

1 AMENDMENT TO HOUSE BILL 5941

2 AMENDMENT NO. _____. Amend House Bill 5941 by replacing
3 the title with the following:

4 "AN ACT in relation to alcoholic liquor."; and

5 by replacing everything after the enacting clause with the
6 following:

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

9 (235 ILCS 5/4-4) (from Ch. 43, par. 112)

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

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

19 2. To enter or to authorize any law enforcing
20 officer to enter at any time upon any premises licensed
21 hereunder to determine whether any of the provisions of

1 this Act or any rules or regulations adopted by him or by
2 the State Commission have been or are being violated, and
3 at such time to examine said premises of said licensee in
4 connection therewith;

5 3. To notify the Secretary of State where a club
6 incorporated under the General Not for Profit Corporation
7 Act of 1986 or a foreign corporation functioning as a
8 club in this State under a certificate of authority
9 issued under that Act has violated this Act by selling or
10 offering for sale at retail alcoholic liquors without a
11 retailer's license;

12 4. To receive complaint from any citizen within his
13 jurisdiction that any of the provisions of this Act, or
14 any rules or regulations adopted pursuant hereto, have
15 been or are being violated and to act upon such
16 complaints in the manner hereinafter provided;

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

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

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

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

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

30 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

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

1 (a) The Secretary of State is authorized to suspend or
2 revoke the driving privileges of any person without
3 preliminary hearing upon a showing of the person's records or
4 other sufficient evidence that the person:

5 1. Has committed an offense for which mandatory
6 revocation of a driver's license or permit is required
7 upon conviction;

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

13 3. Has been repeatedly involved as a driver in
14 motor vehicle collisions or has been repeatedly convicted
15 of offenses against laws and ordinances regulating the
16 movement of traffic, to a degree that indicates lack of
17 ability to exercise ordinary and reasonable care in the
18 safe operation of a motor vehicle or disrespect for the
19 traffic laws and the safety of other persons upon the
20 highway;

21 4. Has by the unlawful operation of a motor vehicle
22 caused or contributed to an accident resulting in death
23 or injury requiring immediate professional treatment in a
24 medical facility or doctor's office to any person, except
25 that any suspension or revocation imposed by the
26 Secretary of State under the provisions of this
27 subsection shall start no later than 6 months after being
28 convicted of violating a law or ordinance regulating the
29 movement of traffic, which violation is related to the
30 accident, or shall start not more than one year after the
31 date of the accident, whichever date occurs later;

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

34 6. Has been lawfully convicted of an offense or

1 offenses in another state, including the authorization
2 contained in Section 6-203.1, which if committed within
3 this State would be grounds for suspension or revocation;

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

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

9 9. Has made a false statement or knowingly
10 concealed a material fact or has used false information
11 or identification in any application for a license,
12 identification card, or permit;

13 10. Has possessed, displayed, or attempted to
14 fraudulently use any license, identification card, or
15 permit not issued to the person;

16 11. Has operated a motor vehicle upon a highway of
17 this State when the person's driving privilege or
18 privilege to obtain a driver's license or permit was
19 revoked or suspended unless the operation was authorized
20 by a judicial driving permit, probationary license to
21 drive, or a restricted driving permit issued under this
22 Code;

23 12. Has submitted to any portion of the application
24 process for another person or has obtained the services
25 of another person to submit to any portion of the
26 application process for the purpose of obtaining a
27 license, identification card, or permit for some other
28 person;

29 13. Has operated a motor vehicle upon a highway of
30 this State when the person's driver's license or permit
31 was invalid under the provisions of Sections 6-107.1 and
32 6-110;

33 14. Has committed a violation of Section 6-301,
34 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or

1 14B of the Illinois Identification Card Act;

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

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

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

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

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

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

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

24 22. Has used a motor vehicle in violating paragraph
25 (3), (4), (7), or (9) of subsection (a) of Section 24-1
26 of the Criminal Code of 1961 relating to unlawful use of
27 weapons, in which case the suspension shall be for one
28 year;

29 23. Has, as a driver, been convicted of committing
30 a violation of paragraph (a) of Section 11-502 of this
31 Code for a second or subsequent time within one year of a
32 similar violation;

33 24. Has been convicted by a court-martial or
34 punished by non-judicial punishment by military

1 authorities of the United States at a military
2 installation in Illinois of or for a traffic related
3 offense that is the same as or similar to an offense
4 specified under Section 6-205 or 6-206 of this Code;

5 25. Has permitted any form of identification to be
6 used by another in the application process in order to
7 obtain or attempt to obtain a license, identification
8 card, or permit;

9 26. Has altered or attempted to alter a license or
10 has possessed an altered license, identification card, or
11 permit;

12 27. Has violated Section 6-16 of the Liquor Control
13 Act of 1934;

14 28. Has been convicted of the illegal possession,
15 while operating or in actual physical control, as a
16 driver, of a motor vehicle, of any controlled substance
17 prohibited under the Illinois Controlled Substances Act
18 or any cannabis prohibited under the provisions of the
19 Cannabis Control Act, in which case the person's driving
20 privileges shall be suspended for one year, and any
21 driver who is convicted of a second or subsequent
22 offense, within 5 years of a previous conviction, for the
23 illegal possession, while operating or in actual physical
24 control, as a driver, of a motor vehicle, of any
25 controlled substance prohibited under the provisions of
26 the Illinois Controlled Substances Act or any cannabis
27 prohibited under the Cannabis Control Act shall be
28 suspended for 5 years. Any defendant found guilty of this
29 offense while operating a motor vehicle, shall have an
30 entry made in the court record by the presiding judge
31 that this offense did occur while the defendant was
32 operating a motor vehicle and order the clerk of the
33 court to report the violation to the Secretary of State;

34 29. Has been convicted of the following offenses

1 that were committed while the person was operating or in
2 actual physical control, as a driver, of a motor vehicle:
3 criminal sexual assault, predatory criminal sexual
4 assault of a child, aggravated criminal sexual assault,
5 criminal sexual abuse, aggravated criminal sexual abuse,
6 juvenile pimping, soliciting for a juvenile prostitute
7 and the manufacture, sale or delivery of controlled
8 substances or instruments used for illegal drug use or
9 abuse in which case the driver's driving privileges shall
10 be suspended for one year;

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

15 31. Has refused to submit to a test as required by
16 Section 11-501.6 or has submitted to a test resulting in
17 an alcohol concentration of 0.08 or more or any amount of
18 a drug, substance, or compound resulting from the
19 unlawful use or consumption of cannabis as listed in the
20 Cannabis Control Act, a controlled substance as listed in
21 the Illinois Controlled Substances Act, or an
22 intoxicating compound as listed in the Use of
23 Intoxicating Compounds Act, in which case the penalty
24 shall be as prescribed in Section 6-208.1;

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

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

34 34. Has committed a violation of Section 11-1301.5

1 of this Code;

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

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

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

12 38. Has been convicted of a violation of Section
13 6-20 of the Liquor Control Act of 1934 or a similar
14 provision of a local ordinance.

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

22 (b) If any conviction forming the basis of a suspension
23 or revocation authorized under this Section is appealed, the
24 Secretary of State may rescind or withhold the entry of the
25 order of suspension or revocation, as the case may be,
26 provided that a certified copy of a stay order of a court is
27 filed with the Secretary of State. If the conviction is
28 affirmed on appeal, the date of the conviction shall relate
29 back to the time the original judgment of conviction was
30 entered and the 6 month limitation prescribed shall not
31 apply.

32 (c) 1. Upon suspending or revoking the driver's license
33 or permit of any person as authorized in this Section,
34 the Secretary of State shall immediately notify the

1 person in writing of the revocation or suspension. The
2 notice to be deposited in the United States mail, postage
3 prepaid, to the last known address of the person.

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

32 The provisions of this subparagraph shall not apply
33 to any driver required to obtain a commercial driver's
34 license under Section 6-507 during the period of a

1 disqualification of commercial driving privileges under
2 Section 6-514.

3 Any person who falsely states any fact in the
4 affidavit required herein shall be guilty of perjury
5 under Section 6-302 and upon conviction thereof shall
6 have all driving privileges revoked without further
7 rights.

8 3. At the conclusion of a hearing under Section
9 2-118 of this Code, the Secretary of State shall either
10 rescind or continue an order of revocation or shall
11 substitute an order of suspension; or, good cause
12 appearing therefor, rescind, continue, change, or extend
13 the order of suspension. If the Secretary of State does
14 not rescind the order, the Secretary may upon
15 application, to relieve undue hardship, issue a
16 restricted driving permit granting the privilege of
17 driving a motor vehicle between the petitioner's
18 residence and petitioner's place of employment or within
19 the scope of his employment related duties, or to allow
20 transportation for the petitioner, or a household member
21 of the petitioner's family, to receive necessary medical
22 care and if the professional evaluation indicates,
23 provide transportation for alcohol remedial or
24 rehabilitative activity, or for the petitioner to attend
25 classes, as a student, in an accredited educational
26 institution; if the petitioner is able to demonstrate
27 that no alternative means of transportation is reasonably
28 available and the petitioner will not endanger the public
29 safety or welfare.

30 If a person's license or permit has been revoked or
31 suspended due to 2 or more convictions of violating
32 Section 11-501 of this Code or a similar provision of a
33 local ordinance or a similar out-of-state offense,
34 arising out of separate occurrences, that person, if

1 issued a restricted driving permit, may not operate a
2 vehicle unless it has been equipped with an ignition
3 interlock device as defined in Section 1-129.1.

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

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

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

25 (d) This Section is subject to the provisions of the
26 Drivers License Compact.

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

31 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
32 92-458, eff. 8-22-01; revised 8-27-01.)".