



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2190

by Rep. Carol Ammons

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that the amendatory Act may be referred to as the License to Work Act. Deletes language providing that all notices sent to a person involved in an administrative proceeding shall state that failure to satisfy any fine or penalty shall result in the Secretary of State suspending his or her driving privileges, vehicle registration, or both. Provides that the Secretary is authorized to cancel any license or permit if the holder failed to pay any fees owed to the Secretary for the license or permit (rather than failure to pay any fees, civil penalties owed to the Illinois Commerce Commission, or taxes due upon reasonable notice and demand). Provides that a person whose driver's license was canceled, suspended, or revoked under certain circumstances shall have his or her driving privileges reinstated. Deletes language providing that the reporting requirements for public officials shall apply to a truant minor in need of supervision, an addicted minor, or a delinquent minor whose driver's license has been suspended. Provides for the immediate revocation of the license, permit, or driving privileges of any driver if the driver was convicted of a misdemeanor relating to a motor vehicle if the person exercised actual physical control over the vehicle during the commission of the offense. Provides that the Secretary is authorized to suspend or revoke the driving privileges of any person without a preliminary hearing if the person has been convicted of criminal trespass to vehicle if the person exercised actual physical control over the vehicle during the commission of the offense. Provides that in order to be subject to suspension or revocation for violation of specific provisions of the Liquor Control Act of 1934, a person must also be an occupant of a motor vehicle at the time of the violation. Deletes language authorizing the Secretary to suspend or revoke the driving privileges of a person without a preliminary hearing for specific adjudications or violations. Deletes language providing that the owner of a registered vehicle that has failed to pay any fine or penalty due and owing as a result of 10 or more violations shall have his or her driving privileges suspended. Repeals Sections concerning the suspension of a driver's license for theft of motor fuel and suspension of driving privileges for failure to satisfy fines or penalties for toll violations or evasions. Effective July 1, 2020.

LRB101 08215 TAE 53281 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 1. This Act may be referred to as the License to  
5 Work Act.

6 Section 5. The Illinois Vehicle Code is amended by changing  
7 Sections 3-704.2, 6-201, 6-204, 6-205, 6-206, 6-306.5, and  
8 11-208.3 and by adding Sections 6-209.1 and 6-213 as follows:

9 (625 ILCS 5/3-704.2)

10 Sec. 3-704.2. Failure to satisfy fines or penalties for  
11 toll violations or evasions; suspension of vehicle  
12 registration.

13 (a) Upon receipt of a certified report, as prescribed by  
14 subsection (c) of this Section, from the Authority stating that  
15 the owner of a registered vehicle has failed to satisfy any  
16 fine or penalty resulting from a final order issued by the  
17 Authority relating directly or indirectly to 5 or more toll  
18 violations, toll evasions, or both, the Secretary of State  
19 shall suspend the vehicle registration of the person in  
20 accordance with the procedures set forth in this Section.

21 (b) Following receipt of the certified report of the  
22 Authority as specified in the Section, the Secretary of State

1 shall notify the person whose name appears on the certified  
2 report that the person's vehicle registration will be suspended  
3 at the end of a specified period unless the Secretary of State  
4 is presented with a notice from the Authority certifying that  
5 the fines or penalties owing the Authority have been satisfied  
6 or that inclusion of that person's name on the certified report  
7 was in error. The Secretary's notice shall state in substance  
8 the information contained in the Authority's certified report  
9 to the Secretary, and shall be effective as specified by  
10 subsection (c) of Section 6-211 of this Code.

11 (c) The report from the Authority notifying the Secretary  
12 of unsatisfied fines or penalties pursuant to this Section  
13 shall be certified and shall contain the following:

14 (1) The name, last known address, and driver's license  
15 number of the person who failed to satisfy the fines or  
16 penalties and the registration number of any vehicle known  
17 to be registered in this State to that person.

18 (2) A statement that the Authority sent a notice of  
19 impending suspension of the person's driver's license,  
20 vehicle registration, or both, as prescribed by rules  
21 enacted pursuant to subsection (a-5) of Section 10 of the  
22 Toll Highway Act, to the person named in the report at the  
23 address recorded with the Secretary of State; the date on  
24 which the notice was sent; and the address to which the  
25 notice was sent.

26 (d) The Authority, after making a certified report to the

1 Secretary pursuant to this Section, shall notify the Secretary,  
2 on a form prescribed by the Secretary, whenever a person named  
3 in the certified report has satisfied the previously reported  
4 fines or penalties or whenever the Authority determines that  
5 the original report was in error. A certified copy of the  
6 notification shall also be given upon request and at no  
7 additional charge to the person named therein. Upon receipt of  
8 the Authority's notification or presentation of a certified  
9 copy of the notification, the Secretary shall terminate the  
10 suspension.

11 (e) The Authority shall, by rule, establish procedures for  
12 persons to challenge the accuracy of the certified report made  
13 pursuant to this Section. The rule shall also provide the  
14 grounds for a challenge, which may be limited to:

15 (1) the person not having been the owner or lessee of  
16 the vehicle or vehicles receiving 5 or more toll violation  
17 or toll evasion notices on the date or dates the notices  
18 were issued; or

19 (2) the person having already satisfied the fines or  
20 penalties for the 5 or more toll violations or toll  
21 evasions indicated on the certified report.

22 (f) All notices sent by the Authority to persons involved  
23 in administrative adjudications, hearings, and final orders  
24 issued pursuant to rules implementing subsection (a-5) of  
25 Section 10 of the Toll Highway Act shall state, in clear and  
26 unambiguous language, the consequences of that failure to

1 ~~satisfy any fine or penalty imposed by the Authority shall~~  
2 ~~result in the Secretary of State suspending the driving~~  
3 ~~privileges, vehicle registration, or both, of the person~~  
4 failing to satisfy the fines or penalties imposed by the  
5 Authority.

6 (g) A person may request an administrative hearing to  
7 contest an impending suspension or a suspension made pursuant  
8 to this Section upon filing a written request with the  
9 Secretary. The filing fee for this hearing is \$20, to be paid  
10 at the time of the request. The Authority shall reimburse the  
11 Secretary for all reasonable costs incurred by the Secretary as  
12 a result of the filing of a certified report pursuant to this  
13 Section, including, but not limited to, the costs of providing  
14 notice required pursuant to subsection (b) and the costs  
15 incurred by the Secretary in any hearing conducted with respect  
16 to the report pursuant to this subsection and any appeal from  
17 that hearing.

18 (h) The Secretary and the Authority may promulgate rules to  
19 enable them to carry out their duties under this Section.

20 (i) The Authority shall cooperate with the Secretary in the  
21 administration of this Section and shall provide the Secretary  
22 with any information the Secretary may deem necessary for these  
23 purposes, including regular and timely access to toll violation  
24 enforcement records.

25 The Secretary shall cooperate with the Authority in the  
26 administration of this Section and shall provide the Authority

1 with any information the Authority may deem necessary for the  
2 purposes of this Section, including regular and timely access  
3 to vehicle registration records. Section 2-123 of this Code  
4 shall not apply to the provision of this information, but the  
5 Secretary shall be reimbursed for the cost of providing this  
6 information.

7 (j) For purposes of this Section, the term "Authority"  
8 means the Illinois State Toll Highway Authority.

9 (Source: P.A. 91-277, eff. 1-1-00.)

10 (625 ILCS 5/6-201)

11 Sec. 6-201. Authority to cancel licenses and permits.

12 (a) The Secretary of State is authorized to cancel any  
13 license or permit upon determining that the holder thereof:

14 1. was not entitled to the issuance thereof hereunder;

15 or

16 2. failed to give the required or correct information  
17 in his application; or

18 3. failed to pay any fees owed to the Secretary of  
19 State under this Code for the license or permit, ~~civil~~  
20 ~~penalties owed to the Illinois Commerce Commission, or~~  
21 ~~taxes due under this Act and upon reasonable notice and~~  
22 ~~demand;~~ or

23 4. committed any fraud in the making of such  
24 application; or

25 5. is ineligible therefor under the provisions of

1 Section 6-103 of this Act, as amended; or

2 6. has refused or neglected to submit an alcohol, drug,  
3 and intoxicating compound evaluation or to submit to  
4 examination or re-examination as required under this Act;  
5 or

6 7. has been convicted of violating the Cannabis Control  
7 Act, the Illinois Controlled Substances Act, the  
8 Methamphetamine Control and Community Protection Act, or  
9 the Use of Intoxicating Compounds Act while that individual  
10 was in actual physical control of a motor vehicle. For  
11 purposes of this Section, any person placed on probation  
12 under Section 10 of the Cannabis Control Act, Section 410  
13 of the Illinois Controlled Substances Act, or Section 70 of  
14 the Methamphetamine Control and Community Protection Act  
15 shall not be considered convicted. Any person found guilty  
16 of this offense, while in actual physical control of a  
17 motor vehicle, shall have an entry made in the court record  
18 by the judge that this offense did occur while the person  
19 was in actual physical control of a motor vehicle and order  
20 the clerk of the court to report the violation to the  
21 Secretary of State as such. After the cancellation, the  
22 Secretary of State shall not issue a new license or permit  
23 for a period of one year after the date of cancellation.  
24 However, upon application, the Secretary of State may, if  
25 satisfied that the person applying will not endanger the  
26 public safety, or welfare, issue a restricted driving

1 permit granting the privilege of driving a motor vehicle  
2 between the petitioner's residence and petitioner's place  
3 of employment or within the scope of the petitioner's  
4 employment related duties, or to allow transportation for  
5 the petitioner or a household member of the petitioner's  
6 family for the receipt of necessary medical care, or  
7 provide transportation for the petitioner to and from  
8 alcohol or drug remedial or rehabilitative activity  
9 recommended by a licensed service provider, or for the  
10 petitioner to attend classes, as a student, in an  
11 accredited educational institution. The petitioner must  
12 demonstrate that no alternative means of transportation is  
13 reasonably available; provided that the Secretary's  
14 discretion shall be limited to cases where undue hardship,  
15 as defined by the rules of the Secretary of State, would  
16 result from a failure to issue such restricted driving  
17 permit. In each case the Secretary of State may issue such  
18 restricted driving permit for such period as he deems  
19 appropriate, except that such permit shall expire no later  
20 than 2 years from the date of issuance. A restricted  
21 driving permit issued hereunder shall be subject to  
22 cancellation, revocation and suspension by the Secretary  
23 of State in like manner and for like cause as a driver's  
24 license issued hereunder may be cancelled, revoked or  
25 suspended; except that a conviction upon one or more  
26 offenses against laws or ordinances regulating the



1 movement of traffic shall be deemed sufficient cause for  
2 the revocation, suspension or cancellation of a restricted  
3 driving permit. The Secretary of State may, as a condition  
4 to the issuance of a restricted driving permit, require the  
5 applicant to participate in a driver remedial or  
6 rehabilitative program. In accordance with 49 C.F.R. 384,  
7 the Secretary of State may not issue a restricted driving  
8 permit for the operation of a commercial motor vehicle to a  
9 person holding a CDL whose driving privileges have been  
10 revoked, suspended, cancelled, or disqualified under this  
11 Code; or

12 8. failed to submit a report as required by Section  
13 6-116.5 of this Code; or

14 9. has been convicted of a sex offense as defined in  
15 the Sex Offender Registration Act. The driver's license  
16 shall remain cancelled until the driver registers as a sex  
17 offender as required by the Sex Offender Registration Act,  
18 proof of the registration is furnished to the Secretary of  
19 State and the sex offender provides proof of current  
20 address to the Secretary; or

21 10. is ineligible for a license or permit under Section  
22 6-107, 6-107.1, or 6-108 of this Code; or

23 11. refused or neglected to appear at a Driver Services  
24 facility to have the license or permit corrected and a new  
25 license or permit issued or to present documentation for  
26 verification of identity; or

1           12. failed to submit a medical examiner's certificate  
2           or medical variance as required by 49 C.F.R. 383.71 or  
3           submitted a fraudulent medical examiner's certificate or  
4           medical variance; or

5           13. has had his or her medical examiner's certificate,  
6           medical variance, or both removed or rescinded by the  
7           Federal Motor Carrier Safety Administration; or

8           14. failed to self-certify as to the type of driving in  
9           which the CDL driver engages or expects to engage; or

10          15. has submitted acceptable documentation indicating  
11          out-of-state residency to the Secretary of State to be  
12          released from the requirement of showing proof of financial  
13          responsibility in this State; or

14          16. was convicted of fraud relating to the testing or  
15          issuance of a CDL or CLP, in which case only the CDL or CLP  
16          shall be cancelled. After cancellation, the Secretary  
17          shall not issue a CLP or CDL for a period of one year from  
18          the date of cancellation; or

19          17. has a special restricted license under subsection  
20          (g) of Section 6-113 of this Code and failed to submit the  
21          required annual vision specialist report that the special  
22          restricted license holder's vision has not changed; or

23          18. has a special restricted license under subsection  
24          (g) of Section 6-113 of this Code and was convicted or  
25          received court supervision for a violation of this Code  
26          that occurred during nighttime hours or was involved in a

1 motor vehicle accident during nighttime hours in which the  
2 restricted license holder was at fault; or

3 19. has assisted an out-of-state resident in acquiring  
4 an Illinois driver's license or identification card by  
5 providing or allowing the out-of-state resident to use his  
6 or her Illinois address of residence and is complicit in  
7 distributing and forwarding the Illinois driver's license  
8 or identification card to the out-of-state resident.

9 (b) Upon such cancellation the licensee or permittee must  
10 surrender the license or permit so cancelled to the Secretary  
11 of State.

12 (c) Except as provided in Sections 6-206.1 and 7-702.1, the  
13 Secretary of State shall have exclusive authority to grant,  
14 issue, deny, cancel, suspend and revoke driving privileges,  
15 drivers' licenses and restricted driving permits.

16 (d) The Secretary of State may adopt rules to implement  
17 this Section.

18 (Source: P.A. 100-409, eff. 8-25-17; 100-803, eff. 1-1-19.)

19 (625 ILCS 5/6-204) (from Ch. 95 1/2, par. 6-204)

20 Sec. 6-204. When court to forward license and reports.

21 (a) For the purpose of providing to the Secretary of State  
22 the records essential to the performance of the Secretary's  
23 duties under this Code to cancel, revoke or suspend the  
24 driver's license and privilege to drive motor vehicles of  
25 certain minors ~~adjudicated truant minors in need of~~

1 ~~supervision, addicted, or delinquent~~ and of persons found  
2 guilty of the criminal offenses or traffic violations which  
3 this Code recognizes as evidence relating to unfitness to  
4 safely operate motor vehicles, the following duties are imposed  
5 upon public officials:

6 (1) Whenever any person is convicted of any offense for  
7 which this Code makes mandatory the cancellation or  
8 revocation of the driver's license or permit of such person  
9 by the Secretary of State, the judge of the court in which  
10 such conviction is had shall require the surrender to the  
11 clerk of the court of all driver's licenses or permits then  
12 held by the person so convicted, and the clerk of the court  
13 shall, within 5 days thereafter, forward the same, together  
14 with a report of such conviction, to the Secretary.

15 (2) Whenever any person is convicted of any offense  
16 under this Code or similar offenses under a municipal  
17 ordinance, other than regulations governing standing,  
18 parking or weights of vehicles, and excepting the following  
19 enumerated Sections of this Code: Sections 11-1406  
20 (obstruction to driver's view or control), 11-1407  
21 (improper opening of door into traffic), 11-1410 (coasting  
22 on downgrade), 11-1411 (following fire apparatus),  
23 11-1419.01 (Motor Fuel Tax I.D. Card), 12-101 (driving  
24 vehicle which is in unsafe condition or improperly  
25 equipped), 12-201(a) (daytime lights on motorcycles),  
26 12-202 (clearance, identification and side marker lamps),

1 12-204 (lamp or flag on projecting load), 12-205 (failure  
2 to display the safety lights required), 12-401  
3 (restrictions as to tire equipment), 12-502 (mirrors),  
4 12-503 (windshields must be unobstructed and equipped with  
5 wipers), 12-601 (horns and warning devices), 12-602  
6 (mufflers, prevention of noise or smoke), 12-603 (seat  
7 safety belts), 12-702 (certain vehicles to carry flares or  
8 other warning devices), 12-703 (vehicles for oiling roads  
9 operated on highways), 12-710 (splash guards and  
10 replacements), 13-101 (safety tests), 15-101 (size, weight  
11 and load), 15-102 (width), 15-103 (height), 15-104 (name  
12 and address on second division vehicles), 15-107 (length of  
13 vehicle), 15-109.1 (cover or tarpaulin), 15-111 (weights),  
14 15-112 (weights), 15-301 (weights), 15-316 (weights),  
15 15-318 (weights), and also excepting the following  
16 enumerated Sections of the Chicago Municipal Code:  
17 Sections 27-245 (following fire apparatus), 27-254  
18 (obstruction of traffic), 27-258 (driving vehicle which is  
19 in unsafe condition), 27-259 (coasting on downgrade),  
20 27-264 (use of horns and signal devices), 27-265  
21 (obstruction to driver's view or driver mechanism), 27-267  
22 (dimming of headlights), 27-268 (unattended motor  
23 vehicle), 27-272 (illegal funeral procession), 27-273  
24 (funeral procession on boulevard), 27-275 (driving freight  
25 hauling vehicles on boulevard), 27-276 (stopping and  
26 standing of buses or taxicabs), 27-277 (cruising of public

1 passenger vehicles), 27-305 (parallel parking), 27-306  
2 (diagonal parking), 27-307 (parking not to obstruct  
3 traffic), 27-308 (stopping, standing or parking  
4 regulated), 27-311 (parking regulations), 27-312 (parking  
5 regulations), 27-313 (parking regulations), 27-314  
6 (parking regulations), 27-315 (parking regulations),  
7 27-316 (parking regulations), 27-317 (parking  
8 regulations), 27-318 (parking regulations), 27-319  
9 (parking regulations), 27-320 (parking regulations),  
10 27-321 (parking regulations), 27-322 (parking  
11 regulations), 27-324 (loading and unloading at an angle),  
12 27-333 (wheel and axle loads), 27-334 (load restrictions in  
13 the downtown district), 27-335 (load restrictions in  
14 residential areas), 27-338 (width of vehicles), 27-339  
15 (height of vehicles), 27-340 (length of vehicles), 27-352  
16 (reflectors on trailers), 27-353 (mufflers), 27-354  
17 (display of plates), 27-355 (display of city vehicle tax  
18 sticker), 27-357 (identification of vehicles), 27-358  
19 (projecting of loads), and also excepting the following  
20 enumerated paragraphs of Section 2-201 of the Rules and  
21 Regulations of the Illinois State Toll Highway Authority:  
22 (l) (driving unsafe vehicle on tollway), (m) (vehicles  
23 transporting dangerous cargo not properly indicated), it  
24 shall be the duty of the clerk of the court in which such  
25 conviction is had within 5 days thereafter to forward to  
26 the Secretary of State a report of the conviction and the

1 court may recommend the suspension of the driver's license  
2 or permit of the person so convicted.

3 The reporting requirements of this subsection shall  
4 apply to all violations stated in paragraphs (1) and (2) of  
5 this subsection when the individual has been adjudicated  
6 under the Juvenile Court Act or the Juvenile Court Act of  
7 1987. Such reporting requirements shall also apply to  
8 individuals adjudicated under the Juvenile Court Act or the  
9 Juvenile Court Act of 1987 who have committed a violation  
10 of Section 11-501 of this Code, or similar provision of a  
11 local ordinance, or Section 9-3 of the Criminal Code of  
12 1961 or the Criminal Code of 2012, relating to the offense  
13 of reckless homicide, or Section 5-7 of the Snowmobile  
14 Registration and Safety Act or Section 5-16 of the Boat  
15 Registration and Safety Act, relating to the offense of  
16 operating a snowmobile or a watercraft while under the  
17 influence of alcohol, other drug or drugs, intoxicating  
18 compound or compounds, or combination thereof. These  
19 reporting requirements also apply to individuals  
20 adjudicated under the Juvenile Court Act of 1987 based on  
21 any offense determined to have been committed in  
22 furtherance of the criminal activities of an organized  
23 gang, as provided in Section 5-710 of that Act, if those  
24 activities ~~and that~~ involved the operation or use of a  
25 motor vehicle ~~or the use of a driver's license or permit.~~  
26 ~~The reporting requirements of this subsection shall also~~

1 ~~apply to a truant minor in need of supervision, an addicted~~  
2 ~~minor, or a delinquent minor and whose driver's license and~~  
3 ~~privilege to drive a motor vehicle has been ordered~~  
4 ~~suspended for such times as determined by the court, but~~  
5 ~~only until he or she attains 18 years of age.~~ It shall be  
6 the duty of the clerk of the court in which adjudication is  
7 had within 5 days thereafter to forward to the Secretary of  
8 State a report of the adjudication and the court order  
9 requiring the Secretary of State to suspend the minor's  
10 driver's license and driving privilege for such time as  
11 determined by the court, but only until he or she attains  
12 the age of 18 years. All juvenile court dispositions  
13 reported to the Secretary of State under this provision  
14 shall be processed by the Secretary of State as if the  
15 cases had been adjudicated in traffic or criminal court.  
16 However, information reported relative to the offense of  
17 reckless homicide, or Section 11-501 of this Code, or a  
18 similar provision of a local ordinance, shall be privileged  
19 and available only to the Secretary of State, courts, and  
20 police officers.

21 The reporting requirements of this subsection (a)  
22 apply to all violations listed in paragraphs (1) and (2) of  
23 this subsection (a), excluding parking violations, when  
24 the driver holds a CLP or CDL, regardless of the type of  
25 vehicle in which the violation occurred, or when any driver  
26 committed the violation in a commercial motor vehicle as



1 defined in Section 6-500 of this Code.

2 (3) Whenever an order is entered vacating the  
3 forfeiture of any bail, security or bond given to secure  
4 appearance for any offense under this Code or similar  
5 offenses under municipal ordinance, it shall be the duty of  
6 the clerk of the court in which such vacation was had or  
7 the judge of such court if such court has no clerk, within  
8 5 days thereafter to forward to the Secretary of State a  
9 report of the vacation.

10 (4) A report of any disposition of court supervision  
11 for a violation of Sections 6-303, 11-401, 11-501 or a  
12 similar provision of a local ordinance, 11-503, 11-504, and  
13 11-506 of this Code, Section 5-7 of the Snowmobile  
14 Registration and Safety Act, and Section 5-16 of the Boat  
15 Registration and Safety Act shall be forwarded to the  
16 Secretary of State. A report of any disposition of court  
17 supervision for a violation of an offense defined as a  
18 serious traffic violation in this Code or a similar  
19 provision of a local ordinance committed by a person under  
20 the age of 21 years shall be forwarded to the Secretary of  
21 State.

22 (5) Reports of conviction under this Code and  
23 sentencing hearings under the Juvenile Court Act of 1987 in  
24 an electronic format or a computer processible medium shall  
25 be forwarded to the Secretary of State via the Supreme  
26 Court in the form and format required by the Illinois

1 Supreme Court and established by a written agreement  
2 between the Supreme Court and the Secretary of State. In  
3 counties with a population over 300,000, instead of  
4 forwarding reports to the Supreme Court, reports of  
5 conviction under this Code and sentencing hearings under  
6 the Juvenile Court Act of 1987 in an electronic format or a  
7 computer processible medium may be forwarded to the  
8 Secretary of State by the Circuit Court Clerk in a form and  
9 format required by the Secretary of State and established  
10 by written agreement between the Circuit Court Clerk and  
11 the Secretary of State. Failure to forward the reports of  
12 conviction or sentencing hearing under the Juvenile Court  
13 Act of 1987 as required by this Section shall be deemed an  
14 omission of duty and it shall be the duty of the several  
15 State's Attorneys to enforce the requirements of this  
16 Section.

17 (b) Whenever a restricted driving permit is forwarded to a  
18 court, as a result of confiscation by a police officer pursuant  
19 to the authority in Section 6-113(f), it shall be the duty of  
20 the clerk, or judge, if the court has no clerk, to forward such  
21 restricted driving permit and a facsimile of the officer's  
22 citation to the Secretary of State as expeditiously as  
23 practicable.

24 (c) For the purposes of this Code, a forfeiture of bail or  
25 collateral deposited to secure a defendant's appearance in  
26 court when forfeiture has not been vacated, or the failure of a

1 defendant to appear for trial after depositing his driver's  
2 license in lieu of other bail, shall be equivalent to a  
3 conviction.

4 (d) For the purpose of providing the Secretary of State  
5 with records necessary to properly monitor and assess driver  
6 performance and assist the courts in the proper disposition of  
7 repeat traffic law offenders, the clerk of the court shall  
8 forward to the Secretary of State, on a form prescribed by the  
9 Secretary, records of a driver's participation in a driver  
10 remedial or rehabilitative program which was required, through  
11 a court order or court supervision, in relation to the driver's  
12 arrest for a violation of Section 11-501 of this Code or a  
13 similar provision of a local ordinance. The clerk of the court  
14 shall also forward to the Secretary, either on paper or in an  
15 electronic format or a computer processible medium as required  
16 under paragraph (5) of subsection (a) of this Section, any  
17 disposition of court supervision for any traffic violation,  
18 excluding those offenses listed in paragraph (2) of subsection  
19 (a) of this Section. These reports shall be sent within 5 days  
20 after disposition, or, if the driver is referred to a driver  
21 remedial or rehabilitative program, within 5 days of the  
22 driver's referral to that program. These reports received by  
23 the Secretary of State, including those required to be  
24 forwarded under paragraph (a)(4), shall be privileged  
25 information, available only (i) to the affected driver, (ii) to  
26 the parent or guardian of a person under the age of 18 years

1 holding an instruction permit or a graduated driver's license,  
2 and (iii) for use by the courts, police officers, prosecuting  
3 authorities, the Secretary of State, and the driver licensing  
4 administrator of any other state. In accordance with 49 C.F.R.  
5 Part 384, all reports of court supervision, except violations  
6 related to parking, shall be forwarded to the Secretary of  
7 State for all holders of a CLP or CDL or any driver who commits  
8 an offense while driving a commercial motor vehicle. These  
9 reports shall be recorded to the driver's record as a  
10 conviction for use in the disqualification of the driver's  
11 commercial motor vehicle privileges and shall not be privileged  
12 information.

13 (Source: P.A. 100-74, eff. 8-11-17.)

14 (625 ILCS 5/6-205)

15 Sec. 6-205. Mandatory revocation of license or permit;  
16 hardship cases.

17 (a) Except as provided in this Section, the Secretary of  
18 State shall immediately revoke the license, permit, or driving  
19 privileges of any driver upon receiving a report of the  
20 driver's conviction of any of the following offenses:

21 1. Reckless homicide resulting from the operation of a  
22 motor vehicle;

23 2. Violation of Section 11-501 of this Code or a  
24 similar provision of a local ordinance relating to the  
25 offense of operating or being in physical control of a

1 vehicle while under the influence of alcohol, other drug or  
2 drugs, intoxicating compound or compounds, or any  
3 combination thereof;

4 3. Any felony under the laws of any State or the  
5 federal government in the commission of which a motor  
6 vehicle was used;

7 4. Violation of Section 11-401 of this Code relating to  
8 the offense of leaving the scene of a traffic accident  
9 involving death or personal injury;

10 5. Perjury or the making of a false affidavit or  
11 statement under oath to the Secretary of State under this  
12 Code or under any other law relating to the ownership or  
13 operation of motor vehicles;

14 6. Conviction upon 3 charges of violation of Section  
15 11-503 of this Code relating to the offense of reckless  
16 driving committed within a period of 12 months;

17 7. Conviction of any offense defined in Section 4-102  
18 of this Code if the person exercised actual physical  
19 control over the vehicle during the commission of the  
20 offense;

21 8. Violation of Section 11-504 of this Code relating to  
22 the offense of drag racing;

23 9. Violation of Chapters 8 and 9 of this Code;

24 10. Violation of Section 12-5 of the Criminal Code of  
25 1961 or the Criminal Code of 2012 arising from the use of a  
26 motor vehicle;

1           11. Violation of Section 11-204.1 of this Code relating  
2 to aggravated fleeing or attempting to elude a peace  
3 officer;

4           12. Violation of paragraph (1) of subsection (b) of  
5 Section 6-507, or a similar law of any other state,  
6 relating to the unlawful operation of a commercial motor  
7 vehicle;

8           13. Violation of paragraph (a) of Section 11-502 of  
9 this Code or a similar provision of a local ordinance if  
10 the driver has been previously convicted of a violation of  
11 that Section or a similar provision of a local ordinance  
12 and the driver was less than 21 years of age at the time of  
13 the offense;

14           14. Violation of paragraph (a) of Section 11-506 of  
15 this Code or a similar provision of a local ordinance  
16 relating to the offense of street racing;

17           15. A second or subsequent conviction of driving while  
18 the person's driver's license, permit or privileges was  
19 revoked for reckless homicide or a similar out-of-state  
20 offense;

21           16. Any offense against any provision in this Code, or  
22 any local ordinance, regulating the movement of traffic  
23 when that offense was the proximate cause of the death of  
24 any person. Any person whose driving privileges have been  
25 revoked pursuant to this paragraph may seek to have the  
26 revocation terminated or to have the length of revocation

1 reduced by requesting an administrative hearing with the  
2 Secretary of State prior to the projected driver's license  
3 application eligibility date;

4 17. Violation of subsection (a-2) of Section 11-1301.3  
5 of this Code or a similar provision of a local ordinance;

6 18. A second or subsequent conviction of illegal  
7 possession, while operating or in actual physical control,  
8 as a driver, of a motor vehicle, of any controlled  
9 substance prohibited under the Illinois Controlled  
10 Substances Act, any cannabis prohibited under the Cannabis  
11 Control Act, or any methamphetamine prohibited under the  
12 Methamphetamine Control and Community Protection Act. A  
13 defendant found guilty of this offense while operating a  
14 motor vehicle shall have an entry made in the court record  
15 by the presiding judge that this offense did occur while  
16 the defendant was operating a motor vehicle and order the  
17 clerk of the court to report the violation to the Secretary  
18 of State;

19 19. Violation of subsection (a) of Section 11-1414 of  
20 this Code, or a similar provision of a local ordinance,  
21 relating to the offense of overtaking or passing of a  
22 school bus when the driver, in committing the violation, is  
23 involved in a motor vehicle accident that results in death  
24 to another and the violation is a proximate cause of the  
25 death.

26 (b) The Secretary of State shall also immediately revoke

1 the license or permit of any driver in the following  
2 situations:

3 1. Of any minor upon receiving the notice provided for  
4 in Section 5-901 of the Juvenile Court Act of 1987 that the  
5 minor has been adjudicated under that Act as having  
6 committed an offense relating to motor vehicles prescribed  
7 in Section 4-103 of this Code;

8 2. Of any person when any other law of this State  
9 requires either the revocation or suspension of a license  
10 or permit;

11 3. Of any person adjudicated under the Juvenile Court  
12 Act of 1987 based on an offense determined to have been  
13 committed in furtherance of the criminal activities of an  
14 organized gang as provided in Section 5-710 of that Act,  
15 and that involved the operation or use of a motor vehicle  
16 or the use of a driver's license or permit. The revocation  
17 shall remain in effect for the period determined by the  
18 court.

19 (c) (1) Whenever a person is convicted of any of the  
20 offenses enumerated in this Section, the court may recommend  
21 and the Secretary of State in his discretion, without regard to  
22 whether the recommendation is made by the court may, upon  
23 application, issue to the person a restricted driving permit  
24 granting the privilege of driving a motor vehicle between the  
25 petitioner's residence and petitioner's place of employment or  
26 within the scope of the petitioner's employment related duties,



1 or to allow the petitioner to transport himself or herself or a  
2 family member of the petitioner's household to a medical  
3 facility for the receipt of necessary medical care or to allow  
4 the petitioner to transport himself or herself to and from  
5 alcohol or drug remedial or rehabilitative activity  
6 recommended by a licensed service provider, or to allow the  
7 petitioner to transport himself or herself or a family member  
8 of the petitioner's household to classes, as a student, at an  
9 accredited educational institution, or to allow the petitioner  
10 to transport children, elderly persons, or persons with  
11 disabilities who do not hold driving privileges and are living  
12 in the petitioner's household to and from daycare; if the  
13 petitioner is able to demonstrate that no alternative means of  
14 transportation is reasonably available and that the petitioner  
15 will not endanger the public safety or welfare; provided that  
16 the Secretary's discretion shall be limited to cases where  
17 undue hardship, as defined by the rules of the Secretary of  
18 State, would result from a failure to issue the restricted  
19 driving permit.

20 (1.5) A person subject to the provisions of paragraph 4 of  
21 subsection (b) of Section 6-208 of this Code may make  
22 application for a restricted driving permit at a hearing  
23 conducted under Section 2-118 of this Code after the expiration  
24 of 5 years from the effective date of the most recent  
25 revocation, or after 5 years from the date of release from a  
26 period of imprisonment resulting from a conviction of the most

1 recent offense, whichever is later, provided the person, in  
2 addition to all other requirements of the Secretary, shows by  
3 clear and convincing evidence:

4 (A) a minimum of 3 years of uninterrupted abstinence  
5 from alcohol and the unlawful use or consumption of  
6 cannabis under the Cannabis Control Act, a controlled  
7 substance under the Illinois Controlled Substances Act, an  
8 intoxicating compound under the Use of Intoxicating  
9 Compounds Act, or methamphetamine under the  
10 Methamphetamine Control and Community Protection Act; and

11 (B) the successful completion of any rehabilitative  
12 treatment and involvement in any ongoing rehabilitative  
13 activity that may be recommended by a properly licensed  
14 service provider according to an assessment of the person's  
15 alcohol or drug use under Section 11-501.01 of this Code.

16 In determining whether an applicant is eligible for a  
17 restricted driving permit under this paragraph (1.5), the  
18 Secretary may consider any relevant evidence, including, but  
19 not limited to, testimony, affidavits, records, and the results  
20 of regular alcohol or drug tests. Persons subject to the  
21 provisions of paragraph 4 of subsection (b) of Section 6-208 of  
22 this Code and who have been convicted of more than one  
23 violation of paragraph (3), paragraph (4), or paragraph (5) of  
24 subsection (a) of Section 11-501 of this Code shall not be  
25 eligible to apply for a restricted driving permit.

26 A restricted driving permit issued under this paragraph

1 (1.5) shall provide that the holder may only operate motor  
2 vehicles equipped with an ignition interlock device as required  
3 under paragraph (2) of subsection (c) of this Section and  
4 subparagraph (A) of paragraph 3 of subsection (c) of Section  
5 6-206 of this Code. The Secretary may revoke a restricted  
6 driving permit or amend the conditions of a restricted driving  
7 permit issued under this paragraph (1.5) if the holder operates  
8 a vehicle that is not equipped with an ignition interlock  
9 device, or for any other reason authorized under this Code.

10 A restricted driving permit issued under this paragraph  
11 (1.5) shall be revoked, and the holder barred from applying for  
12 or being issued a restricted driving permit in the future, if  
13 the holder is subsequently convicted of a violation of Section  
14 11-501 of this Code, a similar provision of a local ordinance,  
15 or a similar offense in another state.

16 (2) If a person's license or permit is revoked or suspended  
17 due to 2 or more convictions of violating Section 11-501 of  
18 this Code or a similar provision of a local ordinance or a  
19 similar out-of-state offense, or Section 9-3 of the Criminal  
20 Code of 1961 or the Criminal Code of 2012, where the use of  
21 alcohol or other drugs is recited as an element of the offense,  
22 or a similar out-of-state offense, or a combination of these  
23 offenses, arising out of separate occurrences, that person, if  
24 issued a restricted driving permit, may not operate a vehicle  
25 unless it has been equipped with an ignition interlock device  
26 as defined in Section 1-129.1.

1 (3) If:

2 (A) a person's license or permit is revoked or  
3 suspended 2 or more times due to any combination of:

4 (i) a single conviction of violating Section  
5 11-501 of this Code or a similar provision of a local  
6 ordinance or a similar out-of-state offense, or  
7 Section 9-3 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, where the use of alcohol or  
9 other drugs is recited as an element of the offense, or  
10 a similar out-of-state offense; or

11 (ii) a statutory summary suspension or revocation  
12 under Section 11-501.1; or

13 (iii) a suspension pursuant to Section 6-203.1;  
14 arising out of separate occurrences; or

15 (B) a person has been convicted of one violation of  
16 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
17 of Section 11-501 of this Code, Section 9-3 of the Criminal  
18 Code of 1961 or the Criminal Code of 2012, relating to the  
19 offense of reckless homicide where the use of alcohol or  
20 other drugs was recited as an element of the offense, or a  
21 similar provision of a law of another state;

22 that person, if issued a restricted driving permit, may not  
23 operate a vehicle unless it has been equipped with an ignition  
24 interlock device as defined in Section 1-129.1.

25 (4) The person issued a permit conditioned on the use of an  
26 ignition interlock device must pay to the Secretary of State

1 DUI Administration Fund an amount not to exceed \$30 per month.  
2 The Secretary shall establish by rule the amount and the  
3 procedures, terms, and conditions relating to these fees.

4 (5) If the restricted driving permit is issued for  
5 employment purposes, then the prohibition against operating a  
6 motor vehicle that is not equipped with an ignition interlock  
7 device does not apply to the operation of an occupational  
8 vehicle owned or leased by that person's employer when used  
9 solely for employment purposes. For any person who, within a  
10 5-year period, is convicted of a second or subsequent offense  
11 under Section 11-501 of this Code, or a similar provision of a  
12 local ordinance or similar out-of-state offense, this  
13 employment exemption does not apply until either a one-year  
14 period has elapsed during which that person had his or her  
15 driving privileges revoked or a one-year period has elapsed  
16 during which that person had a restricted driving permit which  
17 required the use of an ignition interlock device on every motor  
18 vehicle owned or operated by that person.

19 (6) In each case the Secretary of State may issue a  
20 restricted driving permit for a period he deems appropriate,  
21 except that the permit shall expire no later than 2 years from  
22 the date of issuance. A restricted driving permit issued under  
23 this Section shall be subject to cancellation, revocation, and  
24 suspension by the Secretary of State in like manner and for  
25 like cause as a driver's license issued under this Code may be  
26 cancelled, revoked, or suspended; except that a conviction upon

1 one or more offenses against laws or ordinances regulating the  
2 movement of traffic shall be deemed sufficient cause for the  
3 revocation, suspension, or cancellation of a restricted  
4 driving permit. The Secretary of State may, as a condition to  
5 the issuance of a restricted driving permit, require the  
6 petitioner to participate in a designated driver remedial or  
7 rehabilitative program. The Secretary of State is authorized to  
8 cancel a restricted driving permit if the permit holder does  
9 not successfully complete the program. However, if an  
10 individual's driving privileges have been revoked in  
11 accordance with paragraph 13 of subsection (a) of this Section,  
12 no restricted driving permit shall be issued until the  
13 individual has served 6 months of the revocation period.

14 (c-5) (Blank).

15 (c-6) If a person is convicted of a second violation of  
16 operating a motor vehicle while the person's driver's license,  
17 permit or privilege was revoked, where the revocation was for a  
18 violation of Section 9-3 of the Criminal Code of 1961 or the  
19 Criminal Code of 2012 relating to the offense of reckless  
20 homicide or a similar out-of-state offense, the person's  
21 driving privileges shall be revoked pursuant to subdivision  
22 (a) (15) of this Section. The person may not make application  
23 for a license or permit until the expiration of five years from  
24 the effective date of the revocation or the expiration of five  
25 years from the date of release from a term of imprisonment,  
26 whichever is later.

1 (c-7) If a person is convicted of a third or subsequent  
2 violation of operating a motor vehicle while the person's  
3 driver's license, permit or privilege was revoked, where the  
4 revocation was for a violation of Section 9-3 of the Criminal  
5 Code of 1961 or the Criminal Code of 2012 relating to the  
6 offense of reckless homicide or a similar out-of-state offense,  
7 the person may never apply for a license or permit.

8 (d) (1) Whenever a person under the age of 21 is convicted  
9 under Section 11-501 of this Code or a similar provision of a  
10 local ordinance or a similar out-of-state offense, the  
11 Secretary of State shall revoke the driving privileges of that  
12 person. One year after the date of revocation, and upon  
13 application, the Secretary of State may, if satisfied that the  
14 person applying will not endanger the public safety or welfare,  
15 issue a restricted driving permit granting the privilege of  
16 driving a motor vehicle only between the hours of 5 a.m. and 9  
17 p.m. or as otherwise provided by this Section for a period of  
18 one year. After this one-year period, and upon reapplication  
19 for a license as provided in Section 6-106, upon payment of the  
20 appropriate reinstatement fee provided under paragraph (b) of  
21 Section 6-118, the Secretary of State, in his discretion, may  
22 reinstate the petitioner's driver's license and driving  
23 privileges, or extend the restricted driving permit as many  
24 times as the Secretary of State deems appropriate, by  
25 additional periods of not more than 24 months each.

26 (2) If a person's license or permit is revoked or

1 suspended due to 2 or more convictions of violating Section  
2 11-501 of this Code or a similar provision of a local  
3 ordinance or a similar out-of-state offense, or Section 9-3  
4 of the Criminal Code of 1961 or the Criminal Code of 2012,  
5 where the use of alcohol or other drugs is recited as an  
6 element of the offense, or a similar out-of-state offense,  
7 or a combination of these offenses, arising out of separate  
8 occurrences, that person, if issued a restricted driving  
9 permit, may not operate a vehicle unless it has been  
10 equipped with an ignition interlock device as defined in  
11 Section 1-129.1.

12 (3) If a person's license or permit is revoked or  
13 suspended 2 or more times due to any combination of:

14 (A) a single conviction of violating Section  
15 11-501 of this Code or a similar provision of a local  
16 ordinance or a similar out-of-state offense, or  
17 Section 9-3 of the Criminal Code of 1961 or the  
18 Criminal Code of 2012, where the use of alcohol or  
19 other drugs is recited as an element of the offense, or  
20 a similar out-of-state offense; or

21 (B) a statutory summary suspension or revocation  
22 under Section 11-501.1; or

23 (C) a suspension pursuant to Section 6-203.1;  
24 arising out of separate occurrences, that person, if issued  
25 a restricted driving permit, may not operate a vehicle  
26 unless it has been equipped with an ignition interlock



1 device as defined in Section 1-129.1.

2 (3.5) If a person's license or permit is revoked or  
3 suspended due to a conviction for a violation of  
4 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
5 of Section 11-501 of this Code, or a similar provision of a  
6 local ordinance or similar out-of-state offense, that  
7 person, if issued a restricted driving permit, may not  
8 operate a vehicle unless it has been equipped with an  
9 ignition interlock device as defined in Section 1-129.1.

10 (4) The person issued a permit conditioned upon the use  
11 of an interlock device must pay to the Secretary of State  
12 DUI Administration Fund an amount not to exceed \$30 per  
13 month. The Secretary shall establish by rule the amount and  
14 the procedures, terms, and conditions relating to these  
15 fees.

16 (5) If the restricted driving permit is issued for  
17 employment purposes, then the prohibition against driving  
18 a vehicle that is not equipped with an ignition interlock  
19 device does not apply to the operation of an occupational  
20 vehicle owned or leased by that person's employer when used  
21 solely for employment purposes. For any person who, within  
22 a 5-year period, is convicted of a second or subsequent  
23 offense under Section 11-501 of this Code, or a similar  
24 provision of a local ordinance or similar out-of-state  
25 offense, this employment exemption does not apply until  
26 either a one-year period has elapsed during which that

1 person had his or her driving privileges revoked or a  
2 one-year period has elapsed during which that person had a  
3 restricted driving permit which required the use of an  
4 ignition interlock device on every motor vehicle owned or  
5 operated by that person.

6 (6) A restricted driving permit issued under this  
7 Section shall be subject to cancellation, revocation, and  
8 suspension by the Secretary of State in like manner and for  
9 like cause as a driver's license issued under this Code may  
10 be cancelled, revoked, or suspended; except that a  
11 conviction upon one or more offenses against laws or  
12 ordinances regulating the movement of traffic shall be  
13 deemed sufficient cause for the revocation, suspension, or  
14 cancellation of a restricted driving permit.

15 (d-5) The revocation of the license, permit, or driving  
16 privileges of a person convicted of a third or subsequent  
17 violation of Section 6-303 of this Code committed while his or  
18 her driver's license, permit, or privilege was revoked because  
19 of a violation of Section 9-3 of the Criminal Code of 1961 or  
20 the Criminal Code of 2012, relating to the offense of reckless  
21 homicide, or a similar provision of a law of another state, is  
22 permanent. The Secretary may not, at any time, issue a license  
23 or permit to that person.

24 (e) This Section is subject to the provisions of the Driver  
25 License Compact.

26 (f) Any revocation imposed upon any person under

1 subsections 2 and 3 of paragraph (b) that is in effect on  
2 December 31, 1988 shall be converted to a suspension for a like  
3 period of time.

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

8 (h) The Secretary of State shall require the use of  
9 ignition interlock devices for a period not less than 5 years  
10 on all vehicles owned by a person who has been convicted of a  
11 second or subsequent offense under Section 11-501 of this Code  
12 or a similar provision of a local ordinance. The person must  
13 pay to the Secretary of State DUI Administration Fund an amount  
14 not to exceed \$30 for each month that he or she uses the  
15 device. The Secretary shall establish by rule and regulation  
16 the procedures for certification and use of the interlock  
17 system, the amount of the fee, and the procedures, terms, and  
18 conditions relating to these fees. During the time period in  
19 which a person is required to install an ignition interlock  
20 device under this subsection (h), that person shall only  
21 operate vehicles in which ignition interlock devices have been  
22 installed, except as allowed by subdivision (c) (5) or (d) (5) of  
23 this Section.

24 (i) (Blank).

25 (j) In accordance with 49 C.F.R. 384, the Secretary of  
26 State may not issue a restricted driving permit for the

1 operation of a commercial motor vehicle to a person holding a  
2 CDL whose driving privileges have been revoked, suspended,  
3 cancelled, or disqualified under any provisions of this Code.

4 (k) The Secretary of State shall notify by mail any person  
5 whose driving privileges have been revoked under paragraph 16  
6 of subsection (a) of this Section that his or her driving  
7 privileges and driver's license will be revoked 90 days from  
8 the date of the mailing of the notice.

9 (Source: P.A. 99-143, eff. 7-27-15; 99-289, eff. 8-6-15;  
10 99-290, eff. 1-1-16; 99-296, eff. 1-1-16; 99-297, eff. 1-1-16;  
11 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-642, eff. 7-28-16;  
12 100-223, eff. 8-18-17; 100-803, eff. 1-1-19.)

13 (625 ILCS 5/6-206)

14 Sec. 6-206. Discretionary authority to suspend or revoke  
15 license or permit; right to a hearing.

16 (a) The Secretary of State is authorized to suspend or  
17 revoke the driving privileges of any person without preliminary  
18 hearing upon a showing of the person's records or other  
19 sufficient evidence that the person:

20 1. Has committed an offense for which mandatory  
21 revocation of a driver's license or permit is required upon  
22 conviction;

23 2. Has been convicted of not less than 3 offenses  
24 against traffic regulations governing the movement of  
25 vehicles committed within any 12 month period. No

1 revocation or suspension shall be entered more than 6  
2 months after the date of last conviction;

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

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

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

24 6. Has been lawfully convicted of an offense or  
25 offenses in another state, including the authorization  
26 contained in Section 6-203.1, which if committed within

1           this State would be grounds for suspension or revocation;

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

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

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

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

14           11. Has operated a motor vehicle upon a highway of this  
15 State when the person's driving privilege or privilege to  
16 obtain a driver's license or permit was revoked or  
17 suspended unless the operation was authorized by a  
18 monitoring device driving permit, judicial driving permit  
19 issued prior to January 1, 2009, probationary license to  
20 drive, or a restricted driving permit issued under this  
21 Code;

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

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

4           14. Has committed a violation of Section 6-301,  
5 6-301.1, or 6-301.2 of this Code, or Section 14, 14A, or  
6 14B of the Illinois Identification Card Act;

7           15. Has been convicted of violating Section 21-2 of the  
8 Criminal Code of 1961 or the Criminal Code of 2012 relating  
9 to criminal trespass to vehicles if the person exercised  
10 actual physical control over the vehicle during the  
11 commission of the offense, in which case, the suspension  
12 shall be for one year;

13           16. Has been convicted of violating Section 11-204 of  
14 this Code relating to fleeing from a peace officer;

15           17. Has refused to submit to a test, or tests, as  
16 required under Section 11-501.1 of this Code and the person  
17 has not sought a hearing as provided for in Section  
18 11-501.1;

19           18. (Blank); ~~Has, since issuance of a driver's license~~  
20 ~~or permit, been adjudged to be afflicted with or suffering~~  
21 ~~from any mental disability or disease;~~

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

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

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

5           22. Has used a motor vehicle in violating paragraph  
6 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
7 the Criminal Code of 1961 or the Criminal Code of 2012  
8 relating to unlawful use of weapons, in which case the  
9 suspension shall be for one year;

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

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

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

24          26. Has altered or attempted to alter a license or has  
25 possessed an altered license, identification card, or  
26 permit;



1           27. (Blank); ~~Has violated Section 6-16 of the Liquor~~  
2 ~~Control Act of 1934;~~

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

17           29. Has been convicted of the following offenses that  
18 were committed while the person was operating or in actual  
19 physical control, as a driver, of a motor vehicle: criminal  
20 sexual assault, predatory criminal sexual assault of a  
21 child, aggravated criminal sexual assault, criminal sexual  
22 abuse, aggravated criminal sexual abuse, juvenile pimping,  
23 soliciting for a juvenile prostitute, promoting juvenile  
24 prostitution as described in subdivision (a)(1), (a)(2),  
25 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961  
26 or the Criminal Code of 2012, and the manufacture, sale or

1 delivery of controlled substances or instruments used for  
2 illegal drug use or abuse in which case the driver's  
3 driving privileges shall be suspended for one year;

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

8 31. Has refused to submit to a test as required by  
9 Section 11-501.6 of this Code or Section 5-16c of the Boat  
10 Registration and Safety Act or has submitted to a test  
11 resulting in an alcohol concentration of 0.08 or more or  
12 any amount of a drug, substance, or compound resulting from  
13 the unlawful use or consumption of cannabis as listed in  
14 the Cannabis Control Act, a controlled substance as listed  
15 in the Illinois Controlled Substances Act, an intoxicating  
16 compound as listed in the Use of Intoxicating Compounds  
17 Act, or methamphetamine as listed in the Methamphetamine  
18 Control and Community Protection Act, in which case the  
19 penalty shall be as prescribed in Section 6-208.1;

20 32. Has been convicted of Section 24-1.2 of the  
21 Criminal Code of 1961 or the Criminal Code of 2012 relating  
22 to the aggravated discharge of a firearm if the offender  
23 was located in a motor vehicle at the time the firearm was  
24 discharged, in which case the suspension shall be for 3  
25 years;

26 33. Has as a driver, who was less than 21 years of age

1 on the date of the offense, been convicted a first time of  
2 a violation of paragraph (a) of Section 11-502 of this Code  
3 or a similar provision of a local ordinance;

4 34. Has committed a violation of Section 11-1301.5 of  
5 this Code or a similar provision of a local ordinance;

6 35. Has committed a violation of Section 11-1301.6 of  
7 this Code or a similar provision of a local ordinance;

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

14 37. Has committed a violation of subsection (c) of  
15 Section 11-907 of this Code that resulted in damage to the  
16 property of another or the death or injury of another;

17 38. Has been convicted of a violation of Section 6-20  
18 of the Liquor Control Act of 1934 or a similar provision of  
19 a local ordinance and the person was an occupant of a motor  
20 vehicle at the time of the violation;

21 39. Has committed a second or subsequent violation of  
22 Section 11-1201 of this Code;

23 40. Has committed a violation of subsection (a-1) of  
24 Section 11-908 of this Code;

25 41. Has committed a second or subsequent violation of  
26 Section 11-605.1 of this Code, a similar provision of a

1 local ordinance, or a similar violation in any other state  
2 within 2 years of the date of the previous violation, in  
3 which case the suspension shall be for 90 days;

4 42. Has committed a violation of subsection (a-1) of  
5 Section 11-1301.3 of this Code or a similar provision of a  
6 local ordinance;

7 43. Has received a disposition of court supervision for  
8 a violation of subsection (a), (d), or (e) of Section 6-20  
9 of the Liquor Control Act of 1934 or a similar provision of  
10 a local ordinance and the person was an occupant of a motor  
11 vehicle at the time of the violation, in which case the  
12 suspension shall be for a period of 3 months;

13 44. Is under the age of 21 years at the time of arrest  
14 and has been convicted of an offense against traffic  
15 regulations governing the movement of vehicles after  
16 having previously had his or her driving privileges  
17 suspended or revoked pursuant to subparagraph 36 of this  
18 Section;

19 45. Has, in connection with or during the course of a  
20 formal hearing conducted under Section 2-118 of this Code:  
21 (i) committed perjury; (ii) submitted fraudulent or  
22 falsified documents; (iii) submitted documents that have  
23 been materially altered; or (iv) submitted, as his or her  
24 own, documents that were in fact prepared or composed for  
25 another person;

26 46. Has committed a violation of subsection (j) of

1 Section 3-413 of this Code;

2 47. Has committed a violation of subsection (a) of  
3 Section 11-502.1 of this Code; or

4 48. Has submitted a falsified or altered medical  
5 examiner's certificate to the Secretary of State or  
6 provided false information to obtain a medical examiner's  
7 certificate.

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

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

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

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

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

1 affidavit is received subsequent to the effective date of this  
2 suspension, a permit may be issued for the remainder of the  
3 suspension period.

4 The provisions of this subparagraph shall not apply to any  
5 driver required to possess a CDL for the purpose of operating a  
6 commercial motor vehicle.

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

11 3. At the conclusion of a hearing under Section 2-118 of  
12 this Code, the Secretary of State shall either rescind or  
13 continue an order of revocation or shall substitute an order of  
14 suspension; or, good cause appearing therefor, rescind,  
15 continue, change, or extend the order of suspension. If the  
16 Secretary of State does not rescind the order, the Secretary  
17 may upon application, to relieve undue hardship (as defined by  
18 the rules of the Secretary of State), issue a restricted  
19 driving permit granting the privilege of driving a motor  
20 vehicle between the petitioner's residence and petitioner's  
21 place of employment or within the scope of the petitioner's  
22 employment related duties, or to allow the petitioner to  
23 transport himself or herself, or a family member of the  
24 petitioner's household to a medical facility, to receive  
25 necessary medical care, to allow the petitioner to transport  
26 himself or herself to and from alcohol or drug remedial or

1 rehabilitative activity recommended by a licensed service  
2 provider, or to allow the petitioner to transport himself or  
3 herself or a family member of the petitioner's household to  
4 classes, as a student, at an accredited educational  
5 institution, or to allow the petitioner to transport children,  
6 elderly persons, or persons with disabilities who do not hold  
7 driving privileges and are living in the petitioner's household  
8 to and from daycare. The petitioner must demonstrate that no  
9 alternative means of transportation is reasonably available  
10 and that the petitioner will not endanger the public safety or  
11 welfare.

12 (A) If a person's license or permit is revoked or  
13 suspended due to 2 or more convictions of violating Section  
14 11-501 of this Code or a similar provision of a local  
15 ordinance or a similar out-of-state offense, or Section 9-3  
16 of the Criminal Code of 1961 or the Criminal Code of 2012,  
17 where the use of alcohol or other drugs is recited as an  
18 element of the offense, or a similar out-of-state offense,  
19 or a combination of these offenses, arising out of separate  
20 occurrences, that person, if issued a restricted driving  
21 permit, may not operate a vehicle unless it has been  
22 equipped with an ignition interlock device as defined in  
23 Section 1-129.1.

24 (B) If a person's license or permit is revoked or  
25 suspended 2 or more times due to any combination of:

26 (i) a single conviction of violating Section



1 11-501 of this Code or a similar provision of a local  
2 ordinance or a similar out-of-state offense or Section  
3 9-3 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012, where the use of alcohol or other drugs is  
5 recited as an element of the offense, or a similar  
6 out-of-state offense; or

7 (ii) a statutory summary suspension or revocation  
8 under Section 11-501.1; or

9 (iii) a suspension under Section 6-203.1;

10 arising out of separate occurrences; that person, if issued  
11 a restricted driving permit, may not operate a vehicle  
12 unless it has been equipped with an ignition interlock  
13 device as defined in Section 1-129.1.

14 (B-5) If a person's license or permit is revoked or  
15 suspended due to a conviction for a violation of  
16 subparagraph (C) or (F) of paragraph (1) of subsection (d)  
17 of Section 11-501 of this Code, or a similar provision of a  
18 local ordinance or similar out-of-state offense, that  
19 person, if issued a restricted driving permit, may not  
20 operate a vehicle unless it has been equipped with an  
21 ignition interlock device as defined in Section 1-129.1.

22 (C) The person issued a permit conditioned upon the use  
23 of an ignition interlock device must pay to the Secretary  
24 of State DUI Administration Fund an amount not to exceed  
25 \$30 per month. The Secretary shall establish by rule the  
26 amount and the procedures, terms, and conditions relating

1 to these fees.

2 (D) If the restricted driving permit is issued for  
3 employment purposes, then the prohibition against  
4 operating a motor vehicle that is not equipped with an  
5 ignition interlock device does not apply to the operation  
6 of an occupational vehicle owned or leased by that person's  
7 employer when used solely for employment purposes. For any  
8 person who, within a 5-year period, is convicted of a  
9 second or subsequent offense under Section 11-501 of this  
10 Code, or a similar provision of a local ordinance or  
11 similar out-of-state offense, this employment exemption  
12 does not apply until either a one-year period has elapsed  
13 during which that person had his or her driving privileges  
14 revoked or a one-year period has elapsed during which that  
15 person had a restricted driving permit which required the  
16 use of an ignition interlock device on every motor vehicle  
17 owned or operated by that person.

18 (E) In each case the Secretary may issue a restricted  
19 driving permit for a period deemed appropriate, except that  
20 all permits shall expire no later than 2 years from the  
21 date of issuance. A restricted driving permit issued under  
22 this Section shall be subject to cancellation, revocation,  
23 and suspension by the Secretary of State in like manner and  
24 for like cause as a driver's license issued under this Code  
25 may be cancelled, revoked, or suspended; except that a  
26 conviction upon one or more offenses against laws or

1           ordinances regulating the movement of traffic shall be  
2           deemed sufficient cause for the revocation, suspension, or  
3           cancellation of a restricted driving permit. The Secretary  
4           of State may, as a condition to the issuance of a  
5           restricted driving permit, require the applicant to  
6           participate in a designated driver remedial or  
7           rehabilitative program. The Secretary of State is  
8           authorized to cancel a restricted driving permit if the  
9           permit holder does not successfully complete the program.

10           (F) A person subject to the provisions of paragraph 4  
11           of subsection (b) of Section 6-208 of this Code may make  
12           application for a restricted driving permit at a hearing  
13           conducted under Section 2-118 of this Code after the  
14           expiration of 5 years from the effective date of the most  
15           recent revocation or after 5 years from the date of release  
16           from a period of imprisonment resulting from a conviction  
17           of the most recent offense, whichever is later, provided  
18           the person, in addition to all other requirements of the  
19           Secretary, shows by clear and convincing evidence:

20           (i) a minimum of 3 years of uninterrupted  
21           abstinence from alcohol and the unlawful use or  
22           consumption of cannabis under the Cannabis Control  
23           Act, a controlled substance under the Illinois  
24           Controlled Substances Act, an intoxicating compound  
25           under the Use of Intoxicating Compounds Act, or  
26           methamphetamine under the Methamphetamine Control and

1           Community Protection Act; and  
2                   (ii) the successful completion of any  
3           rehabilitative treatment and involvement in any  
4           ongoing rehabilitative activity that may be  
5           recommended by a properly licensed service provider  
6           according to an assessment of the person's alcohol or  
7           drug use under Section 11-501.01 of this Code.

8           In determining whether an applicant is eligible for a  
9           restricted driving permit under this subparagraph (F), the  
10          Secretary may consider any relevant evidence, including,  
11          but not limited to, testimony, affidavits, records, and the  
12          results of regular alcohol or drug tests. Persons subject  
13          to the provisions of paragraph 4 of subsection (b) of  
14          Section 6-208 of this Code and who have been convicted of  
15          more than one violation of paragraph (3), paragraph (4), or  
16          paragraph (5) of subsection (a) of Section 11-501 of this  
17          Code shall not be eligible to apply for a restricted  
18          driving permit under this subparagraph (F).

19          A restricted driving permit issued under this  
20          subparagraph (F) shall provide that the holder may only  
21          operate motor vehicles equipped with an ignition interlock  
22          device as required under paragraph (2) of subsection (c) of  
23          Section 6-205 of this Code and subparagraph (A) of  
24          paragraph 3 of subsection (c) of this Section. The  
25          Secretary may revoke a restricted driving permit or amend  
26          the conditions of a restricted driving permit issued under

1           this subparagraph (F) if the holder operates a vehicle that  
2           is not equipped with an ignition interlock device, or for  
3           any other reason authorized under this Code.

4           A restricted driving permit issued under this  
5           subparagraph (F) shall be revoked, and the holder barred  
6           from applying for or being issued a restricted driving  
7           permit in the future, if the holder is convicted of a  
8           violation of Section 11-501 of this Code, a similar  
9           provision of a local ordinance, or a similar offense in  
10          another state.

11          (c-3) In the case of a suspension under paragraph 43 of  
12          subsection (a), reports received by the Secretary of State  
13          under this Section shall, except during the actual time the  
14          suspension is in effect, be privileged information and for use  
15          only by the courts, police officers, prosecuting authorities,  
16          the driver licensing administrator of any other state, the  
17          Secretary of State, or the parent or legal guardian of a driver  
18          under the age of 18. However, beginning January 1, 2008, if the  
19          person is a CDL holder, the suspension shall also be made  
20          available to the driver licensing administrator of any other  
21          state, the U.S. Department of Transportation, and the affected  
22          driver or motor carrier or prospective motor carrier upon  
23          request.

24          (c-4) In the case of a suspension under paragraph 43 of  
25          subsection (a), the Secretary of State shall notify the person  
26          by mail that his or her driving privileges and driver's license

1 will be suspended one month after the date of the mailing of  
2 the notice.

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

10 (d) This Section is subject to the provisions of the  
11 Drivers License Compact.

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

16 (f) In accordance with 49 C.F.R. 384, the Secretary of  
17 State may not issue a restricted driving permit for the  
18 operation of a commercial motor vehicle to a person holding a  
19 CDL whose driving privileges have been suspended, revoked,  
20 cancelled, or disqualified under any provisions of this Code.

21 (Source: P.A. 99-143, eff. 7-27-15; 99-290, eff. 1-1-16;  
22 99-467, eff. 1-1-16; 99-483, eff. 1-1-16; 99-607, eff. 7-22-16;  
23 99-642, eff. 7-28-16; 100-803, eff. 1-1-19.)

24 (625 ILCS 5/6-209.1 new)

25 Sec. 6-209.1. Restoration of driving privileges;

1 revocation; suspension; cancellation. The Secretary shall  
2 rescind the suspension or cancellation of a person's driver's  
3 license that has been suspended or canceled before the  
4 effective date of this amendatory Act of the 101st General  
5 Assembly due to:

6 (1) the person being convicted of theft of motor fuel under  
7 Sections 16-25 or 16K-15 of the Criminal Code of 1961 or the  
8 Criminal Code of 2012;

9 (2) the person, since the issuance of the driver's license,  
10 being adjudged to be afflicted with or suffering from any  
11 mental disability or disease;

12 (3) a violation of Section 6-16 of the Liquor Control Act  
13 of 1934 or a similar provision of a local ordinance;

14 (4) the person being convicted of a violation of Section  
15 6-20 of the Liquor Control Act of 1934 or a similar provision  
16 of a local ordinance, if the person presents a certified copy  
17 of a court order that includes a finding that the person was  
18 not an occupant of a motor vehicle at the time of the  
19 violation;

20 (5) the person receiving a disposition of court supervision  
21 for a violation of subsections (a), (d), or (e) of Section 6-20  
22 of the Liquor Control Act of 1934 or a similar provision of a  
23 local ordinance, if the person presents a certified copy of a  
24 court order that includes a finding that the person was not an  
25 occupant of a motor vehicle at the time of the violation;

26 (6) the person failing to pay any fine or penalty due or

1 owing as a result of 10 or more violations of a municipality's  
2 or county's vehicular standing, parking, or compliance  
3 regulations established by ordinance under Section 11-208.3 of  
4 this Code;

5 (7) the person failing to satisfy any fine or penalty  
6 resulting from a final order issued by the Authority relating  
7 directly or indirectly to 5 or more toll violations, toll  
8 evasions, or both;

9 (8) the person being convicted of a violation of Section  
10 4-102 of this Code, if the person presents a certified copy of  
11 a court order that includes a finding that the person did not  
12 exercise actual physical control of the vehicle at the time of  
13 the violation; or

14 (9) the person being convicted of criminal trespass to  
15 vehicles under Section 21-2 of the Criminal Code of 2012, if  
16 the person presents a certified copy of a court order that  
17 includes a finding that the person did not exercise actual  
18 physical control of the vehicle at the time of the violation.

19 (625 ILCS 5/6-306.5) (from Ch. 95 1/2, par. 6-306.5)

20 Sec. 6-306.5. Failure to pay fine or penalty for standing,  
21 parking, compliance, automated speed enforcement system, or  
22 automated traffic law violations; suspension of driving  
23 privileges.

24 (a) Upon receipt of a certified report, as prescribed by  
25 subsection (c) of this Section, from any municipality or county



1 stating that the owner of a registered vehicle: ~~(1) has failed~~  
2 ~~to pay any fine or penalty due and owing as a result of 10 or~~  
3 ~~more violations of a municipality's or county's vehicular~~  
4 ~~standing, parking, or compliance regulations established by~~  
5 ~~ordinance pursuant to Section 11-208.3 of this Code,~~ (2) has  
6 failed to pay any fine or penalty due and owing as a result of 5  
7 offenses for automated speed enforcement system violations or  
8 automated traffic violations as defined in Sections 11-208.6,  
9 11-208.8, 11-208.9, or 11-1201.1, or combination thereof, or  
10 (3) is more than 14 days in default of a payment plan pursuant  
11 to which a suspension had been terminated under subsection (c)  
12 of this Section, the Secretary of State shall suspend the  
13 driving privileges of such person in accordance with the  
14 procedures set forth in this Section. The Secretary shall also  
15 suspend the driving privileges of an owner of a registered  
16 vehicle upon receipt of a certified report, as prescribed by  
17 subsection (f) of this Section, from any municipality or county  
18 stating that such person has failed to satisfy any fines or  
19 penalties imposed by final judgments for 5 or more automated  
20 speed enforcement system or automated traffic law violations,  
21 or combination thereof, ~~or 10 or more violations of local~~  
22 ~~standing, parking, or compliance regulations~~ after exhaustion  
23 of judicial review procedures.

24 (b) Following receipt of the certified report of the  
25 municipality or county as specified in this Section, the  
26 Secretary of State shall notify the person whose name appears

1 on the certified report that the person's drivers license will  
2 be suspended at the end of a specified period of time unless  
3 the Secretary of State is presented with a notice from the  
4 municipality or county certifying that the fine or penalty due  
5 and owing the municipality or county has been paid or that  
6 inclusion of that person's name on the certified report was in  
7 error. The Secretary's notice shall state in substance the  
8 information contained in the municipality's or county's  
9 certified report to the Secretary, and shall be effective as  
10 specified by subsection (c) of Section 6-211 of this Code.

11 (c) The report of the appropriate municipal or county  
12 official notifying the Secretary of State of unpaid fines or  
13 penalties pursuant to this Section shall be certified and shall  
14 contain the following:

15 (1) The name, last known address as recorded with the  
16 Secretary of State, as provided by the lessor of the cited  
17 vehicle at the time of lease, or as recorded in a United  
18 States Post Office approved database if any notice sent  
19 under Section 11-208.3 of this Code is returned as  
20 undeliverable, and drivers license number of the person who  
21 failed to pay the fine or penalty or who has defaulted in a  
22 payment plan and the registration number of any vehicle  
23 known to be registered to such person in this State.

24 (2) The name of the municipality or county making the  
25 report pursuant to this Section.

26 (3) A statement that the municipality or county sent a

1 notice of impending drivers license suspension as  
2 prescribed by ordinance enacted pursuant to Section  
3 11-208.3 of this Code or a notice of default in a payment  
4 plan, to the person named in the report at the address  
5 recorded with the Secretary of State or at the last address  
6 known to the lessor of the cited vehicle at the time of  
7 lease or, if any notice sent under Section 11-208.3 of this  
8 Code is returned as undeliverable, at the last known  
9 address recorded in a United States Post Office approved  
10 database; the date on which such notice was sent; and the  
11 address to which such notice was sent. In a municipality or  
12 county with a population of 1,000,000 or more, the report  
13 shall also include a statement that the alleged violator's  
14 State vehicle registration number and vehicle make, if  
15 specified on the automated speed enforcement system  
16 violation or automated traffic law violation notice, are  
17 correct as they appear on the citations.

18 (4) A unique identifying reference number for each  
19 request of suspension sent whenever a person has failed to  
20 pay the fine or penalty or has defaulted on a payment plan.

21 (d) Any municipality or county making a certified report to  
22 the Secretary of State pursuant to this Section shall notify  
23 the Secretary of State, in a form prescribed by the Secretary,  
24 whenever a person named in the certified report has paid the  
25 previously reported fine or penalty, whenever a person named in  
26 the certified report has entered into a payment plan pursuant

1 to which the municipality or county has agreed to terminate the  
2 suspension, or whenever the municipality or county determines  
3 that the original report was in error. A certified copy of such  
4 notification shall also be given upon request and at no  
5 additional charge to the person named therein. Upon receipt of  
6 the municipality's or county's notification or presentation of  
7 a certified copy of such notification, the Secretary of State  
8 shall terminate the suspension.

9 (e) Any municipality or county making a certified report to  
10 the Secretary of State pursuant to this Section shall also by  
11 ordinance establish procedures for persons to challenge the  
12 accuracy of the certified report. The ordinance shall also  
13 state the grounds for such a challenge, which may be limited to  
14 (1) the person not having been the owner or lessee of the  
15 vehicle or vehicles receiving ~~10 or more standing, parking, or~~  
16 ~~compliance violation notices~~ or a combination of 5 or more  
17 automated speed enforcement system or automated traffic law  
18 violations on the date or dates such notices were issued; and  
19 (2) the person having already paid the fine or penalty for the  
20 ~~10 or more standing, parking, or compliance violations~~ or  
21 combination of 5 or more automated speed enforcement system or  
22 automated traffic law violations indicated on the certified  
23 report.

24 (f) Any municipality or county, other than a municipality  
25 or county establishing ~~vehicular standing, parking, and~~  
26 ~~compliance regulations pursuant to Section 11 208.3,~~ automated

1 speed enforcement system regulations under Section 11-208.8,  
2 or automated traffic law regulations under Section 11-208.6,  
3 11-208.9, or 11-1201.1, may also cause a suspension of a  
4 person's drivers license pursuant to this Section. Such  
5 municipality or county may invoke this sanction by making a  
6 certified report to the Secretary of State upon a person's  
7 failure to satisfy any fine or penalty imposed by final  
8 judgment for ~~10 or more violations of local standing, parking,~~  
9 ~~or compliance regulations~~ or a combination of 5 or more  
10 automated speed enforcement system or automated traffic law  
11 violations after exhaustion of judicial review procedures, but  
12 only if:

13 (1) the municipality or county complies with the  
14 provisions of this Section in all respects except in regard  
15 to enacting an ordinance pursuant to Section 11-208.3;

16 (2) the municipality or county has sent a notice of  
17 impending drivers license suspension as prescribed by an  
18 ordinance enacted pursuant to subsection (g) of this  
19 Section; and

20 (3) in municipalities or counties with a population of  
21 1,000,000 or more, the municipality or county has verified  
22 that the alleged violator's State vehicle registration  
23 number and vehicle make are correct as they appear on the  
24 citations.

25 (g) Any municipality or county, other than a municipality  
26 or county establishing ~~standing, parking, and compliance~~

1 ~~regulations pursuant to Section 11-208.3,~~ automated speed  
2 enforcement system regulations under Section 11-208.8, or  
3 automated traffic law regulations under Section 11-208.6,  
4 11-208.9, or 11-1201.1, may provide by ordinance for the  
5 sending of a notice of impending drivers license suspension to  
6 the person who has failed to satisfy any fine or penalty  
7 imposed by final judgment for ~~10 or more violations of local~~  
8 ~~standing, parking, or compliance regulations~~ or a combination  
9 of 5 or more automated speed enforcement system or automated  
10 traffic law violations after exhaustion of judicial review  
11 procedures. An ordinance so providing shall specify that the  
12 notice sent to the person liable for any fine or penalty shall  
13 state that failure to pay the fine or penalty owing within 45  
14 days of the notice's date will result in the municipality or  
15 county notifying the Secretary of State that the person's  
16 drivers license is eligible for suspension pursuant to this  
17 Section. The notice of impending drivers license suspension  
18 shall be sent by first class United States mail, postage  
19 prepaid, to the address recorded with the Secretary of State or  
20 at the last address known to the lessor of the cited vehicle at  
21 the time of lease or, if any notice sent under Section 11-208.3  
22 of this Code is returned as undeliverable, to the last known  
23 address recorded in a United States Post Office approved  
24 database.

25 (h) An administrative hearing to contest an impending  
26 suspension or a suspension made pursuant to this Section may be

1 had upon filing a written request with the Secretary of State.  
2 The filing fee for this hearing shall be \$20, to be paid at the  
3 time the request is made. A municipality or county which files  
4 a certified report with the Secretary of State pursuant to this  
5 Section shall reimburse the Secretary for all reasonable costs  
6 incurred by the Secretary as a result of the filing of the  
7 report, including but not limited to the costs of providing the  
8 notice required pursuant to subsection (b) and the costs  
9 incurred by the Secretary in any hearing conducted with respect  
10 to the report pursuant to this subsection and any appeal from  
11 such a hearing.

12 (i) The provisions of this Section shall apply on and after  
13 January 1, 1988.

14 (j) For purposes of this Section, the term "compliance  
15 violation" is defined as in Section 11-208.3.

16 (Source: P.A. 97-333, eff. 8-12-11; 97-672, eff. 7-1-12;  
17 98-556, eff. 1-1-14.)

18 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

19 Sec. 11-208.3. Administrative adjudication of violations  
20 of traffic regulations concerning the standing, parking, or  
21 condition of vehicles, automated traffic law violations, and  
22 automated speed enforcement system violations.

23 (a) Any municipality or county may provide by ordinance for  
24 a system of administrative adjudication of vehicular standing  
25 and parking violations and vehicle compliance violations as

1 described in this subsection, automated traffic law violations  
2 as defined in Section 11-208.6, 11-208.9, or 11-1201.1, and  
3 automated speed enforcement system violations as defined in  
4 Section 11-208.8. The administrative system shall have as its  
5 purpose the fair and efficient enforcement of municipal or  
6 county regulations through the administrative adjudication of  
7 automated speed enforcement system or automated traffic law  
8 violations and violations of municipal or county ordinances  
9 regulating the standing and parking of vehicles, the condition  
10 and use of vehicle equipment, and the display of municipal or  
11 county wheel tax licenses within the municipality's or county's  
12 borders. The administrative system shall only have authority to  
13 adjudicate civil offenses carrying fines not in excess of \$500  
14 or requiring the completion of a traffic education program, or  
15 both, that occur after the effective date of the ordinance  
16 adopting such a system under this Section. For purposes of this  
17 Section, "compliance violation" means a violation of a  
18 municipal or county regulation governing the condition or use  
19 of equipment on a vehicle or governing the display of a  
20 municipal or county wheel tax license.

21 (b) Any ordinance establishing a system of administrative  
22 adjudication under this Section shall provide for:

23 (1) A traffic compliance administrator authorized to  
24 adopt, distribute and process parking, compliance, and  
25 automated speed enforcement system or automated traffic  
26 law violation notices and other notices required by this



1 Section, collect money paid as fines and penalties for  
2 violation of parking and compliance ordinances and  
3 automated speed enforcement system or automated traffic  
4 law violations, and operate an administrative adjudication  
5 system. The traffic compliance administrator also may make  
6 a certified report to the Secretary of State under Section  
7 6-306.5.

8 (2) A parking, standing, compliance, automated speed  
9 enforcement system, or automated traffic law violation  
10 notice that shall specify the date, time, and place of  
11 violation of a parking, standing, compliance, automated  
12 speed enforcement system, or automated traffic law  
13 regulation; the particular regulation violated; any  
14 requirement to complete a traffic education program; the  
15 fine and any penalty that may be assessed for late payment  
16 or failure to complete a required traffic education  
17 program, or both, when so provided by ordinance; the  
18 vehicle make and state registration number; and the  
19 identification number of the person issuing the notice.  
20 With regard to automated speed enforcement system or  
21 automated traffic law violations, vehicle make shall be  
22 specified on the automated speed enforcement system or  
23 automated traffic law violation notice if the make is  
24 available and readily discernible. With regard to  
25 municipalities or counties with a population of 1 million  
26 or more, it shall be grounds for dismissal of a parking

1 violation if the state registration number or vehicle make  
2 specified is incorrect. The violation notice shall state  
3 that the completion of any required traffic education  
4 program, the payment of any indicated fine, and the payment  
5 of any applicable penalty for late payment or failure to  
6 complete a required traffic education program, or both,  
7 shall operate as a final disposition of the violation. The  
8 notice also shall contain information as to the  
9 availability of a hearing in which the violation may be  
10 contested on its merits. The violation notice shall specify  
11 the time and manner in which a hearing may be had.

12 (3) Service of the parking, standing, or compliance  
13 violation notice by affixing the original or a facsimile of  
14 the notice to an unlawfully parked vehicle or by handing  
15 the notice to the operator of a vehicle if he or she is  
16 present and service of an automated speed enforcement  
17 system or automated traffic law violation notice by mail to  
18 the address of the registered owner or lessee of the cited  
19 vehicle as recorded with the Secretary of State or the  
20 lessor of the motor vehicle within 30 days after the  
21 Secretary of State or the lessor of the motor vehicle  
22 notifies the municipality or county of the identity of the  
23 owner or lessee of the vehicle, but not later than 90 days  
24 after the violation, except that in the case of a lessee of  
25 a motor vehicle, service of an automated traffic law  
26 violation notice may occur no later than 210 days after the

1 violation. A person authorized by ordinance to issue and  
2 serve parking, standing, and compliance violation notices  
3 shall certify as to the correctness of the facts entered on  
4 the violation notice by signing his or her name to the  
5 notice at the time of service or in the case of a notice  
6 produced by a computerized device, by signing a single  
7 certificate to be kept by the traffic compliance  
8 administrator attesting to the correctness of all notices  
9 produced by the device while it was under his or her  
10 control. In the case of an automated traffic law violation,  
11 the ordinance shall require a determination by a technician  
12 employed or contracted by the municipality or county that,  
13 based on inspection of recorded images, the motor vehicle  
14 was being operated in violation of Section 11-208.6,  
15 11-208.9, or 11-1201.1 or a local ordinance. If the  
16 technician determines that the vehicle entered the  
17 intersection as part of a funeral procession or in order to  
18 yield the right-of-way to an emergency vehicle, a citation  
19 shall not be issued. In municipalities with a population of  
20 less than 1,000,000 inhabitants and counties with a  
21 population of less than 3,000,000 inhabitants, the  
22 automated traffic law ordinance shall require that all  
23 determinations by a technician that a motor vehicle was  
24 being operated in violation of Section 11-208.6, 11-208.9,  
25 or 11-1201.1 or a local ordinance must be reviewed and  
26 approved by a law enforcement officer or retired law

1 enforcement officer of the municipality or county issuing  
2 the violation. In municipalities with a population of  
3 1,000,000 or more inhabitants and counties with a  
4 population of 3,000,000 or more inhabitants, the automated  
5 traffic law ordinance shall require that all  
6 determinations by a technician that a motor vehicle was  
7 being operated in violation of Section 11-208.6, 11-208.9,  
8 or 11-1201.1 or a local ordinance must be reviewed and  
9 approved by a law enforcement officer or retired law  
10 enforcement officer of the municipality or county issuing  
11 the violation or by an additional fully-trained reviewing  
12 technician who is not employed by the contractor who  
13 employs the technician who made the initial determination.  
14 In the case of an automated speed enforcement system  
15 violation, the ordinance shall require a determination by a  
16 technician employed by the municipality, based upon an  
17 inspection of recorded images, video or other  
18 documentation, including documentation of the speed limit  
19 and automated speed enforcement signage, and documentation  
20 of the inspection, calibration, and certification of the  
21 speed equipment, that the vehicle was being operated in  
22 violation of Article VI of Chapter 11 of this Code or a  
23 similar local ordinance. If the technician determines that  
24 the vehicle speed was not determined by a calibrated,  
25 certified speed equipment device based upon the speed  
26 equipment documentation, or if the vehicle was an emergency

1 vehicle, a citation may not be issued. The automated speed  
2 enforcement ordinance shall require that all  
3 determinations by a technician that a violation occurred be  
4 reviewed and approved by a law enforcement officer or  
5 retired law enforcement officer of the municipality  
6 issuing the violation or by an additional fully trained  
7 reviewing technician who is not employed by the contractor  
8 who employs the technician who made the initial  
9 determination. Routine and independent calibration of the  
10 speeds produced by automated speed enforcement systems and  
11 equipment shall be conducted annually by a qualified  
12 technician. Speeds produced by an automated speed  
13 enforcement system shall be compared with speeds produced  
14 by lidar or other independent equipment. Radar or lidar  
15 equipment shall undergo an internal validation test no less  
16 frequently than once each week. Qualified technicians  
17 shall test loop based equipment no less frequently than  
18 once a year. Radar equipment shall be checked for accuracy  
19 by a qualified technician when the unit is serviced, when  
20 unusual or suspect readings persist, or when deemed  
21 necessary by a reviewing technician. Radar equipment shall  
22 be checked with the internal frequency generator and the  
23 internal circuit test whenever the radar is turned on.  
24 Technicians must be alert for any unusual or suspect  
25 readings, and if unusual or suspect readings of a radar  
26 unit persist, that unit shall immediately be removed from

1 service and not returned to service until it has been  
2 checked by a qualified technician and determined to be  
3 functioning properly. Documentation of the annual  
4 calibration results, including the equipment tested, test  
5 date, technician performing the test, and test results,  
6 shall be maintained and available for use in the  
7 determination of an automated speed enforcement system  
8 violation and issuance of a citation. The technician  
9 performing the calibration and testing of the automated  
10 speed enforcement equipment shall be trained and certified  
11 in the use of equipment for speed enforcement purposes.  
12 Training on the speed enforcement equipment may be  
13 conducted by law enforcement, civilian, or manufacturer's  
14 personnel and if applicable may be equivalent to the  
15 equipment use and operations training included in the Speed  
16 Measuring Device Operator Program developed by the  
17 National Highway Traffic Safety Administration (NHTSA).  
18 The vendor or technician who performs the work shall keep  
19 accurate records on each piece of equipment the technician  
20 calibrates and tests. As used in this paragraph,  
21 "fully-trained reviewing technician" means a person who  
22 has received at least 40 hours of supervised training in  
23 subjects which shall include image inspection and  
24 interpretation, the elements necessary to prove a  
25 violation, license plate identification, and traffic  
26 safety and management. In all municipalities and counties,

1 the automated speed enforcement system or automated  
2 traffic law ordinance shall require that no additional fee  
3 shall be charged to the alleged violator for exercising his  
4 or her right to an administrative hearing, and persons  
5 shall be given at least 25 days following an administrative  
6 hearing to pay any civil penalty imposed by a finding that  
7 Section 11-208.6, 11-208.8, 11-208.9, or 11-1201.1 or a  
8 similar local ordinance has been violated. The original or  
9 a facsimile of the violation notice or, in the case of a  
10 notice produced by a computerized device, a printed record  
11 generated by the device showing the facts entered on the  
12 notice, shall be retained by the traffic compliance  
13 administrator, and shall be a record kept in the ordinary  
14 course of business. A parking, standing, compliance,  
15 automated speed enforcement system, or automated traffic  
16 law violation notice issued, signed and served in  
17 accordance with this Section, a copy of the notice, or the  
18 computer generated record shall be prima facie correct and  
19 shall be prima facie evidence of the correctness of the  
20 facts shown on the notice. The notice, copy, or computer  
21 generated record shall be admissible in any subsequent  
22 administrative or legal proceedings.

23 (4) An opportunity for a hearing for the registered  
24 owner of the vehicle cited in the parking, standing,  
25 compliance, automated speed enforcement system, or  
26 automated traffic law violation notice in which the owner

1           may contest the merits of the alleged violation, and during  
2           which formal or technical rules of evidence shall not  
3           apply; provided, however, that under Section 11-1306 of  
4           this Code the lessee of a vehicle cited in the violation  
5           notice likewise shall be provided an opportunity for a  
6           hearing of the same kind afforded the registered owner. The  
7           hearings shall be recorded, and the person conducting the  
8           hearing on behalf of the traffic compliance administrator  
9           shall be empowered to administer oaths and to secure by  
10          subpoena both the attendance and testimony of witnesses and  
11          the production of relevant books and papers. Persons  
12          appearing at a hearing under this Section may be  
13          represented by counsel at their expense. The ordinance may  
14          also provide for internal administrative review following  
15          the decision of the hearing officer.

16                 (5) Service of additional notices, sent by first class  
17          United States mail, postage prepaid, to the address of the  
18          registered owner of the cited vehicle as recorded with the  
19          Secretary of State or, if any notice to that address is  
20          returned as undeliverable, to the last known address  
21          recorded in a United States Post Office approved database,  
22          or, under Section 11-1306 or subsection (p) of Section  
23          11-208.6 or 11-208.9, or subsection (p) of Section 11-208.8  
24          of this Code, to the lessee of the cited vehicle at the  
25          last address known to the lessor of the cited vehicle at  
26          the time of lease or, if any notice to that address is



1 returned as undeliverable, to the last known address  
2 recorded in a United States Post Office approved database.  
3 The service shall be deemed complete as of the date of  
4 deposit in the United States mail. The notices shall be in  
5 the following sequence and shall include but not be limited  
6 to the information specified herein:

7 (i) A second notice of parking, standing, or  
8 compliance violation. This notice shall specify the  
9 date and location of the violation cited in the  
10 parking, standing, or compliance violation notice, the  
11 particular regulation violated, the vehicle make and  
12 state registration number, any requirement to complete  
13 a traffic education program, the fine and any penalty  
14 that may be assessed for late payment or failure to  
15 complete a traffic education program, or both, when so  
16 provided by ordinance, the availability of a hearing in  
17 which the violation may be contested on its merits, and  
18 the time and manner in which the hearing may be had.  
19 The notice of violation shall also state that failure  
20 to complete a required traffic education program, to  
21 pay the indicated fine and any applicable penalty, or  
22 to appear at a hearing on the merits in the time and  
23 manner specified, will result in a final determination  
24 of violation liability for the cited violation in the  
25 amount of the fine or penalty indicated, and that, upon  
26 the occurrence of a final determination of violation

1 liability for the failure, and the exhaustion of, or  
2 failure to exhaust, available administrative or  
3 judicial procedures for review, any incomplete traffic  
4 education program or any unpaid fine or penalty, or  
5 both, will constitute a debt due and owing the  
6 municipality or county.

7 (ii) A notice of final determination of parking,  
8 standing, compliance, automated speed enforcement  
9 system, or automated traffic law violation liability.  
10 This notice shall be sent following a final  
11 determination of parking, standing, compliance,  
12 automated speed enforcement system, or automated  
13 traffic law violation liability and the conclusion of  
14 judicial review procedures taken under this Section.  
15 The notice shall state that the incomplete traffic  
16 education program or the unpaid fine or penalty, or  
17 both, is a debt due and owing the municipality or  
18 county. The notice shall contain warnings that failure  
19 to complete any required traffic education program or  
20 to pay any fine or penalty due and owing the  
21 municipality or county, or both, within the time  
22 specified may result in the municipality's or county's  
23 filing of a petition in the Circuit Court to have the  
24 incomplete traffic education program or unpaid fine or  
25 penalty, or both, rendered a judgment as provided by  
26 this Section, or, where applicable, may result in

1 suspension of the person's drivers license for failure  
2 to complete a traffic education program or to pay fines  
3 or penalties, or both, for ~~10 or more parking~~  
4 ~~violations under Section 6-306.5, or a combination of 5~~  
5 or more automated traffic law violations under Section  
6 11-208.6 or 11-208.9 or automated speed enforcement  
7 system violations under Section 11-208.8.

8 (6) A notice of impending drivers license suspension.  
9 This notice shall be sent to the person liable for failure  
10 to complete a required traffic education program or to pay  
11 any fine or penalty that remains due and owing, or both, on  
12 ~~10 or more parking violations or combination of 5 or more~~  
13 unpaid automated speed enforcement system or automated  
14 traffic law violations. The notice shall state that failure  
15 to complete a required traffic education program or to pay  
16 the fine or penalty owing, or both, within 45 days of the  
17 notice's date will result in the municipality or county  
18 notifying the Secretary of State that the person is  
19 eligible for initiation of suspension proceedings under  
20 Section 6-306.5 of this Code. The notice shall also state  
21 that the person may obtain a photostatic copy of an  
22 original ticket imposing a fine or penalty by sending a  
23 self addressed, stamped envelope to the municipality or  
24 county along with a request for the photostatic copy. The  
25 notice of impending drivers license suspension shall be  
26 sent by first class United States mail, postage prepaid, to

1 the address recorded with the Secretary of State or, if any  
2 notice to that address is returned as undeliverable, to the  
3 last known address recorded in a United States Post Office  
4 approved database.

5 (7) Final determinations of violation liability. A  
6 final determination of violation liability shall occur  
7 following failure to complete the required traffic  
8 education program or to pay the fine or penalty, or both,  
9 after a hearing officer's determination of violation  
10 liability and the exhaustion of or failure to exhaust any  
11 administrative review procedures provided by ordinance.  
12 Where a person fails to appear at a hearing to contest the  
13 alleged violation in the time and manner specified in a  
14 prior mailed notice, the hearing officer's determination  
15 of violation liability shall become final: (A) upon denial  
16 of a timely petition to set aside that determination, or  
17 (B) upon expiration of the period for filing the petition  
18 without a filing having been made.

19 (8) A petition to set aside a determination of parking,  
20 standing, compliance, automated speed enforcement system,  
21 or automated traffic law violation liability that may be  
22 filed by a person owing an unpaid fine or penalty. A  
23 petition to set aside a determination of liability may also  
24 be filed by a person required to complete a traffic  
25 education program. The petition shall be filed with and  
26 ruled upon by the traffic compliance administrator in the

1 manner and within the time specified by ordinance. The  
2 grounds for the petition may be limited to: (A) the person  
3 not having been the owner or lessee of the cited vehicle on  
4 the date the violation notice was issued, (B) the person  
5 having already completed the required traffic education  
6 program or paid the fine or penalty, or both, for the  
7 violation in question, and (C) excusable failure to appear  
8 at or request a new date for a hearing. With regard to  
9 municipalities or counties with a population of 1 million  
10 or more, it shall be grounds for dismissal of a parking  
11 violation if the state registration number, or vehicle make  
12 if specified, is incorrect. After the determination of  
13 parking, standing, compliance, automated speed enforcement  
14 system, or automated traffic law violation liability has  
15 been set aside upon a showing of just cause, the registered  
16 owner shall be provided with a hearing on the merits for  
17 that violation.

18 (9) Procedures for non-residents. Procedures by which  
19 persons who are not residents of the municipality or county  
20 may contest the merits of the alleged violation without  
21 attending a hearing.

22 (10) A schedule of civil fines for violations of  
23 vehicular standing, parking, compliance, automated speed  
24 enforcement system, or automated traffic law regulations  
25 enacted by ordinance pursuant to this Section, and a  
26 schedule of penalties for late payment of the fines or

1 failure to complete required traffic education programs,  
2 provided, however, that the total amount of the fine and  
3 penalty for any one violation shall not exceed \$250, except  
4 as provided in subsection (c) of Section 11-1301.3 of this  
5 Code.

6 (11) Other provisions as are necessary and proper to  
7 carry into effect the powers granted and purposes stated in  
8 this Section.

9 (c) Any municipality or county establishing vehicular  
10 standing, parking, compliance, automated speed enforcement  
11 system, or automated traffic law regulations under this Section  
12 may also provide by ordinance for a program of vehicle  
13 immobilization for the purpose of facilitating enforcement of  
14 those regulations. The program of vehicle immobilization shall  
15 provide for immobilizing any eligible vehicle upon the public  
16 way by presence of a restraint in a manner to prevent operation  
17 of the vehicle. Any ordinance establishing a program of vehicle  
18 immobilization under this Section shall provide:

19 (1) Criteria for the designation of vehicles eligible  
20 for immobilization. A vehicle shall be eligible for  
21 immobilization when the registered owner of the vehicle has  
22 accumulated the number of incomplete traffic education  
23 programs or unpaid final determinations of parking,  
24 standing, compliance, automated speed enforcement system,  
25 or automated traffic law violation liability, or both, as  
26 determined by ordinance.

1           (2) A notice of impending vehicle immobilization and a  
2           right to a hearing to challenge the validity of the notice  
3           by disproving liability for the incomplete traffic  
4           education programs or unpaid final determinations of  
5           parking, standing, compliance, automated speed enforcement  
6           system, or automated traffic law violation liability, or  
7           both, listed on the notice.

8           (3) The right to a prompt hearing after a vehicle has  
9           been immobilized or subsequently towed without the  
10          completion of the required traffic education program or  
11          payment of the outstanding fines and penalties on parking,  
12          standing, compliance, automated speed enforcement system,  
13          or automated traffic law violations, or both, for which  
14          final determinations have been issued. An order issued  
15          after the hearing is a final administrative decision within  
16          the meaning of Section 3-101 of the Code of Civil  
17          Procedure.

18          (4) A post immobilization and post-towing notice  
19          advising the registered owner of the vehicle of the right  
20          to a hearing to challenge the validity of the impoundment.

21          (d) Judicial review of final determinations of parking,  
22          standing, compliance, automated speed enforcement system, or  
23          automated traffic law violations and final administrative  
24          decisions issued after hearings regarding vehicle  
25          immobilization and impoundment made under this Section shall be  
26          subject to the provisions of the Administrative Review Law.

1           (e) Any fine, penalty, incomplete traffic education  
2 program, or part of any fine or any penalty remaining unpaid  
3 after the exhaustion of, or the failure to exhaust,  
4 administrative remedies created under this Section and the  
5 conclusion of any judicial review procedures shall be a debt  
6 due and owing the municipality or county and, as such, may be  
7 collected in accordance with applicable law. Completion of any  
8 required traffic education program and payment in full of any  
9 fine or penalty resulting from a standing, parking, compliance,  
10 automated speed enforcement system, or automated traffic law  
11 violation shall constitute a final disposition of that  
12 violation.

13           (f) After the expiration of the period within which  
14 judicial review may be sought for a final determination of  
15 parking, standing, compliance, automated speed enforcement  
16 system, or automated traffic law violation, the municipality or  
17 county may commence a proceeding in the Circuit Court for  
18 purposes of obtaining a judgment on the final determination of  
19 violation. Nothing in this Section shall prevent a municipality  
20 or county from consolidating multiple final determinations of  
21 parking, standing, compliance, automated speed enforcement  
22 system, or automated traffic law violations against a person in  
23 a proceeding. Upon commencement of the action, the municipality  
24 or county shall file a certified copy or record of the final  
25 determination of parking, standing, compliance, automated  
26 speed enforcement system, or automated traffic law violation,



1 which shall be accompanied by a certification that recites  
2 facts sufficient to show that the final determination of  
3 violation was issued in accordance with this Section and the  
4 applicable municipal or county ordinance. Service of the  
5 summons and a copy of the petition may be by any method  
6 provided by Section 2-203 of the Code of Civil Procedure or by  
7 certified mail, return receipt requested, provided that the  
8 total amount of fines and penalties for final determinations of  
9 parking, standing, compliance, automated speed enforcement  
10 system, or automated traffic law violations does not exceed  
11 \$2500. If the court is satisfied that the final determination  
12 of parking, standing, compliance, automated speed enforcement  
13 system, or automated traffic law violation was entered in  
14 accordance with the requirements of this Section and the  
15 applicable municipal or county ordinance, and that the  
16 registered owner or the lessee, as the case may be, had an  
17 opportunity for an administrative hearing and for judicial  
18 review as provided in this Section, the court shall render  
19 judgment in favor of the municipality or county and against the  
20 registered owner or the lessee for the amount indicated in the  
21 final determination of parking, standing, compliance,  
22 automated speed enforcement system, or automated traffic law  
23 violation, plus costs. The judgment shall have the same effect  
24 and may be enforced in the same manner as other judgments for  
25 the recovery of money.

26 (g) The fee for participating in a traffic education

1 program under this Section shall not exceed \$25.

2 A low-income individual required to complete a traffic  
3 education program under this Section who provides proof of  
4 eligibility for the federal earned income tax credit under  
5 Section 32 of the Internal Revenue Code or the Illinois earned  
6 income tax credit under Section 212 of the Illinois Income Tax  
7 Act shall not be required to pay any fee for participating in a  
8 required traffic education program.

9 (Source: P.A. 97-29, eff. 1-1-12; 97-333, eff. 8-12-11; 97-672,  
10 eff. 7-1-12; 98-556, eff. 1-1-14; 98-1028, eff. 8-22-14.)

11 (625 ILCS 5/6-205.2 rep.)

12 (625 ILCS 5/6-306.7 rep.)

13 Section 10. The Illinois Vehicle Code is amended by  
14 repealing Sections 6-205.2 and 6-306.7.

15 Section 99. Effective date. This Act takes effect July 1,  
16 2020.

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/3-704.2

4 625 ILCS 5/6-201

5 625 ILCS 5/6-204 from Ch. 95 1/2, par. 6-204

6 625 ILCS 5/6-205

7 625 ILCS 5/6-206

8 625 ILCS 5/6-209.1 new

9 625 ILCS 5/6-306.5 from Ch. 95 1/2, par. 6-306.5

10 625 ILCS 5/11-208.3 from Ch. 95 1/2, par. 11-208.3

11 625 ILCS 5/6-205.2 rep.

12 625 ILCS 5/6-306.7 rep.