
18 hereunder to determine whether any of the provisions of
19 this Act or any rules or regulations adopted by him or by
20 the State Commission have been or are being violated, and
21 at such time to examine said premises of said licensee in
22 connection therewith;

23 3. To notify the Secretary of State where a club
24 incorporated under the General Not for Profit Corporation
25 Act of 1986 or a foreign corporation functioning as a
26 club in this State under a certificate of authority
27 issued under that Act has violated this Act by selling or
28 offering for sale at retail alcoholic liquors without a
29 retailer's license;

30 4. To receive complaint from any citizen within his
31 jurisdiction that any of the provisions of this Act, or

1 any rules or regulations adopted pursuant hereto, have
2 been or are being violated and to act upon such
3 complaints in the manner hereinafter provided;

4 5. To receive local license fees and pay the same
5 forthwith to the city, village, town or county treasurer
6 as the case may be.

7 Each local liquor commissioner also has the duty to
8 notify the Secretary of State of any convictions for a
9 violation of Section 6-20 of this Act or a similar provision
10 of a local ordinance.

11 In counties and municipalities, the local liquor control
12 commissioners shall also have the power to levy fines in
13 accordance with Section 7-5 of this Act.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 Section 10. The Illinois Vehicle Code is amended by
16 changing Section 6-206 as follows:

17 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

20 (a) The Secretary of State is authorized to suspend or
21 revoke the driving privileges of any person without
22 preliminary hearing upon a showing of the person's records or
23 other sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
25 revocation of a driver's license or permit is required
26 upon conviction;

27 2. Has been convicted of not less than 3 offenses
28 against traffic regulations governing the movement of
29 vehicles committed within any 12 month period. No
30 revocation or suspension shall be entered more than 6
31 months after the date of last conviction;

32 3. Has been repeatedly involved as a driver in

1 motor vehicle collisions or has been repeatedly convicted
2 of offenses against laws and ordinances regulating the
3 movement of traffic, to a degree that indicates lack of
4 ability to exercise ordinary and reasonable care in the
5 safe operation of a motor vehicle or disrespect for the
6 traffic laws and the safety of other persons upon the
7 highway;

8 4. Has by the unlawful operation of a motor vehicle
9 caused or contributed to an accident resulting in death
10 or injury requiring immediate professional treatment in a
11 medical facility or doctor's office to any person, except
12 that any suspension or revocation imposed by the
13 Secretary of State under the provisions of this
14 subsection shall start no later than 6 months after being
15 convicted of violating a law or ordinance regulating the
16 movement of traffic, which violation is related to the
17 accident, or shall start not more than one year after the
18 date of the accident, whichever date occurs later;

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

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

25 7. Has refused or failed to submit to an
26 examination provided for by Section 6-207 or has failed
27 to pass the examination;

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

30 9. Has made a false statement or knowingly
31 concealed a material fact or has used false information
32 or identification in any application for a license,
33 identification card, or permit;

34 10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of
4 this State when the person's driving privilege or
5 privilege to obtain a driver's license or permit was
6 revoked or suspended unless the operation was authorized
7 by a judicial driving permit, probationary license to
8 drive, or a restricted driving permit issued under this
9 Code;

10 12. Has submitted to any portion of the application
11 process for another person or has obtained the services
12 of another person to submit to any portion of the
13 application process for the purpose of obtaining a
14 license, identification card, or permit for some other
15 person;

16 13. Has operated a motor vehicle upon a highway of
17 this State when the person's driver's license or permit
18 was invalid under the provisions of Sections 6-107.1 and
19 6-110;

20 14. Has committed a violation of Section 6-301,
21 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
22 14B of the Illinois Identification Card Act;

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

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

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

33 18. Has, since issuance of a driver's license or
34 permit, been adjudged to be afflicted with or suffering

1 from any mental disability or disease;

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

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

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

11 22. Has used a motor vehicle in violating paragraph
12 (3), (4), (7), or (9) of subsection (a) of Section 24-1
13 of the Criminal Code of 1961 relating to unlawful use of
14 weapons, in which case the suspension shall be for one
15 year;

16 23. Has, as a driver, been convicted of committing
17 a violation of paragraph (a) of Section 11-502 of this
18 Code for a second or subsequent time within one year of a
19 similar violation;

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

26 25. Has permitted any form of identification to be
27 used by another in the application process in order to
28 obtain or attempt to obtain a license, identification
29 card, or permit;

30 26. Has altered or attempted to alter a license or
31 has possessed an altered license, identification card, or
32 permit;

33 27. Has violated Section 6-16 of the Liquor Control
34 Act of 1934;

1 28. Has been convicted of the illegal possession,
2 while operating or in actual physical control, as a
3 driver, of a motor vehicle, of any controlled substance
4 prohibited under the Illinois Controlled Substances Act
5 or any cannabis prohibited under the provisions of the
6 Cannabis Control Act, in which case the person's driving
7 privileges shall be suspended for one year, and any
8 driver who is convicted of a second or subsequent
9 offense, within 5 years of a previous conviction, for the
10 illegal possession, while operating or in actual physical
11 control, as a driver, of a motor vehicle, of any
12 controlled substance prohibited under the provisions of
13 the Illinois Controlled Substances Act or any cannabis
14 prohibited under the Cannabis Control Act shall be
15 suspended for 5 years. Any defendant found guilty of this
16 offense while operating a motor vehicle, shall have an
17 entry made in the court record by the presiding judge
18 that this offense did occur while the defendant was
19 operating a motor vehicle and order the clerk of the
20 court to report the violation to the Secretary of State;

21 29. Has been convicted of the following offenses
22 that were committed while the person was operating or in
23 actual physical control, as a driver, of a motor vehicle:
24 criminal sexual assault, predatory criminal sexual
25 assault of a child, aggravated criminal sexual assault,
26 criminal sexual abuse, aggravated criminal sexual abuse,
27 juvenile pimping, soliciting for a juvenile prostitute
28 and the manufacture, sale or delivery of controlled
29 substances or instruments used for illegal drug use or
30 abuse in which case the driver's driving privileges shall
31 be suspended for one year;

32 30. Has been convicted a second or subsequent time
33 for any combination of the offenses named in paragraph 29
34 of this subsection, in which case the person's driving

1 privileges shall be suspended for 5 years;

2 31. Has refused to submit to a test as required by
3 Section 11-501.6 or has submitted to a test resulting in
4 an alcohol concentration of 0.08 or more or any amount of
5 a drug, substance, or compound resulting from the
6 unlawful use or consumption of cannabis as listed in the
7 Cannabis Control Act, a controlled substance as listed in
8 the Illinois Controlled Substances Act, or an
9 intoxicating compound as listed in the Use of
10 Intoxicating Compounds Act, in which case the penalty
11 shall be as prescribed in Section 6-208.1;

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

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

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

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

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

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

33 38. Has been convicted of a violation of Section
34 6-20 of the Liquor Control Act of 1934 or a similar

1 provision of a local ordinance.

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

9 (b) If any conviction forming the basis of a suspension
10 or revocation authorized under this Section is appealed, the
11 Secretary of State may rescind or withhold the entry of the
12 order of suspension or revocation, as the case may be,
13 provided that a certified copy of a stay order of a court is
14 filed with the Secretary of State. If the conviction is
15 affirmed on appeal, the date of the conviction shall relate
16 back to the time the original judgment of conviction was
17 entered and the 6 month limitation prescribed shall not
18 apply.

19 (c) 1. Upon suspending or revoking the driver's license
20 or permit of any person as authorized in this Section,
21 the Secretary of State shall immediately notify the
22 person in writing of the revocation or suspension. The
23 notice to be deposited in the United States mail, postage
24 prepaid, to the last known address of the person.

25 2. If the Secretary of State suspends the driver's
26 license of a person under subsection 2 of paragraph (a)
27 of this Section, a person's privilege to operate a
28 vehicle as an occupation shall not be suspended, provided
29 an affidavit is properly completed, the appropriate fee
30 received, and a permit issued prior to the effective date
31 of the suspension, unless 5 offenses were committed, at
32 least 2 of which occurred while operating a commercial
33 vehicle in connection with the driver's regular
34 occupation. All other driving privileges shall be

1 suspended by the Secretary of State. Any driver prior to
2 operating a vehicle for occupational purposes only must
3 submit the affidavit on forms to be provided by the
4 Secretary of State setting forth the facts of the
5 person's occupation. The affidavit shall also state the
6 number of offenses committed while operating a vehicle in
7 connection with the driver's regular occupation. The
8 affidavit shall be accompanied by the driver's license.
9 Upon receipt of a properly completed affidavit, the
10 Secretary of State shall issue the driver a permit to
11 operate a vehicle in connection with the driver's regular
12 occupation only. Unless the permit is issued by the
13 Secretary of State prior to the date of suspension, the
14 privilege to drive any motor vehicle shall be suspended
15 as set forth in the notice that was mailed under this
16 Section. If an affidavit is received subsequent to the
17 effective date of this suspension, a permit may be issued
18 for the remainder of the suspension period.

19 The provisions of this subparagraph shall not apply
20 to any driver required to obtain a commercial driver's
21 license under Section 6-507 during the period of a
22 disqualification of commercial driving privileges under
23 Section 6-514.

24 Any person who falsely states any fact in the
25 affidavit required herein shall be guilty of perjury
26 under Section 6-302 and upon conviction thereof shall
27 have all driving privileges revoked without further
28 rights.

29 3. At the conclusion of a hearing under Section
30 2-118 of this Code, the Secretary of State shall either
31 rescind or continue an order of revocation or shall
32 substitute an order of suspension; or, good cause
33 appearing therefor, rescind, continue, change, or extend
34 the order of suspension. If the Secretary of State does

1 not rescind the order, the Secretary may upon
2 application, to relieve undue hardship, issue a
3 restricted driving permit granting the privilege of
4 driving a motor vehicle between the petitioner's
5 residence and petitioner's place of employment or within
6 the scope of his employment related duties, or to allow
7 transportation for the petitioner, or a household member
8 of the petitioner's family, to receive necessary medical
9 care and if the professional evaluation indicates,
10 provide transportation for alcohol remedial or
11 rehabilitative activity, or for the petitioner to attend
12 classes, as a student, in an accredited educational
13 institution; if the petitioner is able to demonstrate
14 that no alternative means of transportation is reasonably
15 available and the petitioner will not endanger the public
16 safety or welfare.

17 If a person's license or permit has been revoked or
18 suspended due to 2 or more convictions of violating
19 Section 11-501 of this Code or a similar provision of a
20 local ordinance or a similar out-of-state offense,
21 arising out of separate occurrences, that person, if
22 issued a restricted driving permit, may not operate a
23 vehicle unless it has been equipped with an ignition
24 interlock device as defined in Section 1-129.1.

25 If a person's license or permit has been revoked or
26 suspended 2 or more times within a 10 year period due to
27 a single conviction of violating Section 11-501 of this
28 Code or a similar provision of a local ordinance or a
29 similar out-of-state offense, and a statutory summary
30 suspension under Section 11-501.1, or 2 or more statutory
31 summary suspensions, or combination of 2 offenses, or of
32 an offense and a statutory summary suspension, arising
33 out of separate occurrences, that person, if issued a
34 restricted driving permit, may not operate a vehicle

1 unless it has been equipped with an ignition interlock
2 device as defined in Section 1-129.1. The person must pay
3 to the Secretary of State DUI Administration Fund an
4 amount not to exceed \$20 per month. The Secretary shall
5 establish by rule the amount and the procedures, terms,
6 and conditions relating to these fees. If the restricted
7 driving permit was issued for employment purposes, then
8 this provision does not apply to the operation of an
9 occupational vehicle owned or leased by that person's
10 employer. In each case the Secretary may issue a
11 restricted driving permit for a period deemed
12 appropriate, except that all permits shall expire within
13 one year from the date of issuance. The Secretary may
14 not, however, issue a restricted driving permit to any
15 person whose current revocation is the result of a second
16 or subsequent conviction for a violation of Section
17 11-501 of this Code or a similar provision of a local
18 ordinance relating to the offense of operating or being
19 in physical control of a motor vehicle while under the
20 influence of alcohol, other drug or drugs, intoxicating
21 compound or compounds, or any similar out-of-state
22 offense, or any combination of those offenses, until the
23 expiration of at least one year from the date of the
24 revocation. A restricted driving permit issued under this
25 Section shall be subject to cancellation, revocation, and
26 suspension by the Secretary of State in like manner and
27 for like cause as a driver's license issued under this
28 Code may be cancelled, revoked, or suspended; except that
29 a conviction upon one or more offenses against laws or
30 ordinances regulating the movement of traffic shall be
31 deemed sufficient cause for the revocation, suspension,
32 or cancellation of a restricted driving permit. The
33 Secretary of State may, as a condition to the issuance of
34 a restricted driving permit, require the applicant to

1 participate in a designated driver remedial or
2 rehabilitative program. The Secretary of State is
3 authorized to cancel a restricted driving permit if the
4 permit holder does not successfully complete the program.

5 (c-5) The Secretary of State may, as a condition of the
6 reissuance of a driver's license or permit to an applicant
7 whose driver's license or permit has been suspended before he
8 or she reached the age of 18 years pursuant to any of the
9 provisions of this Section, require the applicant to
10 participate in a driver remedial education course and be
11 retested under Section 6-109 of this Code.

12 (d) This Section is subject to the provisions of the
13 Drivers License Compact.

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

18 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
19 92-458, eff. 8-22-01; revised 8-27-01.)