

# 2007

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# ILLINOIS

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# REGISTER

RULES  
OF GOVERNMENTAL  
AGENCIES



Volume 31, Issue 52  
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## INTRODUCTION

The Illinois Register is the official State document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State Statute; and activities (meeting agendas; Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State Agencies; is also published in the Register.

The Register is a weekly update of the Illinois Administrative Code (a compilation of the rules adopted by State agencies). The most recent edition of the Code, along with the Register, comprise the most current accounting of State agencies' rulemakings.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1, et seq.].

### 2008 REGISTER SCHEDULE VOLUME #32

<u>Issue #</u>	<u>Rules Due Date</u>	<u>Date of Issue</u>
1	December 21, 2007*	January 4, 2008
2	December 31, 2007	January 11, 2008
3	January 7, 2008	January 18, 2008
4	January 14, 2008	January 25, 2008
5	January 22, 2008	February 1, 2008
6	January 28, 2008	February 8, 2008
7	February 4, 2008	February 15, 2008
8	February 11, 2008	February 22, 2008
9	February 19, 2008	February 29, 2008
10	February 25, 2008	March 7, 2008
11	March 3, 2008	March 14, 2008
12	March 10, 2008	March 21, 2008
13	March 17, 2008	March 28, 2008
14	March 24, 2008	April 4, 2008
15	March 31, 2008	April 11, 2008
16	April 7, 2008	April 18, 2008
17	April 14, 2008	April 25, 2008
18	April 21, 2008	May 2, 2008
19	April 28, 2008	May 9, 2008
20	May 5, 2008	May 16, 2008
21	May 12, 2008	May 23, 2008
22	May 19, 2008	May 30, 2008
23	May 27, 2008	June 6, 2008

24	June 2, 2008	June 13, 2008
25	June 9, 2008	June 20, 2008
26	June 16, 2008	June 27, 2008
27	June 23, 2008	July 7, 2008
28	June 30, 2008	July 11, 2008
29	July 7, 2008	July 18, 2008
30	July 14, 2008	July 25, 2008
31	July 21, 2008	August 1, 2008
32	July 28, 2008	August 8, 2008
33	August 4, 2008	August 15, 2008
34	August 11, 2008	August 22, 2008
35	August 18, 2008	August 29, 2008
36	August 25, 2008	September 5, 2008
37	September 2, 2008	September 12, 2008
<b><u>Issue #</u></b>	<b><u>Rules Due Date</u></b>	<b><u>Date of Issue</u></b>
38	September 8, 2008	September 19, 2008
39	September 15, 2008	September 26, 2008
40	September 22, 2008	October 3, 2008
41	September 29, 2008	October 10, 2008
42	October 6, 2008	October 17, 2008
43	October 14, 2008	October 24, 2008
44	October 20, 2008	October 31, 2008
45	October 27, 2008	November 7, 2008
46	November 3, 2008	November 14, 2008
47	November 10, 2008	November 21, 2008
48	November 17, 2008	December 1, 2008
49	November 24, 2008	December 5, 2008
50	December 1, 2008	December 12, 2008
51	December 8, 2008	December 19, 2008
52	December 15, 2008	December 26, 2008
53	December 22, 2008	January 2, 2009

\*Note: In Issue #1, Monday, December 24<sup>th</sup>, is considered a holiday for the Secretary of State's Office. Therefore, since Tuesday, December 25<sup>th</sup> is a holiday, the Copy Due Date will be the previous Friday, December 21<sup>st</sup>.

## STATE RECORDS COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: State Records Commission
- 2) Code Citation: 44 Ill. Adm. Code 4400
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
4400.22	Amended
4400.30	Amended
4400.40	Amended
- 4) Statutory Authority: Implementing and authorized by Section 17 of the State Records Act [5 ILCS 160/17]
- 5) A Complete Description of the Subjects and Issues Involved: Section 4400.30 is being changed in order to clarify how Applications for Authority to Dispose of State Records are presented to, and considered for approval by, the State Records Commission. This is in response to a request for this action by the Joint Committee on Administrative Rules during rule promulgation in May 2007. Section 4400.40 is being revised to create procedural standards for the disposal of confidential information and will require that confidential records be destroyed in a manner that meets the minimum standards of the United States National Security Agency/Central Security Service. These standards are incorporated by reference in amendments to Section 4400.22.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? Yes. The handling and transportation of the records designated for destruction must meet the minimum standards of the United States National Security Agency/Central Security Service in Section 4400.22 (b).
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This proposed rulemaking does not create or enlarge a State mandate, as defined in Section 3(b) of the State Mandates Act [30 ILCS 805/3(b)].

## STATE RECORDS COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- 12) Time, Place and Manner in which interested persons may comment on these proposed amendments:

David A. Joens, Chairman  
States Record Commission  
Illinois State Archives  
Springfield, IL 62756

217/782-3492

- 13) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profits corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: The standards and procedures required for compliance are set forth in this Part and do not impose any additional reporting or recordkeeping requirements.
- C) Types of professional skills necessary for compliance: The State Records Act places the responsibility to provide the expertise for technical assistance necessary for State agencies to comply with the terms of this rulemaking. Applicable training may be provided at the discretion of the Secretary.

- 14) Regulatory Agenda on which these amendments were summarized: July 2007

The full text of the Proposed Amendments begins on the next page:

## STATE RECORDS COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT  
AND PROPERTY MANAGEMENT  
SUBTITLE C: GOVERNMENTAL RECORDS  
CHAPTER IV: STATE RECORDS COMMISSIONPART 4400  
STATE RECORDS COMMISSION

Section	
4400.10	General
4400.20	Definitions
4400.22	Incorporations by Reference
4400.25	Record Management
4400.30	Procedures for Compiling and Submitting Lists and Schedules of Records <a href="#">for</a> Disposal
4400.40	Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal
4400.50	Standards for the Reproduction of Records by Microphotographic and Electronic Microimaging Processes with a View to the Disposal of the Original Records
4400.60	Minimum Standards of Quality for Permanent Record Photographic Original Microfilm Intended for Retention Periods in Excess of 10 Years
4400.70	Digital Reproduction
4400.APPENDIX A	Inventory Work Sheet
4400.APPENDIX B	Records Retention Schedule (Application for Authority to Dispose of State Records)
4400.APPENDIX C	Records Disposal Certificate
4400.APPENDIX D	Archives Records Transfer Sheet

AUTHORITY: Implementing and authorized by the State Records Act [5 ILCS 160].

SOURCE: Amended May 28, 1976; codified at 8 Ill. Reg. 8927; recodified from 44 Ill. Adm. Code 4100 (Secretary of State) to 44 Ill. Adm. Code 4400 (State Records Commission) at 9 Ill. Reg. 15547; amended at 10 Ill. Reg. 1965, effective January 8, 1986; amended at 13 Ill. Reg. 7444, effective May 1, 1989; amended at 31 Ill. Reg. 8572, effective June 4, 2007; amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 4400.22 Incorporations by Reference**

## STATE RECORDS COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- a) No incorporation by reference in this Part includes any amendment or edition later than the date specified.
- b) The following materials are incorporated in this Part:

1) The National Security Agency/Central Security Service

Fort George G. Meade  
Maryland 20755-6000  
301-688-6524 www.nsa.gov

- A) NSA/CSS Specification 04-02, "Optical Media Destruction Devices," July 15, 2005.
- B) NSA/CSS Specification 02-02, "High Security Disintegrators," July 31, 2006.
- C) NSA/CSS Specification 02-01, "High Security Crosscut Paper Shredders," March 31, 2002.

2) The American National Standards Institute/Association for Information and Image Management

1819 L Street, NW  
Suite 600  
Washington, DC 20036

- A1) ANSI/AIIM MS23 (1998) - Standard Recommended Practice - Production, Inspection, and Quality Assurance of First-Generation, Silver Microforms of Documents
- B2) ANSI/AIIM MS44 (1993) - Recommended Practice for Quality Control of Image Scanners
- C3) ANSI/AIIM MS49 (1993) - Recommended Practice for Monitoring Image Quality of Roll Microfilm and Microfiche Scanners

## STATE RECORDS COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

- D4) ANSI/AIIM MS62 (1999) - Recommended Practice for COM Recording System Having an Internal Electronic Forms Generating System - Operational Practices for Inspection & Quality Control
- E5) ANSI/AIIM TR34 (1996) - Sampling Procedures for Inspection by Attributes of Images in Electronic Image Management (EIM) & Micrographics Systems

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 4400.30 Procedures for Compiling and Submitting Lists and Schedules of Records**  
**for Disposal**

- a) The head of each agency shall submit to the Commission lists or schedules of records in his or her custody that are not needed in the transaction of current business and that do not have sufficient administrative, fiscal, legal, research or historical~~legal or fiscal~~ value to warrant their further preservation.
- 1) Lists are applications for authority to destroy records that have accumulated.
  - 2) Schedules are applications for continuing authority to destroy records after specified periods of time or the occurrence of specified events.
- b) New lists or schedules are required whenever the informational contents of a records series are changed.
- c) An application for authority to dispose of State records shall be submitted to the Commission on forms available from the State Records Commission, Margaret Cross Norton Building, Springfield, Illinois 62756.
- d) An application for authority to dispose of records may be accompanied by samples of each records~~record~~ series proposed for destruction. Blank forms and explanatory statements may be submitted in lieu of confidential records.
- e) The Illinois State Archives shall make available field representatives to assist the head of each agency in preparing lists and schedules of records.
- f) Applications for Authority to Dispose of State Records must be received in the

## STATE RECORDS COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

office of the State Records Unit of the Illinois State Archives at least five working days before a scheduled Commission meeting to be placed on the agenda of that meeting. If received after that time, applications will be placed on the agenda of the next Commission meeting.

- g) The Commission will consider all applications presented at each meeting. The Commission may approve, amend, deny or defer approval of an application pending clarification, modification or deletion of information presented on any portion of the application.
- h) During the review of each application, the Commission will consider if the description of the records series is complete and easily understandable with regard to how and why the record was created, what purpose it serves, where else the information can be found, and if the proposed retention is appropriate in light of the records' administrative, fiscal, legal, research or historical value.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 4400.40 Procedures for the Physical Destruction or Other Disposition of Records Proposed for Disposal**

- a) Subject to statutory provisions, agencies may dispose of records authorized for destruction by the Commission. ~~All records, regardless of physical format or characteristics must be disposed of using the same procedures as followed for the disposition of original hard copy documents.~~
- b) All records for which disclosure is prohibited by law or that contain social security numbers or identify a person by name, along with his or her birth date or state identification card or driver's license number, must be destroyed by a lawful secure manner that does not allow for the reconstruction or reuse of the original record information. The handling and transportation of the records designated for destruction must also be done in a reasonably secure manner. Destruction must meet the minimum standards of the United States National Security Agency/Central Security Service appropriate for the record media in NSA/CSS Specification 04-02 (optical media destruction), NSA/CSS Specification 02-02 (disintegrators), NSA/CSS Specification 02-01 (paper shredders).
- c) Thirty days prior to ~~planned~~ disposal or destruction of any records, regardless of physical format or characteristics, so authorized by the Commission, the head of

## STATE RECORDS COMMISSION

## NOTICE OF PROPOSED AMENDMENTS

~~the~~any agency ~~shall~~~~doing so~~~~will~~ submit a State Records Disposal Certificate to the Chairman of the State Records Commission, and proceed with ~~such~~ disposal only after a copy of that certificate has been reviewed and signed by the Chairman and returned to the head of the agency. The original copy of this disposal certificate will be kept in the files of the State Records Commission and the duplicate copy signed and returned by the Chairman shall be retained by the disposing agency for its files.

(Source: Amended at 32 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: 310.270                      Adopted Action:  
Amendment
- 4) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a]
- 5) Effective Date of Amendment: December 13, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection. Copies of all Pay Plan amendments and collective bargaining contracts are available upon request from the Division of Technical Services and Agency Training and Development.
- 9) Notices of Proposal Published in the Illinois Register: September 14, 2007; 31 Ill. Reg. 13050
- 10) Has JCAR issued a Statement of Objection to this amendment? No
- 11) Differences between proposal and final version: The adopted amendment reflects the Pay Plan effective fiscal year 2008. The proposed text included emergency amendments to allow for appropriate fiscal year 2007 lapse period salary payments. The emergency amendments are no longer needed.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this amendment replace any emergency amendment currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Section Numbers:Proposed Action: Illinois Reg. Citation:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

310.40	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.47	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.110	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.130	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.220	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.260	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.290	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.295	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.410	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.490	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX A TABLE O	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX B	Amendment	31 Ill. Reg. 14619; November 2, 2007
310.APPENDIX D	Amendment	31 Ill. Reg. 14619; November 2, 2007

- 15) Summary and Purpose of Amendment: The Arbitrator title is assigned an annual legislated rate of \$4,000 less than the Workers' Compensation Commission member's rate based on the Workers' Compensation Act [820 ILCS 305/14]. The Public Act 95-144 effective August 13, 2007 appropriated the funds to allow the Office of the Comptroller to change the rate of pay for the members of the Workers' Compensation Commission. The Office of the Comptroller notified the Department of Central Management Services of the Workers' Compensation Commission member's rates and their effective dates.

In Section 310.270, the rate table is deleted and a new rate table is added. The new annual salary effective during fiscal year 2008 for the Arbitrator title is \$111,453 effective July 1, 2007.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Mr. Jason Doggett  
Manager  
Compensation Section  
Division of Technical Services and Agency Training and Development  
Bureau of Personnel  
Department of Central Management Services  
504 William G. Stratton Building  
Springfield IL 62706

Telephone: 217/782-7964  
Fax: 217/524-4570

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF ADOPTED AMENDMENT

CMS.PayPlan@Illinois.gov

- 17) Does this amendment require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND  
POSITION CLASSIFICATIONS

## CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310  
PAY PLAN

## SUBPART A: NARRATIVE

Section	
310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.45	Comparison of Pay Grades or Salary Ranges Assigned to Classifications
310.47	In-Hiring Rate
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, effective July 1, 1984 (Repealed)

## SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Daily or Hourly Rate Conversion
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State Rate
310.295	Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections (Repealed)
310.330	Excluded Classes Rate (Repealed)

## SUBPART C: MERIT COMPENSATION SYSTEM

Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases and Bonuses
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units (Repealed)
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase and Bonus Guidechart
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)
310.APPENDIX A	Negotiated Rates of Pay
310.TABLE A	RC-104 (Conservation Police Supervisors, Laborers' – ISEA Local #2002)
310.TABLE B	VR-706 (Meat and Poultry Inspector Supervisors, Laborers' - ISEA Local #2002)
310.TABLE C	RC-056 (Site Superintendents and Natural Resource, Historic

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

	Preservation and Agriculture Managers, IFPE)
310.TABLE D	HR-001 (Teamsters Local #726)
310.TABLE E	RC-020 (Teamsters Local #330)
310.TABLE F	RC-019 (Teamsters Local #25)
310.TABLE G	RC-045 (Automotive Mechanics, IFPE)
310.TABLE H	RC-006 (Corrections Employees, AFSCME)
310.TABLE I	RC-009 (Institutional Employees, AFSCME)
310.TABLE J	RC-014 (Clerical Employees, AFSCME)
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310.TABLE L	RC-008 (Boilermakers)
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310.TABLE N	RC-010 (Professional Legal Unit, AFSCME)
310.TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
310.TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
310.TABLE Q	RC-033 (Meat Inspectors, IFPE)
310.TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
310.TABLE S	HR-012 (Fair Employment Practices Employees, SEIU) (Repealed)
310.TABLE T	HR-010 (Teachers of Deaf, IFT)
310.TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
310.TABLE V	CU-500 (Corrections Meet and Confer Employees)
310.TABLE W	RC-062 (Technical Employees, AFSCME)
310.TABLE X	RC-063 (Professional Employees, AFSCME)
310.TABLE Y	RC-063 (Educators, AFSCME)
310.TABLE Z	RC-063 (Physicians, AFSCME)
310.TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
310.TABLE AB	VR-007 (Plant Maintenance Engineers, Operating Engineers) (Repealed)
310.APPENDIX B	Schedule of Salary Grade Pay Grades – Monthly Rates of Pay
310.APPENDIX C	Medical Administrator Rates
310.APPENDIX D	Merit Compensation System Salary Schedule
310.APPENDIX E	Teaching Salary Schedule (Repealed)
310.APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
310.APPENDIX G	Broad-Band Pay Range Classes Salary Schedule

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; preemptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; preemptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; preemptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill. Reg. 648, effective December 22, 1986; preemptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; preemptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; preemptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; preemptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; preemptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; preemptory amendment at 11 Ill. Reg. 17919, effective October 19, 1987; preemptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; preemptory

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amendment at 12 Ill. Reg. 3811, effective January 27, 1988; preemptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; preemptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; preemptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; preemptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; preemptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; preemptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; preemptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; preemptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; preemptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; preemptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; preemptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; preemptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; preemptory amendment at 15 Ill. Reg. 663, effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; preemptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; preemptory amendment at 15 Ill. Reg. 5465, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; preemptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; preemptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at

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16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; preemptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; preemptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; preemptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; preemptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; preemptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; preemptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; preemptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; preemptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; preemptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; preemptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; preemptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; preemptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; preemptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996;

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peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998; peremptory amendment at 22 Ill. Reg. 19943, effective October 27, 1998; peremptory amendment at 22 Ill. Reg. 20406, effective November 5, 1998; amended at 22 Ill. Reg. 20581, effective November 16, 1998; amended at 23 Ill. Reg. 664, effective January 1, 1999; peremptory amendment at 23 Ill. Reg. 730, effective December 29, 1998; emergency amendment at 23 Ill. Reg. 6533, effective May 10, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 7065, effective June 3, 1999; emergency amendment at 23 Ill. Reg. 8169, effective July 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 11020, effective August 26, 1999; amended at 23 Ill. Reg. 12429, effective September 21, 1999; peremptory amendment at 23 Ill. Reg. 12493, effective September 23, 1999; amended at 23 Ill. Reg. 12604, effective September 24, 1999; amended at 23 Ill. Reg. 13053, effective September 27, 1999; peremptory amendment at 23 Ill. Reg. 13132, effective October 1, 1999; amended at 23 Ill. Reg. 13570, effective October 26, 1999; amended at 23 Ill. Reg. 14020, effective November 15, 1999; amended at 24 Ill. Reg. 1025, effective January 7, 2000; peremptory amendment at 24 Ill. Reg. 3399, effective February 3, 2000; amended at 24 Ill. Reg. 3537, effective February 18, 2000; amended at 24 Ill. Reg. 6874, effective April 21, 2000; amended at 24 Ill. Reg. 7956, effective May 23, 2000; emergency amendment at 24 Ill. Reg. 10328, effective July 1, 2000, for a maximum of 150 days; emergency expired November 27, 2000; peremptory amendment at 24 Ill. Reg. 10767, effective July 3, 2000; amended at 24 Ill. Reg. 13384, effective August 17, 2000; peremptory amendment at 24 Ill. Reg. 14460, effective

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September 14, 2000; preemptory amendment at 24 Ill. Reg. 16700, effective October 30, 2000; preemptory amendment at 24 Ill. Reg. 17600, effective November 16, 2000; amended at 24 Ill. Reg. 18058, effective December 4, 2000; preemptory amendment at 24 Ill. Reg. 18444, effective December 1, 2000; amended at 25 Ill. Reg. 811, effective January 4, 2001; amended at 25 Ill. Reg. 2389, effective January 22, 2001; amended at 25 Ill. Reg. 4552, effective March 14, 2001; preemptory amendment at 25 Ill. Reg. 5067, effective March 21, 2001; amended at 25 Ill. Reg. 5618, effective April 4, 2001; amended at 25 Ill. Reg. 6655, effective May 11, 2001; amended at 25 Ill. Reg. 7151, effective May 25, 2001; preemptory amendment at 25 Ill. Reg. 8009, effective June 14, 2001; emergency amendment at 25 Ill. Reg. 9336, effective July 3, 2001, for a maximum of 150 days; amended at 25 Ill. Reg. 9846, effective July 23, 2001; amended at 25 Ill. Reg. 12087, effective September 6, 2001; amended at 25 Ill. Reg. 15560, effective November 20, 2001; preemptory amendment at 25 Ill. Reg. 15671, effective November 15, 2001; amended at 25 Ill. Reg. 15974, effective November 28, 2001; emergency amendment at 26 Ill. Reg. 223, effective December 21, 2001, for a maximum of 150 days; amended at 26 Ill. Reg. 1143, effective January 17, 2002; amended at 26 Ill. Reg. 4127, effective March 5, 2002; preemptory amendment at 26 Ill. Reg. 4963, effective March 15, 2002; amended at 26 Ill. Reg. 6235, effective April 16, 2002; emergency amendment at 26 Ill. Reg. 7314, effective April 29, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 10425, effective July 1, 2002; emergency amendment at 26 Ill. Reg. 10952, effective July 1, 2002, for a maximum of 150 days; amended at 26 Ill. Reg. 13934, effective September 10, 2002; amended at 26 Ill. Reg. 14965, effective October 7, 2002; emergency amendment at 26 Ill. Reg. 16583, effective October 24, 2002, for a maximum of 150 days; emergency expired March 22, 2003; preemptory amendment at 26 Ill. Reg. 17280, effective November 18, 2002; amended at 26 Ill. Reg. 17374, effective November 25, 2002; amended at 26 Ill. Reg. 17987, effective December 9, 2002; amended at 27 Ill. Reg. 3261, effective February 11, 2003; expedited correction at 28 Ill. Reg. 6151, effective February 11, 2003; amended at 27 Ill. Reg. 8855, effective May 15, 2003; amended at 27 Ill. Reg. 9114, effective May 27, 2003; emergency amendment at 27 Ill. Reg. 10442, effective July 1, 2003, for a maximum of 150 days; emergency expired November 27, 2003; preemptory amendment at 27 Ill. Reg. 17433, effective November 7, 2003; amended at 27 Ill. Reg. 18560, effective December 1, 2003; preemptory amendment at 28 Ill. Reg. 1441, effective January 9, 2004; amended at 28 Ill. Reg. 2684, effective January 22, 2004; amended at 28 Ill. Reg. 6879, effective April 30, 2004; preemptory amendment at 28 Ill. Reg. 7323, effective May 10, 2004; amended at 28 Ill. Reg. 8842, effective June 11, 2004; preemptory amendment at 28 Ill. Reg. 9717, effective June 28, 2004; amended at 28 Ill. Reg. 12585, effective August 27, 2004; preemptory amendment at 28 Ill. Reg. 13011, effective September 8, 2004; preemptory amendment at 28 Ill. Reg. 13247, effective September 20, 2004; preemptory amendment at 28 Ill. Reg. 13656, effective September 27, 2004; emergency amendment at 28 Ill. Reg. 14174, effective October 15, 2004, for a maximum of 150 days; emergency expired March 13, 2005; preemptory amendment at 28 Ill. Reg. 14689, effective October 22, 2004; preemptory amendment at 28 Ill. Reg. 15336, effective

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November 15, 2004; preemptory amendment at 28 Ill. Reg. 16513, effective December 9, 2004; preemptory amendment at 29 Ill. Reg. 726, effective December 15, 2004; amended at 29 Ill. Reg. 1166, effective January 7, 2005; preemptory amendment at 29 Ill. Reg. 1385, effective January 4, 2005; preemptory amendment at 29 Ill. Reg. 1559, effective January 11, 2005; preemptory amendment at 29 Ill. Reg. 2050, effective January 19, 2005; preemptory amendment at 29 Ill. Reg. 4125, effective February 23, 2005; amended at 29 Ill. Reg. 5375, effective April 4, 2005; preemptory amendment at 29 Ill. Reg. 6105, effective April 14, 2005; preemptory amendment at 29 Ill. Reg. 7217, effective May 6, 2005; preemptory amendment at 29 Ill. Reg. 7840, effective May 10, 2005; amended at 29 Ill. Reg. 8110, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8214, effective May 23, 2005; preemptory amendment at 29 Ill. Reg. 8418, effective June 1, 2005; amended at 29 Ill. Reg. 9319, effective July 1, 2005; preemptory amendment at 29 Ill. Reg. 12076, effective July 15, 2005; preemptory amendment at 29 Ill. Reg. 13265, effective August 11, 2005; amended at 29 Ill. Reg. 13540, effective August 22, 2005; preemptory amendment at 29 Ill. Reg. 14098, effective September 2, 2005; amended at 29 Ill. Reg. 14166, effective September 9, 2005; amended at 29 Ill. Reg. 19551, effective November 21, 2005; emergency amendment at 29 Ill. Reg. 20554, effective December 2, 2005, for a maximum of 150 days; preemptory amendment at 29 Ill. Reg. 20693, effective December 12, 2005; preemptory amendment at 30 Ill. Reg. 623, effective December 28, 2005; preemptory amendment at 30 Ill. Reg. 1382, effective January 13, 2006; amended at 30 Ill. Reg. 2289, effective February 6, 2006; preemptory amendment at 30 Ill. Reg. 4157, effective February 22, 2006; preemptory amendment at 30 Ill. Reg. 5687, effective March 7, 2006; preemptory amendment at 30 Ill. Reg. 6409, effective March 30, 2006; amended at 30 Ill. Reg. 7857, effective April 17, 2006; amended at 30 Ill. Reg. 9438, effective May 15, 2006; preemptory amendment at 30 Ill. Reg. 10153, effective May 18, 2006; preemptory amendment at 30 Ill. Reg. 10508, effective June 1, 2006; amended at 30 Ill. Reg. 11336, effective July 1, 2006; emergency amendment at 30 Ill. Reg. 12340, effective July 1, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 12418, effective July 1, 2006; amended at 30 Ill. Reg. 12761, effective July 17, 2006; preemptory amendment at 30 Ill. Reg. 13547, effective August 1, 2006; preemptory amendment at 30 Ill. Reg. 15059, effective September 5, 2006; preemptory amendment at 30 Ill. Reg. 16439, effective September 27, 2006; emergency amendment at 30 Ill. Reg. 16626, effective October 3, 2006, for a maximum of 150 days; preemptory amendment at 30 Ill. Reg. 17603, effective October 20, 2006; amended at 30 Ill. Reg. 18610, effective November 20, 2006; preemptory amendment at 30 Ill. Reg. 18823, effective November 21, 2006; preemptory amendment at 31 Ill. Reg. 230, effective December 20, 2006; emergency amendment at 31 Ill. Reg. 1483, effective January 1, 2007, for a maximum of 150 days; preemptory amendment at 31 Ill. Reg. 2485, effective January 17, 2007; preemptory amendment at 31 Ill. Reg. 4445, effective February 28, 2007; amended at 31 Ill. Reg. 4982, effective March 15, 2007; preemptory amendment at 31 Ill. Reg. 7338, effective May 3, 2007; amended at 31 Ill. Reg. 8901, effective July 1, 2007; emergency amendment at 31 Ill. Reg. 10056, effective July 1, 2007, for a maximum of 150 days;

## DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

## NOTICE OF ADOPTED AMENDMENT

peremptory amendment at 31 Ill. Reg. 10496, effective July 6, 2007; peremptory amendment at 31 Ill. Reg. 12335, effective August 9, 2007; emergency amendment at 31 Ill. Reg. 12608, effective August 16, 2007, for a maximum of 150 days; emergency amendment at 31 Ill. Reg. 13220, effective August 30, 2007, for a maximum of 150 days; peremptory amendment at 31 Ill. Reg. 13357, effective August 29, 2007; amended at 31 Ill. Reg. 13981, effective September 21, 2007; peremptory amendment at 31 Ill. Reg. 14331, effective October 1, 2007; amended at 31 Ill. Reg. 16094, effective November 20, 2007; amended at 31 Ill. Reg. 16792, effective December 13, 2007.

## SUBPART B: SCHEDULE OF RATES

**Section 310.270 Legislated and Contracted Rate**

The rate of pay for employees occupying positions that require payment in accordance with specified rates set forth in legislation or by contract is as follows:

<u>Title</u>	<u>Title Code</u>	<u>Pay Plan Code</u>	<u>Effective Date</u>	<u>Annual Salary</u>
<u>Arbitrator</u>	<u>01401</u>	<u>H</u>	<u>July 1, 2007</u>	<u>\$111,453</u>
	<u>Arbitrator</u>		<u>Annual Salary</u>	<u>\$97,790</u>

When an Arbitrator is serving as an acting Commissioner of the Illinois Workers' Compensation Commission, the appropriate rate will be the same as the rate set for a Commissioner.

(Source: Amended at 31 Ill. Reg. 16792, effective December 13, 2007)

## ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 2900
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2900.10	Amended
2900.100	Amended
2900.110	Repealed
2900.200	Amended
2900.210	Amended
2900.220	Amended
2900.230	Amended
2900.APPENDIX A	Amended
- 4) Statutory Authority: Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100]
- 5) Effective Date of Amendments: December 14, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, are on file in the Council's Springfield office and are available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: These amendments are adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and were not published as proposed amendments in the *Illinois Register*.
- 10) Has JCAR issued a Statement of Objection to these amendments? These amendments are adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and were not submitted to JCAR for prior review.
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

## ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: The purpose of this rulemaking is to update the name of the Council to the Illinois Council on Developmental Disabilities and update other provisions of the Rules.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Kerry Flynn  
Illinois Council on Developmental Disabilities  
830 South Spring St.  
Springfield, Illinois 62704
- 217/782-9696
- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATIONS

SUBTITLE E: MISCELLANEOUS STATE AGENCIES

CHAPTER L: ILLINOIS ~~PLANNING~~ COUNCIL ON DEVELOPMENTAL DISABILITIES

PART 2900

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section  
2900.10 Public Information ~~and Submissions~~

SUBPART B: RULEMAKING

Section  
2900.100 Adoption, Amendment, and Repeal of Rules  
2900.110 Compliance with the Administrative Procedures Act (~~Repealed~~)

SUBPART C: ORGANIZATION

Section  
2900.200 Definitions  
2900.210 Purpose and Organization  
2900.220 Council Meetings and Quorum  
2900.230 Bylaws

2900.APPENDIX A Organizational Chart

AUTHORITY: Implementing and authorized by Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and the Illinois Council on Developmental Disabilities Law [20 ILCS 4010].

SOURCE: Adopted at 16 Ill. Reg. 12152, effective July 20, 1992; amended at 31 Ill. Reg. 16805, effective December 14, 2007.

SUBPART A: PUBLIC INFORMATION

**Section 2900.10 Public Information ~~and Submissions~~**

## ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

## NOTICE OF ADOPTED AMENDMENTS

Interested persons and the public may direct ~~submissions and~~ inquiries to the Council and may obtain information concerning the Council and its committees, ~~State Plan, grants programs,~~ and activities from: ~~the Council's Springfield office,~~

Illinois Council on Developmental Disabilities

830 South Spring,

Springfield, Illinois 62704. ~~The telephone number of the Springfield office is~~  
(217) 782-9696

~~website: [www.state.il.us/agency/icdd/](http://www.state.il.us/agency/icdd/).~~

Copies of the Council's ~~rules~~ **Rules**, State Plan, and ~~bylaws~~ **Bylaws** may be obtained from the Council upon request, in person or in writing.

(Source: Amended at 31 Ill. Reg. 16805, effective December 14, 2007)

## SUBPART B: RULEMAKING

**Section 2900.100 Adoption, Amendment, and Repeal of Rules**

~~Rules~~ **No rule** shall be adopted, amended, or repealed ~~except~~ by the ~~Illinois Planning~~ **Council pursuant to the Illinois Administrative Procedure Act [5 ILCS 100] on Developmental Disabilities.**

(Source: Amended at 31 Ill. Reg. 16805, effective December 14, 2007)

**Section 2900.110 Compliance with the Administrative Procedures Act (Repealed)**

~~All rulemaking proceedings of the Council must be conducted in compliance with applicable provisions of the Illinois Administrative Procedure Act.~~

(Source: Repealed at 31 Ill. Reg. 16805, effective December 14, 2007)

## SUBPART C: ORGANIZATION

**Section 2900.200 Definitions**

As used in this Part, the following terms have the ascribed definitions ~~shall mean~~:

~~"Act": means the Developmental Disabilities and Bill of Rights Act (42 U.S.C.~~

## ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

## NOTICE OF ADOPTED AMENDMENTS

~~6000 et seq.), as amended.~~

"Bylaws" means the ~~bylaws~~ Bylaws of the Council.

"Chairperson" means the Chairperson of the Council.

"Council" means the Illinois ~~Planning~~ Council on Developmental Disabilities.

"Council Members" means the ~~members~~ Members of the Illinois ~~Planning~~ Council on Developmental Disabilities.

"Developmental Disability" means a severe, chronic disability of an individual that:

is attributable to a mental or physical impairment or combination of mental and physical impairments;

is manifested before the person attains age 22;

is likely to continue indefinitely;

results in substantial functional limitations in three or more of the following areas of major life activity:

self care;

receptive and expressive language;

learning;

mobility;

self direction;

capacity for independent living;

economic self sufficiency; and

reflects the person's need for a combination and sequence of special,

## ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

## NOTICE OF ADOPTED AMENDMENTS

interdisciplinary or generic services, individualized supports, or other forms of assistance that are of lifelong or extended duration and are individually planned and coordinated. Infants and young children birth to age 9 inclusive who have a substantial developmental delay or specific congenital or acquired condition may be considered to have a developmental disability without meeting functional criteria in 3 or more of the areas of major life activity if the individual, without services and supports, has a high probability of meeting those criteria later in life. means a severe, chronic disability of a person five (5) years of age or older which:

~~is attributable to a mental or physical impairment or combination of mental and physical impairments; and~~

~~is manifested before the person attains age 22; and~~

~~is likely to continue indefinitely; and~~

~~results in substantial functional limitations in three or more of the following areas of major life activity:~~

~~self care~~

~~receptive and expressive language~~

~~learning~~

~~mobility~~

~~self direction~~

~~capacity for independent living and economic self sufficiency;~~

~~and reflects the person's need for a combination and sequence of special interdisciplinary or generic care, treatment or other services which are of life long or extended duration and individually planned and coordinated; except that such term, when applied to infants and young children means individual from birth to age five (5), inclusive, who have substantial developmental delay or~~

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~~specific congenital or acquired conditions with a high probability of resulting in developmental disabilities if services are not provided.~~

"Director" means the Director of the [Illinois Council on Developmental Disabilities](#) ~~or authorized representative.~~

"Federal Act" means the [Developmental Disabilities Assistance and Bill of Rights Act of 2000](#) (42 USC 6000 et seq.), as amended.

"Law" means the Illinois ~~Planning~~ Council on Developmental Disabilities Law [\[20 ILCS 4010\]](#) ~~(Ill. Rev. Stat. 1991, ch. 91½, par. 1951 et seq.)~~.

"Staff" means the staff of the Council.

"State Plan" means the ~~plan~~ Plan required under the [Federal Act](#) ~~Developmental Disabilities Assistance and Bill of Rights Act~~.

(Source: Amended at 31 Ill. Reg. 16805, effective December 14, 2007)

**Section 2900.210 Purpose and Organization**

- a) The Council serves as an advocate for all persons with developmental disabilities to assure that they receive the services and other assistance necessary to enable them to achieve their maximum potential through increased independence, productivity, ~~and~~ integration and inclusion into the community.
- b) The Council is composed of ~~29~~ thirty-nine (39) members, ~~19~~ twenty-seven (27) of whom are appointed by the Governor for specific terms of office pursuant to ~~the requirements of~~ Section 2004.5 of the Law. ~~Nine~~ Twelve (12) members shall be representatives of State governmental agencies, which includes one representative each from the State University Center for Excellence and the State protection and advocacy system pursuant to Section 2004.5 of the Law. Total membership shall include one non-voting member from the Governor's Office of Management and Budget. At all times, not less than 60 percent of the Council's membership will be individuals with developmental disabilities and their family members.
- c) The Council shall develop and implement the State Plan and perform other duties as prescribed under the [Federal](#) ~~Developmental Disabilities Assistance and Bill of~~

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Rights Act.

- d) Funds for the Council's staffing, ~~and~~ operations, State Plan implementation, grants of the Council's programs and activities are authorized under the Developmental Disabilities Assistance and Bill of Rights Law and the Federal Act Illinois Planning Council on Developmental Disabilities Law.
- e) Grants may be awarded to agencies, individuals and organizations as a means to implement the State Plan.
- f) Matters the Council or the Executive Committee, as provided for in the bylaws, shall discuss and vote on include, but are not limited to, the following:
- 1) Executive and Council meeting minutes;
  - 2) Bylaws;
  - 3) Grant awards;
  - 4) Final reports resulting from Council-funded projects;
  - 5) Policies and positions regarding the system of services and supports for people with developmental disabilities and their families that are consistent with the Federal Act's findings, purpose and policies;
  - 6) Federal fiscal year budget;
  - 7) Employment, evaluation or termination of Director; and
  - 8) State Plan.

(Source: Amended at 31 Ill. Reg. 16805, effective December 14, 2007)

**Section 2900.220 Council Meetings and Quorum**

- a) Council meetings are subject to the provisions of the Open Meetings Act [5 ILCS 120](Ill. Rev. Stat. 1991, ch. 102, par. 41 et seq.).
- b) For regular and special Council meetings, the total membership consists of

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~~28thirty-eight (38)~~ voting members, excluding any vacant positions. A quorum shall consist of a simple majority and shall be sufficient to constitute the transaction of the business of the Council, unless stipulated otherwise in the bylaws of the Council.

- c) The Council shall meet at least quarterly ~~each year~~.
- d) Special Council meetings may be called by the Chairperson or upon the written request to the Chairperson by a quorum of ~~ten (10) or more voting members of the Council~~ members.
- e) The Council shall have prepared a written record of the minutes of the proceedings of each regularly scheduled or special Council meeting.

(Source: Amended at 31 Ill. Reg. 16805, effective December 14, 2007)

**Section 2900.230 Bylaws**

- a) Business of the Council is transacted in accordance with the ~~bylaws~~ Bylaws, which are available to the public.
- b) Council meetings shall be conducted according to parliamentary procedures as established by Robert's Rules of Order.

(Source: Amended at 31 Ill. Reg. 16805, effective December 14, 2007)

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**Section 2900.APPENDIX A Organization Chart**



(Source: Amended at 31 Ill. Reg. 16805, effective December 14, 2007)

## ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to Public Records
- 2) Code Citation: 2 Ill. Adm. Code 2905
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
2905.20	Amended
2905.100	Amended
2905.110	Amended
2905.200	Amended
2905.210	Amended
2905.300	Amended
2905.310	Amended
2905.400	Amended
2905.410	Amended
- 4) Statutory Authority: Freedom of Information Act [5 ILCS 140/3(g)]
- 5) Effective Date of Amendments: December 14, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, are on file in the Council's Springfield office and are available for public inspection.
- 9) Notice of Proposed Published in the Illinois Register: These amendments are adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and were not published as proposed amendments in the *Illinois Register*.
- 10) Has JCAR issued a Statement of Objection to these amendments? These amendments are adopted pursuant to Section 5-15 of the Illinois Administrative Procedure Act and were not submitted to JCAR for prior review.
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were made.

## ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

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- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 14) Are there any rulemakings pending on this Part? No
- 15) Summary and Purpose of Amendments: The purpose of this rulemaking is to update the name of the Council to the Illinois Council on Developmental Disabilities and to update other statutory provisions of the FOIA to rule.
- 16) Information and questions regarding these adopted amendments shall be directed to:
- Kerry Flynn  
Illinois Council on Developmental Disabilities  
830 South Spring St.  
Springfield, Illinois 62704
- 217/782-9696
- 17) Do these amendments require the preview of the Procurement Policy Board as specified in Section 5-25 of the Illinois Procurement Code [30 ILCS 50/5-25]? No

The full text of the Adopted Amendments begins on the next page:

ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATIONS

SUBTITLE E: MISCELLANEOUS STATE AGENCIES

CHAPTER L: ILLINOIS ~~PLANNING~~ COUNCIL ON DEVELOPMENTAL DISABILITIES

PART 2905

ACCESS TO PUBLIC RECORDS

SUBPART A: INTRODUCTION

Section	
2905.10	Summary and Purpose
2905.20	Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section	
2905.100	Person <del>to</del> Whom Requests <del>are</del> Submitted
2905.110	Form and Content of Requests

SUBPART C: PROCEDURES FOR COUNCIL RESPONSE  
TO REQUESTS FOR PUBLIC RECORDS

Section	
2905.200	Timeline for Council Responses
2905.210	Types of Council Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section	
2905.300	Appeal of a Denial
2905.310	Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING  
PUBLIC RECORDS TO REQUESTORS

Section	
2905.400	Inspection of Public Records at Council Offices
2905.410	Copies of Public Records
2905.420	General Materials Available from the Freedom of Information Officer

## ILLINOIS COUNCIL ON DEVELOPMENTAL DISABILITIES

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AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140], Section 2006 of the Illinois Council on Developmental Disabilities Law [20 ILCS 4010/2006] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 16 Ill. Reg. 12145, effective July 20, 1992; amended at 31 Ill. Reg. 16815, effective December 14, 2007.

## SUBPART A: INTRODUCTION

**Section 2905.20 Definitions**

As used in this Part, the following terms shall mean:

"Council" means the Illinois Council on Developmental Disabilities.

"FOIA": means the Freedom of Information Act [5 ILCS 140](Ill. Rev. Stat. 1991, ch. 116, par. 201 et seq.).

"Freedom of Information Officer": means an individual responsible for receiving and responding to requests for public records.

"Requestor": means a person who submits a request for public records in accordance with this Part.

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

## SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

**Section 2905.100 Person ~~to~~ Whom Requests ~~are~~ Submitted**

Requests for public records shall be submitted to the Freedom of Information Officer of the Council. Requests shall be submitted to the following address:

Freedom of Information Officer  
Illinois ~~Planning~~ Council on Developmental Disabilities  
830 South Spring Street  
Springfield, IL 62704  
Attn: FOIA Requests

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Phone: (217) 782-9696

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

**Section 2905.110 Form and Content of Requests**

- a) Requests in accordance with ~~the~~ FOIA and this Part shall be made in writing.
- b) The required response times and the appeals procedures contained in the FOIA and this Part do not apply to ~~verbal~~ requests.
- c) The requestor shall provide the following information in a request for public records:
  - 1) The ~~requestor's~~ Requestor's full name, address, and telephone number.
  - 2) An exact description of the public records sought.
  - 3) Whether the request is for inspection of public records, copies of public records, or both.

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

**SUBPART C: PROCEDURES FOR COUNCIL RESPONSE  
TO REQUESTS FOR PUBLIC RECORDS****Section 2905.200 Timeline for Council Responses**

- a) The Council or its authorized representative shall respond to a written request for public records within ~~seven (7)~~ business days after the receipt of ~~a~~ request.
- b) The Council may give notice of an extension of time to respond ~~that~~ which does not exceed an additional ~~seven (7)~~ business days. ~~An~~ Such an extension is allowable only if written notice is provided within the original ~~seven (7)~~ business day time limit and only for the reasons provided in Section 3(d) of ~~the~~ FOIA. ~~The~~ Such notice of extension shall state the reason why the extension is necessary.

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

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**Section 2905.210 Types of Council Responses**

- a) The Council or its authorized representative shall respond to a request for public records in one of ~~3 three~~ ways:
  - 1) Approve the request.
  - 2) Approve in part and deny in part.
  - 3) Deny the request.
- b) Upon approval of a request for public records, the Council will either provide the materials in the timeframes prescribed by FOIA, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of ~~the~~ FOIA and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's~~Requestor's~~ right to appeal to the Director of the Council.
- d) Categorical requests creating an undue burden upon the Council shall be denied only after extending to the requestor~~Requestor~~ an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of ~~the~~ FOIA.
- e) Failure to respond to a written request within 7 business days may be considered by the requestor as a denial of the request.

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

## SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

**Section 2905.300 Appeal of a Denial**

- a) A requestor~~Requestor~~ whose request has been denied by the Freedom of Information Officer may appeal the denial to the Director of the Council. The notice of appeal shall be made in writing and sent to:

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Director  
Illinois ~~Planning~~ Council on Developmental Disabilities  
100 West Randolph, Suite 10-600  
Chicago IL 60601  
830 South Spring Street  
Springfield, IL 62704  
Attn: FOIA Appeal  
Phone: (312) 814-2080

- b) The notice of an appeal shall include a copy of the original request, a copy of the denial received by the ~~requestor~~ Requestor, and a statement of the reasons why the appeal should be granted.

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

**Section 2905.310 Director's Response to Appeal**

The Director shall respond to an appeal within ~~seven~~ (7) business days after receiving notice of the appeal ~~thereof~~. The Director shall either affirm the denial or provide access to the requested public records. Failure to respond within 7 business days may be considered by the requestor as an affirmation of the denial.

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

**SUBPART E: PROCEDURES FOR PROVIDING  
PUBLIC RECORDS TO REQUESTORS****Section 2905.400 Inspection of Public Records at Council Offices**

- a) Public records will be available for inspection during normal business hours of the Council at the office of the Freedom of Information Officer (see Section 2905.100).
- b) Documents ~~which~~ the ~~requestor~~ Requestor has specified in writing to have copied shall be segregated during the course of the inspection. All copying shall be done by Council employees.
- c) An employee of the Council shall be present throughout the inspection. A

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~~requestor~~Requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room when, in the sole judgment of the Council's employee, ~~that limitations~~~~such action~~ is needed to insure the protection and confidentiality of the affected records.

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

**Section 2905.410 Copies of Public Records**

- a) A charge for copying ~~may~~~~will~~ be assessed at the rate of \$0.25 per ~~single-sided page~~~~copy~~.
- b) Charges shall be waived if the requestor is a State agency, constitutional officer or member of the General Assembly.
- c) Charges may be waived in any other case ~~in which~~ the Council determines that the waiver serves the public interest.

(Source: Amended at 31 Ill. Reg. 16815, effective December 14, 2007)

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois Athletic Trainers Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1160
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1160.20	Amendment
1160.30	Amendment
1160.31	Amendment
1160.35	Amendment
1160.40	Amendment
1160.50	Amendment
1160.60	Amendment
1160.64	Amendment
1160.65	Amendment
1160.80	Amendment
- 4) Statutory Authority: Illinois Athletic Trainers Practice Act [225 ILCS 5]
- 5) Effective Date of Amendments: December 13, 2007
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Date Notice of Proposal Published in Illinois Register: August 10, 2007; 31 Ill. Reg. 11388
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No changes were necessary.
- 13) Will these amendments replace any emergency amendments currently in effect? No

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- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 94-246 is the sunset reauthorization of the Illinois Athletic Trainers Practice Act; this rulemaking implements its various provisions. Among the changes are the updating of references to the Board of Certification for the Athletic Trainer (formerly known as the National Athletic Trainers Association Board of Certification) and updating the accreditation and approval of athletic trainer programs. Makes numerous non-substantive changes, including the removal of obsolete language and changing references throughout the entire Part from "Department" to "Division" to reflect the consolidation of agencies into the Department of Financial and Professional Regulation and the creation of the Division of Professional Regulation.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Financial and Professional Regulation  
Attention: Craig Cellini  
320 West Washington, 3<sup>rd</sup> Floor  
Springfield, Illinois 62786

217/785-0813 Fax: 217/557-4451

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF [FINANCIAL AND](#) PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1160

## ILLINOIS ATHLETIC TRAINERS PRACTICE ACT

Section	
1160.20	Examination
1160.30	Application for Licensure <a href="#">by Examination</a>
1160.31	Approved Programs
1160.35	Fees
1160.40	Renewals
1160.50	Restoration
1160.60	<a href="#">Application for Licensure by</a> Endorsement
1160.64	Supervision
1160.65	Continuing Education
1160.70	Annual Report of Board (Repealed)
1160.80	Granting Variances

**AUTHORITY:** Implementing the Illinois Athletic Trainers Practice Act [225 ILCS 5] and authorized by Section 2105/2105-15(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/2105-15(7)].

**SOURCE:** Emergency Rule adopted at 10 Ill. Reg. 4759, effective March 12, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 20731, effective December 1, 1986; amended at 11 Ill. Reg. 9939, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 160 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1160 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2935; amended at 20 Ill. Reg. 2408, effective January 29, 1996; amended at 24 Ill. Reg. 3611, effective February 15, 2000; amended at 27 Ill. Reg. 9476, effective June 9, 2003; amended at 31 Ill. Reg. 16823, effective December 13, 2007.

**Section 1160.20 Examination**

- a) The examination for licensure shall be the certification examination for the [Board of Certification for the Athletic Trainer \(formerly known as the National Athletic Trainers Association Board of Certification\) or its successor agency](#).
- b) Candidates shall make application for the examination, and pay the examination

## DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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fee, directly to the designated testing service.

- c) Unsuccessful candidates may retake the examination as many times as they wish. Retake application shall be made to the designated testing service.
- d) Application to the designated testing service for purposes of taking the examination shall not constitute application to the Department of Financial and Professional Regulation-Division of Professional Regulation (~~Division the Department~~) and shall not entitle an applicant to practice on a temporary basis under the provisions of Section 4(5) of the Act.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.30 Application for Licensure by Examination**

- a) Any person seeking licensure as an athletic trainer shall file an application with the ~~Division~~Department on forms provided by the ~~Division~~Department. The application shall include the following:
  - 1) ~~Either: A)~~ Certification of graduation from an athletic training program approved in accordance with Section 1160.31 of this Part or a program approved by the Joint Review Committee on Athletic Training of the Committee on Accreditation of Allied Health Education Programs or its successor agency; ~~or~~
    - ~~B)~~ Certification of:
      - ~~i)~~ Graduation from a regionally accredited college or university with a baccalaureate degree;
      - ~~ii)~~ An official transcript showing successful completion of the required curriculum specified in Section 9 of the Act; and
      - ~~iii)~~ Certification of clinical athletic training experience showing successful completion of a minimum of 1500 hours completed in not less than 2 academic years within a 5 calendar year period;
  - 2) Verification of successful completion of the examination set forth in

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Section 1160.20 received directly from the designated testing service; ~~and~~

- 3) The required fee specified in Section 1160.35(a) of this Part; ~~and-~~
  - 4) Proof of current certification in cardiopulmonary resuscitation (CPR)/automated external defibrillation (AED) for the Healthcare Professional or its equivalent based on American Red Cross or American Heart Association standards.
- b) An applicant who applies to the ~~Division~~Department in accordance with subsection (a) ~~above~~ is eligible to practice ~~temporarily pending examination~~ in accordance with the provisions of Section ~~44(5)~~ of the Illinois Athletic Trainers Practice Act (the Act).
- 1) An applicant who has not yet taken the required examination may practice, under the supervision of a licensed athletic trainer, pending examination in accordance with the provisions of Section 4(5) of the Act, for no longer than ~~may only practice for~~ 3 months. If an applicant fails the examination, he/she shall cease practice immediately. Practicing after failure of an examination or beyond the 3 months shall be considered the unlicensed practice of athletic training.
  - 2) An applicant who has applied in writing to the Division for licensure and has complied with all the provisions of Section 9 of the Act may practice in accordance with the provisions of Section 4(9) for no longer than 6 months or until notification has been given that licensure has been granted or denied. Practicing after denial of an application or beyond the 6 months shall be considered the unlicensed practice of athletic training.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.31 Approved Programs**

- a) In determining whether a program shall be approved, the Division shall take into consideration, but not be bound by, accreditation or approval by the Joint Review Committee on Athletic Training of the Commission on Accreditation of Allied Health Education Programs or its successor entity.

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- b) The Division has determined that all athletic training programs accredited or approved by the Joint Review Committee on Athletic Training of the Commission on Accreditation of Allied Health Education Programs as of January 1, 2006 meet the minimum criteria set forth in this Section and are, therefore, approved.
- c) The ~~Division~~Department, upon recommendation of the Illinois Board of Athletic Trainers (the Board), may approve athletic training programs that are not accredited or approved by the Joint Review Committee on Athletic Training of the Commission on Accreditation of Allied Health Education Programs, provided ~~the meet the requirements set forth in this Section.~~ The institution:
- 1) Is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree or master's degree;
  - 2) Has a faculty which comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their areaarea(s) of teaching from professional colleges or institutions;
  - 3) Has a designated program director;
  - 4) Has a curriculum thatwhich covers the domains of athletic training as stated in the Role Delineation Study, 5<sup>th</sup> Edition, published by the Board of Certification for the Athletic Trainer, 4223 S. 143<sup>rd</sup> Circle, Omaha NE 68137, 2006 (this incorporation includes no later amendments or editions), or its successor agency, and provides evidence of completion of the clinical competencies established by the Joint Review Committee on Athletic Training of the Commission on Accreditation of Allied Health Education Programs or its successor agency. ~~shall include, but not be limited to, the following:~~
    - A) Anatomy
    - B) Physiology
    - C) Physiology of Exercise
    - D) Applied Anatomy and Kinesiology

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- ~~E) Psychology (2 courses)~~
- ~~F) First Aid and Cardiopulmonary Resuscitation or Equivalent Training~~
- ~~G) Nutrition~~
- ~~H) Remedial Exercise or Therapeutic Exercise~~
- ~~I) Personal, Community or School Health~~
- ~~J) Techniques of Athletic Training (fundamentals)~~
- ~~K) Advanced Techniques of Athletic Training (modalities, administration).~~

~~d)b)~~ The ~~Division~~Department or Board may require additional information in order to evaluate the program.

~~e)~~ Programs evaluated under Section 1160.31(c) must be approved on a case-by-case basis for each licensure application.

~~e)~~ ~~Approved programs may be reviewed at the discretion of the Department to ensure that requirements of this Section continue to be met.~~

~~d)~~ ~~In determining whether a program shall be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Joint Review Committee on Athletic Training of the Accreditation of Allied Health Education Programs or its successor entity.~~

~~e)~~ ~~The Department has determined that all athletic training programs accredited or approved by the Joint Review Committee on Athletic Training of the Accreditation of Allied Health Education Programs as of January 1, 1996, meet the minimum criteria set forth in this Section and are, therefore, approved.~~

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.35 Fees**

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The following fees shall be paid to the Department and are nonrefundable:

- a) The fee for application for a license as an athletic trainer is \$200.
- b) The fee for application for licensure of a person licensed as an athletic trainer in another jurisdiction is \$200.
- c) The fee for renewal of an athletic trainer license is \$100 per year.
- d) The fee for a sponsor of continuing education is \$500.
- e) The fee for renewal as a sponsor of continuing education is \$125 per year.
- f) The fee for restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- g) The fee for issuance of a duplicate license or for the issuance of a replacement license for a license that has been lost or destroyed is \$20.
- h) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on ~~Division~~Department records when no duplicate license is replaced.
- i) The fee for certification of a license for any purpose is \$20.
- j) The fee for a wall certificate showing licensure is the actual cost of producing the license.
- k) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.40 Renewals**

- a) Each license issued under the Act shall expire on May 31 of even numbered years. The holder of the license may renew the license during the month preceding the expiration date by paying the required fee and completing 40 hours

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of continuing education in accordance with Section 1160.65.

- b) It is the responsibility of each license holder to notify the Division~~Department~~ of any change of address. Failure to receive a renewal form from the Division~~Department~~ shall not constitute an excuse for failure to pay the renewal fee.
- c) Practice on an expired license shall be considered the unlicensed practice of athletic training and subject to discipline or other penalties set forth in Section 16 of the Act.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.50 Restoration**

- a) A person seeking restoration of a license that has expired for less than 5 years shall have the license restored upon payment of \$20 plus all lapsed renewal fees as set forth in Section 1160.35(g) of this Part. A person seeking restoration of a license shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- b) A person seeking restoration of a license that has been placed on inactive status for less than 5 years shall have the license restored upon payment of the current renewal fee specified in Section 1160.35(d) of this Part. A person seeking restoration of a license shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- c) A person seeking restoration of a license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Division~~Department~~, together with the fees set forth in Section 1160.35, and shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within 2 years immediately preceding the application for restoration~~in subsections (a) and (b)~~. The application shall also include one of the following documents:
  - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority

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in the other jurisdiction that the registrant was authorized to practice during the term of the active practice; or

- 2) An affidavit attesting to military service as provided in Section 12 of the Act; or
- 3) Other evidence of continued active participation in athletic training for at least the last 2 years.
  - A) The evidence shall show that he/she has been employed in a responsible capacity under the supervision of a licensed athletic trainer; or
  - B) Been an officer or employee of the United States government as a practicing athletic trainer; or
  - C) Been teaching athletic training in a college or university; or
  - D) ~~An~~Has attended, during the 2 years preceding application for restoration, athletic training educational programs conducted by an accredited college or university or a professional athletic training association or similar program approved by the Department upon recommendation of the Illinois Board of Athletic Trainers. After May 31, 1998 an applicant shall submit proof of an additional 2040 hours of continuing education in accordance with Section 1160.65 of this Part, for a total of 60 hours.
- d) Any person seeking restoration of a license within 2 years after discharge from military service pursuant to Section 12 of the Act will be required to pay only the current renewal fee and will not be required to submit proof of meeting the continuing education requirements.
- e) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience, is questioned by the ~~Division~~Department because of lack of information, discrepancies or conflicts in information given or a need for clarification, the person seeking restoration of a license shall be required to:
  - 1) Provide such information as may be necessary; and/or

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- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the DivisionDepartment, an applicant shall have the license restored.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.60 Application for Licensure by Endorsement**

- a) An applicant seeking licensure in Illinois who is licensed/registered under the laws of another jurisdiction shall file an application with the DivisionDepartment, on forms provided by the DivisionDepartment, that includes:
  - 1) ~~Certification of education;~~ 2) Proof of successful completion of the examination set forth in Section 1160.20 of this Part;
  - 2) 3) Certification from the state or territory of the United States in which the applicant was originally licensed, and the states in which the applicant is currently licensed, stating:
    - A) The time during which the applicant was licensed/registered in that jurisdiction;
    - B) Whether the file on the applicant contains any record of disciplinary actions taken or pending;
  - 3) Proof of current certification in CPR/AED or its equivalent based on American Red Cross or American Heart Association standards.
- b) An applicant licensed in another state who has applied in writing to the Division for licensure by endorsement may practice in accordance with the provisions of Section 4(8) of the Act for no longer than 6 months or until notification has been given that licensure has been granted or denied. Practicing after denial of an application or beyond the 6 months shall be considered the unlicensed practice of athletic training.
- c) b) The DivisionDepartment may request additional information to determine if the requirements in the state or territory of original licensure were substantially

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equivalent to the requirements then in effect in Illinois or to determine whether the requirements of another state or territory, together with education and professional experience qualifications of the applicant, are substantially equivalent to the requirements in Illinois at the time of application.

- d)e) The ~~Division~~Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.64 Supervision**

Individuals, who are completing a course of study in an approved educational program and who are performing athletic training as a part of their supervised experience, ~~or any person who is fulfilling the 1500 hours supervised work experience for licensure~~ pursuant to Section 4(3) ~~and (4)~~ of the Act, shall be supervised by a licensed athletic trainer. If the experience has been completed in another state where licensure is not required, the experience shall be under the supervision of an athletic trainer certified by the Board of Certification for the Athletic Trainer or its successor agency ~~of a NATABOC certified athletic trainer~~.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.65 Continuing Education**

- a) Continuing Education Hour Requirements
- 1) Beginning with the May 31, 1998 renewal and for every renewal thereafter, renewal applicants shall complete 40 hours of Continuing Education (CE) relevant to the practice of athletic training during each prerenewal period. The ~~Division~~Department shall conduct audits to verify compliance with this Section. The prerenewal period is the 24 months preceding the expiration date of the license.
  - 2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
  - 3) Athletic trainers licensed in Illinois but residing and practicing in another state must comply with the CE requirements set forth in this Section.

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- b) Activities for which CE credit may be earned are as follows:
- 1) Verified attendance or participation in any continuing education course approved by the Board of Certification for the Athletic Trainer, National Athletic Trainers' Association Board of Certification or the Illinois Athletic Trainers' Association, the Illinois High School Association, or their successor agencies.
  - 2) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.
  - 3) A maximum of 26 hours per prerenewal period for:
    - A) Papers prepared for or delivered before recognized athletic trainer organizations;
    - B) Papers published in nationally recognized athletic training journals;
    - C) Writing a chapter in a book about athletic training;
    - D) Self-study courses taken through an accredited college or university or an approved sponsor; and
    - E) Training taken via teleconferencing with a live moderator through an accredited college or university or an approved sponsor.
  - 4) A licensee who has completed an Emergency Medical Technician training program for EMT-B, EMT-I or EMT-P certification in accordance with 77 Ill. Adm. Code 515 or who has taken continuing education for renewal of those certifications in accordance with 77 Ill. Code 515.590 may apply up to 10 hours toward meeting the continuing education hours set forth in this Section, provided the topics covered during these hours are relevant to the practice of athletic training.
  - 5) A licensee who serves as an instructor, speaker or discussion leader of a course given by an approved sponsor will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for

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presentations of the same course. In no case shall credit for actual time of presentation and preparation be given for more than 9 hours during any renewal period.

- 6) The continuing education hours used to satisfy the CE requirements for renewal of an athletic trainer license held in another jurisdiction shall be applied toward the CE requirements for renewal of an Illinois athletic trainer license.
  - 7) ~~College~~ ~~Three semester hours of~~ course work relevant to athletic training completed at an accredited college or university. One semester ~~hour~~ of course work is equivalent to 15 hours of CE and one quarter ~~hour~~ of course work is equivalent to 10 hours of CE.
  - 8) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.
  - 9) ~~Cardiopulmonary resuscitation (CPR)~~ certification by the American Red Cross, American Heart Association, National Safety Council, or their international affiliates, or ~~automated external defibrillation (AED)~~ certification by the American Red Cross or other qualified organization as authorized by the Automated External Defibrillator Act. Five hours of continuing education may be earned for one CPR or AED certification. No more than 2 certifications may be submitted per renewal.
- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
    - A) ~~The Board of Certification for the Athletic Trainer, The National Athletic Trainers' Association Board of Certification or~~ the Illinois Athletic Trainers' Association, ~~the Illinois High School Association, or their successor agencies;~~
    - B) Any other school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the ~~Division~~ ~~Department~~ to coordinate and present continuing education courses and programs in conjunction with this Section.

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- 2) An entity seeking approval as a CE sponsor, as provided in Section 1160.65(c)(1)(B), shall file an application, along with the required fee set forth in Section 1160.35(e) of this Part, that~~which~~ includes:
  - A) Certification:
    - i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(5) below and all other criteria in this Section;
    - ii) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(7); and
    - iii) That, upon request by the Division~~Department~~, the sponsor will submit evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Division~~Department~~ has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;
  - B) A copy of a Certificate of Attendance or Participation that meets the requirements set forth in subsection (c)(7); and
  - C) A sample of a CE course that includes, but is not limited to, course materials, books, instructor credentials.
- 3) Each sponsor shall submit by May 31 of even numbered years a renewal application along with the required renewal fee set forth in Section 1160.35(f) of this Part. With the application, the sponsor shall be required to submit to the Division~~Department~~ a list of all courses and programs offered in the past 2 years that~~which~~ includes a description, location, date and time the course was offered.
- 4) State agencies, colleges and universities shall submit a sponsor application in accordance with subsections (c)(2) and (3); however, they shall be exempt from payment of the fee.

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- 5) All courses and programs shall:
  - A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of athletic training;
  - B) Specify the course objectives, course content and teaching methods to be used;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
  - E) Include some mechanism whereby participants evaluate the overall quality of the program.
- 6) All programs given by sponsors shall be open to all licensed athletic trainers and not be limited to the members of a single organization or group.
- 7) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation that shall contain the following information:
  - A) The name, address and license number of the sponsor;
  - B) The name and license number of the participant;
  - C) A brief statement of the subject matter;
  - D) The number of clock hours actually attended in each program;
  - E) The date and place of the program; and
  - F) The signature of the sponsor.

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- 8) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(7) for not less than 5 years, except for the signature of the sponsor.
  - 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
  - 10) The ~~Division~~Department, upon recommendation of the Board, shall withdraw, suspend or place on probation the approval of a CE sponsor when, at any time, the quality of the CE fails to meet the established criteria as set forth in this Section or if the sponsorship approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.
  - 11) Notwithstanding any other provision of this Section, the ~~Division~~Department or Board may evaluate any sponsor of any continuing education program at any time.
  - 12) The ~~Division~~Department shall maintain a list of all approved continuing education sponsors.
- d) Continuing Education Earned in Other Jurisdictions
- 1) If a renewal applicant will be earning or has earned CE hours in another jurisdiction, the applicant is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(5) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted at least 90 days prior to the expiration date of the license.
  - 2) If a licensee fails to submit an out of state CE approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$20 processing fee plus a \$10 per CE hour late fee not to exceed \$150. The Board shall review and recommend

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approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.

- e) Certification of Compliance with CE Requirements
  - 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a).
  - 2) The Division~~Department~~ may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. The additional documentation will be required in the context of a Division~~Department~~ audit.
  - 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- f) Restoration of Nonrenewed License. Upon evidence of compliance with CE requirements, the Division~~Department~~ may restore the license upon payment of the required fee.
- g) Waiver of CE Requirements
  - 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Division~~Department~~ a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of these facts. The applicant may request an interview with the Board at the time of the waiver request. If the Division~~Department~~, upon the written recommendation of the Board, finds from the applicant's affidavit or any other evidence submitted that extreme hardship has been shown to substantiate granting of a waiver, the Division~~Department~~ shall waive enforcement of the CE~~such~~ requirements for the renewal period for which the applicant has applied.

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- 2) If an interview with the Board is requested at the time the request for waiver is filed with the Division~~Department~~, the renewal applicant shall be given at least 20 days written notice of the date, time and place of the interview by certified mail, return receipt requested.
- 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
  - A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
  - B) An incapacitating illness, documented by a currently licensed physician;
  - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
  - D) Any other similar extenuating circumstances (i.e., family illness and prolonged hospitalization).
- 4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this Section, shall be deemed to be in good standing and may practice until the Division's~~Department's~~ final decision on the waiver has been made.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

**Section 1160.80 Granting Variances**

- a) The Director of the Division of Professional Regulation (Director), with authority delegated by the Secretary, may grant variances from this Part in individual cases when~~where~~ he/she finds that:
  - 1) The provision from which the variance is granted is not statutorily mandated;
  - 2) No party will be injured by the granting of the variance;

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- 3) The rule from which the variance is granted would in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons for granting the variance~~therefor~~, at the next meeting of the Board.

(Source: Amended at 31 Ill. Reg. 16823, effective December 13, 2007)

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- 1) Heading of the Part: Issuance of Licenses
- 2) Code Citation: 92 Ill. Adm. Code 1030
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
1030.11	Amendment
1030.13	Amendment
1030.50	Amendment
1030.55	Amendment
1030.65	Amendment
1030.89	Amendment
1030.92	Amendment
1030.97	Amendment
- 4) Statutory Authority: 625 ILCS 5/6-107; 625 ILCS 5/6-107.1; 625 ILCS 5/6-110; 625 ILCS 5/12-610.1; 625 ILCS 5/6-521
- 5) Effective Date of Amendment: January 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? Yes
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposed Published in Illinois Register: 31 Ill. Reg. 13725; October 5, 2007
- 10) Has JCAR issued a Statement of Objection to this rule making? No
- 11) Difference between proposal and final version: Technical changes were made as suggested by JCAR. A provision was added to Section 1030.97 concerning reinstatement of driving privileges for drivers under age 18 whose licenses have been suspended for less than 6 months.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace any emergency rulemaking currently in effect? No

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- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements Public Act 95-0310, which made changes to Illinois' Graduated Driver's License program. In addition, this rulemaking standardizes definitions used throughout Part 1040 and addresses grammatical and typographical errors.
- 16) Information and questions regarding this adopted amendments shall be directed to:

Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

217/557-4462

The full text of the Adopted Amendments begins on the next page:

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TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1030  
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.16	Physical and Mental Evaluation
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.18	Medical Criteria Affecting Driver Performance
1030.20	Classification of Drivers – References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening With Vision Aid Arrangements Other Than Standard Eye Glasses or Contact Lenses
1030.80	Driver's License Testing/Written Test
1030.81	Endorsements
1030.82	Charter Bus Driver Endorsement Requirements
1030.83	Hazardous Material Endorsement
1030.84	Vehicle Inspection
1030.85	Driver's License Testing/Road Test
1030.86	Multiple Attempts - Written and/or Road Tests
1030.88	Exemption of Facility Administered Road Test
1030.89	Temporary <a href="#">Driver's Licenses</a> and <a href="#">Temporary Instruction Permits</a>
1030.90	Requirement for Photograph and Signature of Licensee on Driver's License
1030.91	Disabled Person/Handicapped Identification Card
1030.92	Restrictions
1030.93	Restricted Local Licenses
1030.94	Duplicate or Corrected Driver's License or Instruction Permit

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- 1030.95 Consular Licenses (Repealed)
- 1030.96 Seasonal Restricted Commercial Driver's License
- 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege
- 1030.98 School Bus Commercial Driver's License
- 1030.100 Anatomical Gift Donor
- 1030.110 Emergency Medical Information Card
- 1030.115 Change-of-Address
- 1030.120 Issuance of a Probationary License
- 1030.130 Grounds for Cancellation of a Probationary License
- 1030.140 Use of Captured Images
- 1030.APPENDIX A Questions Asked of a Driver's License Applicant
- 1030.APPENDIX B Acceptable Identification Documents

**AUTHORITY:** Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended at 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; emergency expired on December 13, 1992; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment

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at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective June 29, 1995; amended at 20 Ill. Reg. 3891, effective February 14, 1996; emergency amendment at 20 Ill. Reg. 8358, effective June 4, 1996, for a maximum of 150 days; emergency amendment repealed in response to an objection of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 9552, effective August 1, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 13947, effective November 8, 1999; amended at 24 Ill. Reg. 1259, effective January 7, 2000; emergency amendment at 24 Ill. Reg. 1686, effective January 13, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 6955, effective April 24, 2000; emergency amendment at 24 Ill. Reg. 13044, effective August 10, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 18400, effective December 4, 2000; amended at 25 Ill. Reg. 959, effective January 5, 2001; amended at 25 Ill. Reg. 7742, effective June 5, 2001; amended at 25 Ill. Reg. 12646, effective September 24, 2001; emergency amendment at 25 Ill. Reg. 12658, effective September 24, 2001, for a maximum of 150 days; emergency expired February 20, 2002; amended at 26 Ill. Reg. 9961, effective June 24, 2002; amended at 27 Ill. Reg. 855, effective January 3, 2003; emergency amendment at 27 Ill. Reg. 7340, effective April 14, 2003, for a maximum of 150 days; emergency expired September 10, 2003; emergency amendment at 27 Ill. Reg. 16968, effective October 17, 2003, for a maximum of 150 days; emergency expired March 14, 2004; emergency amendment at 28 Ill. Reg. 384, effective January 1, 2004, for a maximum of 150 days; emergency expired May 29, 2004; amended at 28 Ill. Reg. 8895, effective June 14, 2004; amended at 28 Ill. Reg. 10776, effective July 13, 2004; amended at 29 Ill. Reg. 920, effective January 1, 2005; emergency amendment at 29 Ill. Reg. 2469, effective January 31, 2005, for a maximum of 150 days; emergency expired June 29, 2005; amended at 29 Ill. Reg. 9488, effective June 17, 2005; amended at 29 Ill. Reg. 12519, effective July 28, 2005; amended at 29 Ill. Reg. 13237, effective August 11, 2005; amended at 29 Ill. Reg. 13580, effective August 16, 2005; amended at 30 Ill. Reg. 910, effective January 6, 2006; amended at 30 Ill. Reg. 5621, effective March 7, 2006; amended at 30 Ill. Reg. 11365, effective June 15, 2006; emergency amendment at 30 Ill. Reg. 11409, effective June 19, 2006, for a maximum of 150 days; emergency expired November 15, 2006; amended at 31 Ill. Reg. 4782, effective March 12, 2007; amended at 31 Ill. Reg. 5096, effective March 15, 2007; amended at 31 Ill. Reg. 5864, effective March 29, 2007; amended at 31 Ill. Reg. 6370, effective April 12, 2007; amended at 31 Ill. Reg. 7643, effective May 16, 2007; amended at 31 Ill. Reg. 11342, effective July 18, 2007; amended at 31 Ill. Reg. 14547, effective October 9, 2007; amended at 31 Ill. Reg. 14849,

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effective October 22, 2007; amended at 31 Ill Reg. 16543, effective November 27, 2007;  
amended at 31 Ill. Reg. 16843, effective January 1, 2008.

**Section 1030.11 Procedure for Obtaining a Driver's License/Temporary Visitor's Driver's License**

- a) For purposes of this Section, the following definitions shall apply:
- 1) "Foreign National" – A non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.
  - 2) "Night" - ~~The~~ Those hours during the period from sunset to sunrise.
  - 3) "Temporary Visitor's Driver's License" or "TVDL" – A license issued to a foreign national who is authorized to temporarily reside in this country allowing the operation of a motor vehicle under the laws of this State.
- b) A person who wishes to obtain a driver's license shall go to one of the Secretary of State Driver Services Facilities located throughout the ~~State~~state. An application form provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106] shall be completed by the applicant. The questions contained on the application form are provided in Appendix A ~~of this Part~~. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B ~~of this Part~~ establishing the applicant's name, date of birth, signature for comparison, Illinois residency, and social security number.
- c) Any foreign national who wishes to obtain a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A ~~of this Part~~. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification

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provided in Appendix B ~~of this Part~~ to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency, and authorization of legal presence in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number.

- d) A temporary visitor's driver's license shall only be issued to an individual who is authorized to reside in this country for 1 or more years and has at least 6 months of his or her authorized presence remaining. Except, individuals currently holding a temporary visitor's driver's license who have been granted a temporary extension to remain in this country pending a decision of his or her request for a status change, upon presentation of documents issued by the USCIS, may be issued a temporary visitor's driver's license for the period of the temporary extension.
- e) The applicant shall take the following tests as required in Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109]:
- 1) A vision test as provided in Sections 1030.70 and 1030.75 ~~of this Part~~;
  - 2) A road test, if required, as provided in Section 1030.85 ~~of this Part~~ (exemptions to the road test requirement are provided in Section 1030.88 ~~of this Part~~); and
  - 3) A written test, if required, as provided in Section 1030.80.
- f) Applicants who are 16 or 17 years of age and not legally emancipated by marriage shall not be issued a driver's license without the written consent of the applicant's parent, legal guardian or other responsible adult, regardless of whether the required written consent also accompanied the person's previous application for an instruction permit and until the applicant has, in accordance with Section 6-107(b) of the Illinois Code [625 ILCS 5/6-107(b)]:
- 1) Held a valid instruction permit for a minimum of 93 months; however, applicants who have been issued an instruction permit prior to January 1, 2008 must hold the instruction permit a minimum of 3 months;
  - 2) Passed an approved driver education course and submits proof of having passed the course as may be required;

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- 3) ~~Submitted~~Submits, on a form prepared or approved by the Secretary of State, certification by the parent of the applicant, ~~otherwise by~~ the legal guardian having custody of the applicant, or, in the event there is no parent or legal guardian, then by another responsible adult, that the applicant has had a minimum of 50 hours, at least 10 hours of which have been at night, of behind-the-wheel practice time and is sufficiently prepared and able to safely operate a motor vehicle. The 50 hours shall be in addition to the required hours spent with a driver education instructor. The Secretary of State will exempt 25 hours of behind-the-wheel practice, which will include the 10 hours of night practice time, in cases where the instruction permit was issued prior to June 22, 2006. The person completing the certification shall, upon signing the certification, swear under penalty of perjury that everything contained within the certification is true and correct.
- g) A driver's license or temporary visitor driver's license applicant shall have his/her photograph taken unless exempted as provided in Section 1030.90 ~~of this Part~~. A driver's license shall be issued upon completion of all the requirements of this Section and Chapter 6 of the Illinois Vehicle Code [625 ILCS 5/Ch. 6].
- h) A temporary visitor's driver's license shall only be issued in non-CDL ~~Class~~class D, L or M as established in Section 1030.30 ~~of this Part~~.
- i) Each original temporary visitor's driver's license shall expire 3 years from the date of issuance or at the time the individual's authorization to remain in this country expires, whichever is less. Except, the temporary visitor's driver's licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is less.
- j) Each renewal temporary visitor's driver's license shall expire no more than 3 years from the expiration date of the current license or at the time the individual's authorization to remain in this ~~country~~Country expires, whichever is less. Except, the licenses of individuals 81 years of age or older shall expire in accordance with Section 6-115(g) of the Illinois Vehicle Code [625 ILCS 5/6-115(g)] or at the time the individual's authorization to remain in this country expires, whichever is less.
- k) The fees collected for the issuance of an original, renewal, duplicate or corrected

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temporary visitor's driver's license shall be in accordance with Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118].

- l) Any person who wishes to renew a temporary visitor's driver's license shall go to one of the designated Secretary of State Driver Services facilities located throughout the State. Renewal shall be allowed no more than 90 days prior to the expiration date of the current driver's license. An application form, provided by the Secretary of State pursuant to Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106], shall be completed by the applicant. The questions contained on the application form are provided in Appendix A ~~of this Part~~. The applicant shall also provide a Driver Services facility employee with acceptable forms of identification provided in Appendix B ~~of this Part~~ to establish the applicant's name, date of birth, signature for comparison, Illinois temporary residency and authorization of legal presence and extension of his/her stay in this country. The applicant shall also provide a government-issued photo identification document and documentation from the Social Security Administration verifying ineligibility for a social security number. The applicant shall also be retested in accordance with Section 625 ILCS 5/6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109].
- m) The Secretary of State shall not send a renewal notice to the holder of a temporary visitor's driver's license.
- n) The design and contents of a temporary visitor's driver's license shall be in accordance with Section 6-110 of the Illinois Vehicle Code [625 ILCS 5/6-110] and Section 1030.90 ~~of the Illinois Administrative Code~~, except it shall not contain a social security number. The license shall be distinctive in nature as to identify it as a temporary visitor's driver's license and will contain the phrase "not valid for identification".
- o) Each temporary visitor's driver's license issued to applicants under 21 years of age shall be in accordance with Sections 6-107.3 and 6-110(e) and (e-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.3 and 6-110(e) and (e-1)]. A temporary visitor's driver's license issued to an individual under the age of 21 years shall expire three years from the issue date or at the time the individual's authorization to remain in this country expires, whichever is less.
- p) A foreign national who is issued a temporary visitor's driver's license shall not be required to surrender his/her foreign country driver's license.

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- q) A Central Unit will be established within the Secretary of State Driver Services Department. The responsibilities of this Central Unit shall be to provide assistance to Driver Services facility employees responsible for the issuance of a TVDL and to individuals applying for a TVDL; resolve cases where the USCIS was unable to provide first level verification of USCIS documents, via the Systematic Alien Verification for Entitlements (SAVE) Program, presented by TVDL applicants at the Driver Services facility level; perform liaison services to the USCIS; and provide written notification of an applicant's eligibility or ineligibility for a TVDL.
- 1) When an applicant appears at one of the designated Driver Services facilities and provides the necessary documents to prove identity and legal presence, a facility employee will begin the process by initiating an automated inquiry via the SAVE Program to verify the information on the USCIS documents. Upon receipt of a verification response from the SAVE Program, the facility employee will begin the TVDL application process. If the facility employee receives the response of "initiate additional verification", additional information is submitted to USCIS via the SAVE Program and copies of the applicant's documents are forwarded to the Central Unit for monitoring. The applicant will be advised that he or she will receive written notification from the Central Unit regarding his or her eligibility for a TVDL.
  - 2) A response to a 2<sup>nd</sup> request for verification of USCIS documents via the SAVE Program generally takes 3-5 days. Upon receipt of a response from the 2<sup>nd</sup> verification request via the SAVE Program, the Central Unit will send a letter to the applicant informing him or her of his or her eligibility or ineligibility for a TVDL.
  - 3) If the Central Unit receives a response of "Need Copies of Docs" from USCIS via the SAVE Program, a third, manual verification process must be completed. This requires photo copies of the documents submitted for identification, accompanied by a USCIS G-845 Form (request for verification of documentation of alien status), to be forwarded to the Department of Homeland Security, Citizenship and Immigration Services Office in Chicago, Illinois. Upon receipt of a written response from USCIS, the Central Unit will send a letter to the applicant informing him or her of his or her eligibility or ineligibility for a TVDL.

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(Source: Amended at 31 Ill. Reg. 16843, effective January 1, 2008)

**Section 1030.13 Denial of License or Permit**

a) For purpose of this Section, the following definitions shall apply:

"Denial of Driver's License" - the act of prohibiting or disallowing to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an instructional permit and limiting privileges to that of an instructional permit if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and (d)].

"Denial of Driving Privilege" - the act of prohibiting or disallowing to prohibit or disallow the privilege to obtain a driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) and 6-108.1 of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-108.1].

"Traffic Regulation Governing the Movement of Vehicles" – a violation for which points are assigned pursuant 92 Ill. Adm. Code 1040.20.

*"Type A Injury" – an injury that includes severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene. [625 ILCS 5/6-108.1]*

b) The Secretary of State shall deny driving privileges to any applicant under 18 years of age:

- 1) Who has committed or has been convicted of an offense that would otherwise result in a mandatory revocation of a license or permit as provided in Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205];
- 2) Who has been either convicted of or adjudicated a delinquent based upon a violation of the Cannabis Control Act, ~~or~~ the Illinois Controlled Substance Act, or the Methamphetamine Control and Community Protection Act, while that individual was in actual control of a motor vehicle.

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- A) Any person placed on probation under Section 10 of the Cannabis Control Act, ~~or~~ Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted.
- B) The conviction shall be reported to the Secretary of State's Office in a manner prescribed by Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/6-107];
- 3) *Who has been charged with a violation of the Illinois Vehicle Code or the Criminal Code of 1961 arising out of an accident in which the person was involved as a driver that caused the death of or Type A"~~Type A~~" injury to another person.* [625 ILCS 5/6-108.1]
- c) The Secretary of State shall deny a driver's license to any applicant under 18 years of age:
- 1) Who has not attained the age of 16, who has not passed an approved driver education course as defined in Section 1-103 of the Illinois Vehicle Code [625 ILCS 5/1-103]; or has not submitted proof of having passed the course as may be required by the Secretary of State; or
- 2) Who has been convicted of a violation of Section 6-101 of the Illinois Vehicle Code [625 ILCS 5/6-101] or a similar provision of a local ordinance or a similar out-of-state offense regarding operating a motor vehicle without a valid driver's license or permit committed on or after January 1, 1998.
- d) The Secretary of State shall deny a driver's license to any applicant under 18 years of age for a period of 96 months or until the applicant's 18<sup>th</sup> birthday, whichever period is shorter, who ~~as of January 1, 1998~~ has been convicted of an offense against traffic regulations governing the movement of vehicles or any violation of Section 6-107 or 12-603.1 of the Illinois Vehicle Code [625 ILCS 5/6-107 or 12-603.1]. committing a violation of an offense defined as a serious traffic violation in Section 1-187.001 of the Illinois Vehicle Code [625 ILCS 5/1-187.001].
- e) Any applicant who has been denied a license or permit under the provisions of Section 6-107 of the Illinois Vehicle Code [625 ILCS 5/6-107] may appeal to the Department of Administrative Hearings pursuant to Section 2-118 of the Illinois

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Vehicle Code [625 ILCS 5/2-118].

(Source: Amended at 31 Ill. Reg. 16843, effective January 1, 2008)

**Section 1030.50 Bus Driver's Authority, Religious Organization and Senior Citizen Transportation**

a) For purposes of this Section, the following definitions shall apply:

"Abstract" – an official driving~~driver's~~ record.

"Applicant" – a person applying for religious organization bus driver restriction on his/her driver's license.

"Gross Combination Weight Rating" ~~or "(GCWR)"~~ – the GVWR of the power unit plus the GVWR of the towed unit~~unit(s)~~ or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating" ~~or "(GVWR)"~~ – the value specified by the manufacturer~~manufacturer(s)~~ as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"P Endorsement" – a notational~~an indication~~ on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons, including the driver.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill, to cause a vehicle to become airborne as defined in Section 11-503(a) ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code [625 ILCS 5/11-503]. ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 11-503(a).)~~

"Religious Organization Bus Driver Restriction" – a restriction on a driver's license allowing person to operate bus for a religious organization.

"Restriction" – a requirement or condition added to a driver's license that~~which~~ must first be met by the license holder before he/she may legally operate a motor vehicle.

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"Secretary of State" – the Secretary of State of Illinois.

"Senior Citizen Transportation Vehicle Restriction" – a restriction on a driver's license allowing a person to operate a vehicle for a senior citizen organization.

- b) A religious organization bus orand senior citizen transportation vehicle driver shall have on his/her driver's license a Typetype "J" restriction and a "P" endorsement, when required.
- c) If the GVWR, GCWR or person capacity of the religious organization bus or senior citizen transportation vehicle requires that the applicant's Illinois driver's license be of a different classification, the applicant shall comply with the provisions of the law to obtain the classification, restriction and/or endorsement necessary for the applicant to operate the type of religious organization bus or senior citizen transportation vehicle applied for.
- d) In the event a religious organization bus or senior citizen transportation vehicle driver is convicted of any of the offenses listed in Section 6-106.2(5) or 6-106.3(5) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-106.2(5) or 6-106.3(5)]; ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-106.2(5) and 6-106.3(5))~~, that person's authority to operate a religious organization bus or senior citizen transportation vehicle shall be removed in the following manner:
- 1) The Secretary of State shall notify the religious organization bus or senior citizen transportation vehicle driver he/she is no longer eligible for such authorization to operate a religious organization bus or senior citizen transportation vehicle.
  - 2) ASuch licensee shall surrender his/her Illinois driver's license within 10 days after receiving such-notification in order to have the authority to operate the religious organization bus or senior citizen transportation vehicle removed from his/her driver's license.
  - 3) A corrected driver's license shall be issued to each eligible licensee and the applicant shall be charged a fee in accordance with Section 6-118(a) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]; ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-118(a))~~

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- e) Failure of ~~asuch~~ licensee to comply with ~~subsectionparagraph~~ (d)(2) ~~above~~ of this Section shall result in cancellation of ~~the such~~ licensee's Illinois driver's license.
- f) If a person relocates ~~to in~~ Illinois from out-of-state and desires the authorization to operate a religious organization bus or senior citizen transportation vehicle, he/she must provide a letter or an abstract from the former state of ~~licensure residence~~ indicating that the requirements of Section 6-106.2 or 6-106.3 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-106.2 or 6-106.3] ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-106.2 and 6-106.3)~~ have been met.
- ~~g) A non-Illinois resident who holds a valid restricted Illinois driver's license authorizing him/her to operate a religious organization bus or senior citizen transportation vehicle and who holds a valid driver's license issued by his/her state of residence shall surrender the Illinois driver's license to the Department for cancellation.~~
- ~~g)h)~~ If a person resides in a state other than Illinois and wishes to operate a religious organization bus and/or senior citizen transportation bus in Illinois, he/she must hold a valid and properly classified license in his/her state of residence and a Religious Organization Bus and/or Senior Citizen Transportation Bus Certificate (Certificate) issued by the Illinois Secretary of State. To obtain the Certificate, the person shall provide a letter or abstract from the licensing authority of his/her state of ~~licensure residence~~ indicating the requirements of Section 6-106.2 and/or ~~Section~~ 6-106.3 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-106.2 and/or 6-106.3] have been met. ~~(Ill. Rev. Stat. 1987, ch. 95½, pars. 6-106.2 and 6-106.3.)~~ Both the Certificate and the valid and properly classified out-of-state license must be carried when the person is operating a religious organization bus and/or senior citizen transportation bus in Illinois.
- ~~h)j)~~ Applicants who hold a valid school bus permit in Illinois are permitted to operate a religious organization bus or senior citizen transportation vehicle, within classification as set forth in Section 1030.30(b)(1) through (4), without having additional restrictions added to their license. If the applicant desires to have the "J" restriction added to his/her license, the road test shall be waived, but the applicant shall pay a fee for corrected licenses or permits in accordance with Section 6-118(a) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]. ~~(Ill. Rev. Stat. 1985, ch. 95½, par. 6-118(a).)~~

(Source: Amended at 31 Ill. Reg. 16843, effective January 1, 2008)

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**Section 1030.55 Commuter Van Driver Operating a For-Profit Ridesharing Arrangement**

- a) For purposes of this Section, the following definitions shall apply:

"Commuter Van" – a motor vehicle designed for the transportation of not less than 7 or more than 16 passengers, which is used in a ridesharing arrangement.

"For-Profit Ridesharing Arrangement" – the transportation by motor vehicle of not more than 16 persons, ~~including the driver~~(including the driver), for which a fee is charged ~~in accordance with Section 6 of the Ridesharing Arrangements Act [625 ILCS 30/6].~~–(Section 902 of the Ridesharing Arrangements Act (Ill. Rev. Stat. 1987, ch. 95½, par. 902.))

"P' Endorsement" – ~~a notational indication~~ on the driver's license that the driver has qualified to operate a vehicle designed to transport 16 or more persons including the driver.

"Restriction" – ~~a~~ requirement or condition added to a driver's license ~~that which~~ must first be met by the license holder before he/she may legally operate a motor vehicle.

- b) Pursuant to the provisions of Section 6-106.4 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-106.4],~~ (Ill. Rev. Stat. 1987, ch. 95½, ~~par. 6-106.4~~), an individual who applies for driving privileges to operate a commuter van in a for-profit ridesharing arrangement, shall be required to take and successfully complete a test of his or her driving ability while operating a commuter van. The standards for successfully completing this driving test shall be the same as those utilized for other ~~Class~~class C or ~~Class~~class D type driving tests using other vehicles.
- c) The driving test required in a for-profit ridesharing arrangement shall be taken and successfully completed in a commuter van ~~as defined in Section 1-114.1 of the Illinois Vehicle Code,~~ (Ill. Rev. Stat. 1987, ch. 95½, ~~par. 1-114.1~~); however, this commuter van need not be the same commuter van as will be used in the for-profit ridesharing arrangement.
- d) Upon successful completion of the driving test as specified in subsection (b) ~~above~~ showing the individual's ability to exercise reasonable care in the safe

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operation of commuter vans used in for-profit ridesharing arrangements and if the other requirements for licensure as stated in Section 6-106.4 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-106.4], (Ill. Rev. Stat. 1987, ch. 95½, par. 6-106.4)~~, are met, a ~~special~~ "J" restriction and "P" endorsement when required shall be shown on the individual's driver's license. The individual shall be required to pay a corrected driver's license fee, as defined in Section 6-118(a) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-118(a)], (Ill. Rev. Stat. 1987, ch. 95½, par. 6-118(a))~~, if he or she applies for this ~~special~~ restriction and/or endorsement at a time other than his or her regular renewal date.

- e) In the event a for-profit ridesharing arrangement driver is convicted of any of the offenses listed in Section 6-106.4(5) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-106.4(5)], (Ill. Rev. Stat. 1987, ch. 95½, par. 6-106.4(5))~~, that person's authority to operate a for-profit ridesharing arrangement vehicle shall be removed in the following manner:
- 1) The Secretary of State shall notify the for-profit ridesharing arrangement driver he/she is no longer eligible for such authorization to operate a for-profit ridesharing arrangement vehicle.
  - 2) ~~The~~Such licensee must surrender his/her Illinois driver's license within 10 days after receiving ~~the~~such notification in order to have the authority to operate a for-profit ridesharing arrangement vehicle removed from his/her driver's license.
  - 3) A corrected driver's license shall be issued to each eligible licensee and the applicant will be charged a fee in accordance with Section 6-118(a) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-118(a)], (Ill. Rev. Stat. 1987, ch. 95½, par. 6-118(a))~~.
- f) Failure of ~~a~~such licensee to comply with subsection (e)(2) ~~above of this Section~~ shall result in cancellation of ~~the~~such licensee's Illinois driver's license.

(Source: Amended at 31 Ill. Reg. 16843, effective January 1, 2008)

**Section 1030.65 Instruction Permits**

- a) For purposes of this Section, the following definitions shall apply:

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"Applicant" – a person applying for an instruction permit.

"Approved Driver Education Course" –

~~any~~ *course of driver education approved by the State Board of Education, offered by public or private schools maintaining grades 9 through 12, and meeting at least the minimum requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8], or*

~~any~~ *course of driver education offered by a school licensed to give driver education instructions under the Vehicle Code that meets at least the minimum educational requirements of the Driver Education Act and is approved by the State Board of Education, or*

~~any~~ *course of driver education given in another state to an Illinois resident attending school in that state and approved by the state administrator of the driver education program of the other state. [625 ILCS 5/1-103]*

"Certificate of Completion" – a certificate of completion, ~~formerly known as "blue slip,"~~ issued by the ~~Illinois Secretary of State's~~ Office of the Secretary of State if the student has successfully completed his/her driver education course at an approved commercial ~~driver training~~driving school as provided in Art. IV of the Illinois Driver License Law (Commercial Driver Training Schools) [625 ILCS 5/Ch. 6, Art. IV] and 92 Ill. Adm. Code 1060.

"Class D Instruction Permit" – a permit to operate any single vehicle with a GVWR of 16,000 pounds or less that is not designed to transport 16 or more people or not used in the transportation of hazardous materials that would require placarding or when towing any vehicle providing the gross combination weight rating is less than 26,001 pounds.

"Class L Instruction Permit" – a permit to operate a motor driven cycle with less than 150 cc displacement.

"Class M Instruction Permit" – a permit to operate any motorcycle or any motor driven cycle.

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"Commercial Driver Instruction Permit" – a driving permit that authorizes an individual to operate a commercial motor vehicle, as defined in 625 ILCS 5/6-500, issued pursuant to Sections 6-103, 6-105, 6-107.1, 6-507(a) and 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105, 6-107.1, 6-507(a) and 6-508].

"Competent Medical Specialist" – a person licensed under Section 3 of the Medical Practice Act [225 ILCS 60/3] or similar law of another jurisdiction to practice medicine in all of its branches.

"Department" – the Department of Driver Services within the Office of the Secretary of State.

~~"Driver Education Course" – a course of instruction in the use and operation of cars, including instruction in the safe operation of cars, rules of the road and the law of the State relating to motor vehicles, which meets the minimum requirements of the Driver Education Act [105 ILCS 5/27-24] and Section 1-103 of the Illinois Vehicle Code [625 ILCS 5/1-103].~~

"Driver Rehabilitation Specialist" – a person who possesses an undergraduate degree in rehabilitation, education, health, safety, therapy or a related profession (or equivalent of 8 years of experience in driver rehabilitation); possesses a current Association of Driver Educators for the Disabled (ADED) Certification as a Driver Rehabilitation Specialist (consisting of successful completion of 100 clock hours of educational experience, in combination with safety and medical aspects of disabilities; a minimum of 30 clock hours must be gained from attending ADED approved courses or workshops).

"Driving Evaluation" – an assessment ~~Assessment~~ of an applicant's ability to safely operate a motor vehicle performed by a driver education specialist at a rehabilitation institution.

"Favorable Medical Report" – a current medical report that ~~which~~ has been completed in its entirety which does not require additional information and/or clarification or is not medically questionable. A favorable medical report specifies a professional opinion from the competent medical

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specialist that the driver is medically fit to safely operate a motor vehicle.

"Foreign National" – a non-citizen of the United States of America who has been granted temporary, legal entry into this country by the U.S. Citizenship and Immigration Services (USCIS), who is temporarily residing in this State and is ineligible to obtain a social security number through the Social Security Administration, and who is not required to obtain a driver's license issued by the U.S. Department of State, Office of Foreign Missions.

"Illinois Medical Restriction Card" – a card ~~that~~ ~~which~~ specifies special limitations to a person's driving privileges as provided in Section 6-113 of ~~the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-113].

"In Loco Parentis" – a person who is acting in place of a minor's parent with a parent's rights, duties, and authority.

"Instruction Permit" – a driving permit issued pursuant to Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [615 ILCS 5/6-103, 6-105 and 6-107.1].

"Medical Report" – a confidential medical questionnaire designed by the Department and approved by the Illinois Medical Advisory Board or a statement on letterhead made by a competent medical specialist containing the same information as the form designed by the Department. The medical report shall be directed to the Department and contain the date the competent medical specialist completed the report and the name, address, signature and professional license number of the competent medical specialist. The report must also contain the name, address, date of birth and driver's license number, if known, of the driver. A medical agreement as defined in Section 1030.16 ~~of this Part~~, upon execution by the driver, shall be incorporated into and maintained on file with the driver's medical report.

"Minor" – a person under 18 years of age.

"Rehabilitation Institution" – any hospital, center, institute or facility engaged in a program to provide driver training for the disabled.

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"Temporary Visitor's Instruction Permit" – a driving permit issued to a foreign national pursuant to this Section and Sections 6-103, 6-105 and 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-103, 6-105 and 6-107.1].

- b) A person who wishes to practice driving before obtaining his/her driver's license shall obtain an instruction permit from a Secretary of State's Driver Services facility. Upon receipt of an instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member or a person in loco parentis, who is 21 years of age or more and has a license classification to operate the such vehicle and at least one year of driving experience, and who is occupying a seat beside the driver.
- c) Any foreign national wishing to practice driving before obtaining a his/her driver's license shall obtain a temporary visitor's instruction permit, Classclass D, L or M only, from one of the selected Secretary of State Driver Services facilities located throughout the State. Upon receipt of a temporary visitor's instruction permit, the holder may operate a motor vehicle upon the highways of this State when accompanied by an adult instructor of a driver education program or when practicing with a parent, legal guardian, family member, or a person in loco parentis who is 21 years of age or more, has a license classification to operate thesueh vehicle, has at least one year of driving experience, and who is occupying a seat beside the driver.
- d) An instruction permit issued to any foreign national shall only be in a Classclass D, L or M as established in Section 1030.30-of this Part.
- e) The fees collected for the issuance of an original, renewal, duplicate or corrected temporary visitor's instruction permitdriver's license shall be in accordance with Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)].
- f) A minor who wishes to receive an instruction permit shall be at least 15 years old and enrolled in a driver education course. Any minor who has been enrolled in an approved driver education program out-of-state shall provide proof of such enrollment before he/she shall be issued an Illinois instruction permit will be issued. Proof shall consist of a letter from the minor's school on the school's letterhead or other proof deemed acceptable by the Secretary of State. The minor shall complete a driver education course prior if he/she wants to applyingapply for

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a driver's license before the minor~~he/she~~ is 18 years of age. If the minor is 16 years of age or older and ~~possesses~~has in his/her possession a certificate of completion or the equivalent, from another state's driver education program, the minor~~he/she~~ shall be eligible to receive an Illinois driver's license upon successful completion of the vision, written and/or road tests. The equivalent ~~of an~~for Illinois ~~of a~~ certificate of completion from an out-of-state driver education course shall include, but is not limited to, transcripts from the out-of-state attendance center indicating successful completion of the course of instruction or a letter from the state's driver's licensing authority on agency letterhead, attesting to the minor's successful completion of a driver education course approved by the office that regulates education.

~~g)~~ Permit Prior to Enrollment

~~g)1)~~ A minor who is at least 15 years and 6 months of age may obtain an Illinois instruction permit prior to being enrolled in a driver education course provided the minor~~he/she~~:

~~1)A)~~ Submits written documentation, on a form prepared or approved by the Secretary of State, stating that the minor is enrolled in school; meets the educational requirements of the Driver Education Act [105 ILCS 5/27-24 through 27-24.8] and Section 6-103(1) of the Illinois Vehicle Code [625 ILCS 5/6-103(1)] and signed by a superintendent or chief administrator that states, through no fault of the minor, the minor will be unable to be enrolled in a driver education course until after the minor's 16<sup>th</sup> birthday and the school would have no objection to the issuance of the instruction permit; and proof that the student has received a passing grade in at least 8 courses during the previous 2 semesters as required by the Driver Education Act, or submits a written waiver, pursuant to Section 6-103(1) of the Vehicle Code, from a superintendent or chief school administrator;

~~B)~~ Submits a written waiver on a form prepared or approved by the Secretary of State from a superintendent or chief administrator stating that, through no fault of the minor, he/she will be unable to be enrolled in a driver education course until after his/her 16<sup>th</sup> birthday and the school would have no objection to the issuance of the instruction permit; and

~~2)C)~~ Successfully completes the written and vision examinations administered

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either by an approved driver education instructor or the Secretary of State.

- ~~h)2)~~ An ~~Illinois~~ instruction permit issued to a minor under ~~this~~ subsection (g) may be canceled upon receipt of a report from the minor's school on the ~~school's~~ letterhead, or other proof deemed acceptable by the Secretary of State, stating ~~that~~ the minor has failed to enroll in a driver education course.
- ~~i)h)~~ The minor who is not legally emancipated by marriage or court order shall have ~~the his/her~~ application signed by a parent, guardian, or person in loco parentis and the driver education instructor. The minor shall then be allowed to take the vision and written exams.
- ~~j)h)~~ The instruction permit shall be issued to a minor for a period of ~~24 months~~ 2 years upon successful completion of the written and vision exams. If an instruction permit has expired prior to the applicant completing the road test, a second fee ~~as~~ established for ~~driver's~~ instruction permits in Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)] must be submitted and the written and vision exams must be successfully completed. The applicant shall present another application to the Secretary of State signed by the parent, guardian, or person in loco parentis. The ~~driver~~ driver's education instructor shall also sign the application unless the applicant presents a certificate of completion.
- ~~k)~~ An Illinois instruction permit issued to a minor may be cancelled if the student is certified as a chronic or habitual truant or has dropped out of school. The report shall be received from the Illinois State Board of Education in a form acceptable to the Secretary of State.
- ~~l)j)~~ Applicants who are not minors shall also be issued instruction permits by the Secretary of State. The permit shall be issued for ~~12 months~~ 1 year upon successful completion of the written and vision exams.
- ~~m)k)~~ Applicants whose driving privileges have been canceled based upon receipt by the Department of a medical report indicating the applicant has a medical condition ~~that which~~ impairs ~~the applicant's his/her~~ ability to safely operate a motor vehicle may apply for an instruction permit. The Department shall receive a favorable medical report from a competent medical specialist describing the applicant's needs to undergo a driving evaluation with a driver rehabilitation specialist. The Department shall issue to the applicant an authorization for examination to appear at a Driver Services facility to take the written examination, vision test and submit

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the required fee as provided in Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)]. Upon successful completion of the written and vision tests, the applicant~~he/she~~ shall be issued, if not otherwise ~~prohibited~~disqualified, an instruction permit ~~that, but~~ shall be canceled upon receipt of a written statement from a competent medical specialist that the instruction permit holder has failed to successfully complete the driving evaluation or is otherwise unable to safely operate a motor vehicle. A medical restriction card shall be issued by the Department and must be carried with the instruction permit. Upon successful completion of the driving evaluation, the rehabilitation institution and a competent medical specialist shall notify the Department. The Department shall send the applicant an authorization form instructing the applicant~~him/her~~ to appear at a Driver Services facility to take the drive portion of the examination. Upon the applicant's successful completion of the drive examination, a driver license shall be issued.

- ~~n)h)~~ An applicant must be at least 16 years old to obtain a Class L instruction permit and must possess a certificate of completion at the time of application.~~An applicant must be at least 16 years old to obtain a class L instruction permit. He/she shall have obtained his/her blue slip at the time he/she applies for the L instruction permit. If he/she is at least 18 years old, a blue slip is not necessary.~~
- ~~o)m)~~ A Class M instruction permit may be issued by the Secretary of State to an applicant 18 or older for a period of 12 months. A Class M instruction permit may be issued for a period of 24 months to applicants 16 or 17 years old who have obtained a certificate of completion at the time of application and~~The class M instruction permit is issued by the Secretary of State to a person 18 years old or older for a period of 1 year. Class M instruction permits shall be issued for period of 2 years to persons 16 or 17 years old who has obtained his/her blue slip at the time he/she applies for the class M instruction permit and if they~~ have completed a motorcycle training course approved by the Illinois Department of Transportation as provided by 92 Ill. Adm. Code 455. A certificate of completion card issued by the Illinois Department of Transportation must be furnished to the Secretary of State's Office before an instruction permit shall be issued.
- ~~p)n)~~ An applicant who is 17 years and 39 months of age or older may obtain an Illinois instruction permit without being enrolled in a driver education course, provided the applicant~~he/she~~ has successfully completed the vision and written exams.
- ~~q)o)~~ Prior to renewing a commercial driver instruction permit, an applicant is required

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to successfully complete the appropriate CDL knowledge tests specific to that classification of permit being renewed.

(Source: Amended at 31 Ill. Reg. 16843, effective January 1, 2008)

**Section 1030.89 Temporary Driver's Licenses and Temporary Instruction Permits**

- a) For purposes of this Section, the following definitions shall apply:

"Applicant" – a person applying for a driver's license or an instruction permit.

"Driver Services Facility Representative" – a Secretary of State employee at a Driver Services Facility.

"Temporary Driver's License or Instruction Permit" – a driver's license or instruction permit issued for no longer than 90 days to a person who is temporarily unable to obtain a license or instruction permit.

- b) The Secretary of State shall issue a temporary driver's license or instruction permit to an applicant who is not otherwise ineligible for a driver's license or instruction permit, if the Driver Services Facility Representative is unable to produce a driver's license or instruction permit due to an equipment failure or the facility lacks the equipment needed to produce a driver's license or instruction permit, or if a required drive examination at the time of renewal cannot be completed due to adverse road conditions that would make administration of the examination more difficult or unsafe, as determined by the Facility Manager. A temporary driver's license is also issued by a Driver Services Facility Representative if the applicant does not wish a photo to be taken at the time the license is obtained or renewed due to facial disfigurement, or if the applicant is waiting for a non-photo driver's license application to be processed. a person does not desire his/her photo to be taken at the time he/she is obtaining or renewing his/her license due to facial disfigurement, or a person is waiting for a non-photo driver's license to be processed.
- c) A temporary driver's license or instruction permit shall also be issued to applicants who are not otherwise ineligible for a driver's license or instruction permit, if the Secretary of State is processing an application for a special religious number as described in Section 1030.63 ~~of this Part~~, or completing an investigation into the applicant's eligibility to receive such license or permit

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pursuant to Section 6-105(c) of the Illinois Vehicle Code [625 ILCS 5/6-105(c)].

d) Temporary License or Permit upon Application by Driver

1) Persons who submit an application as required by Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106] and a fee as required by Section 6-118(a) of the Illinois Vehicle Code [625 ILCS 5/6-118(a)] to the Driver Services Department of the Office of Secretary of State, 2701 South Dirksen Parkway, Springfield, Illinois 62723, and are not otherwise ineligible for a driver's license or instruction permit under the provisions of Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103] shall be issued a temporary driver's license or instruction permit under the following circumstances:~~Persons who apply to the Driver Services Department of the Secretary of State's Office, 2701 S. Dirksen Parkway in Springfield, Illinois, 62723, and are not otherwise ineligible for a driver's license or instruction permit, shall be issued a temporary driver's license or instruction permit under the following circumstances, provided they are not ineligible to be licensed as drivers or granted permits under the provisions of Section 6-103 of the Illinois Vehicle Code [625 ILCS 5/6-103] and upon the receipt by the Department of an application as required by Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106] and fee as required by Section 6-118 of the Illinois Vehicle Code [625 ILCS 5/6-118]:~~

- A1) the applicant loses his/her valid driver's license while out-of-state, or
- B2) the applicant is temporarily out-of-state and unable to return to Illinois to renew the driver's license, or
- C3) the applicant has surrendered his/her valid Illinois driver's license in compliance with a terminated suspension notice and ~~he/she~~ has a revocation or second or subsequent suspension pending, or
- D4) the applicant has a pending suspension or revocation of driving privileges which will be effective in 60 days or less and wishes to renew his/her privileges prior to the effective date of the suspension or revocation.

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- 2) The applicant shall be issued a temporary driver's license or instruction permit that is valid for up to 90 days. No extension past the expiration date shall be allowed. If the applicant has not returned to Illinois by the date of expiration of the temporary driver's license, arrangements must be made for him/her to take the necessary test or tests at an out-of-state facility.
- e) All applicants who receive a temporary driver's license or instruction permit in lieu of a driver's license or instruction permit must show proof of name, a valid social security number, zip code, date of birth, sex and residence address as described in Section 6-106 of the Illinois Vehicle Code [625 ILCS 5/6-106]. The applicant shall affirm that all information set forth is true and correct and bears the applicant's signature.
- f) Temporary driver's licenses or instruction permits shall be issued for a period of time not to exceed 90 days and shall be valid only when in the possession of the driver.
- g) A temporary driver's license or instruction permit shall be invalid after the person receives his/her driver's license, has been refused a driver's license or has had his/her driving privileges suspended, revoked or cancelled.
- h) A temporary driver's license or instruction permit shall not be valid for identification purposes and shall so state on the license or permit itself.
- i) The temporary driver's license or instruction permit shall be issued only for the time period that the temporary license or instruction permit is actually needed, but shall not be issued for more than 90 days.

(Source: Amended at 31 Ill. Reg. 16843, effective January 1, 2008)

**Section 1030.92 Restrictions**

- a) For purposes of this Section, the following definitions shall apply:
- "Armed Forces" – the United States Army, Navy, Air Force, Marine Corps, Coast Guard; Illinois National Guard; service in the Merchant Marine that constitutes active duty under Section 401 of the Federal Public Law 95-202 (38 USCA 106) shall also be considered service in the Armed Forces of the United States.

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"Binocular Visual Acuity" – a visual reading obtained utilizing both eyes at the same time.

"Commercial Driver's License" or "~~CDL~~" – *a driver's license issued by the State to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles.* [625 ILCS 5/1-111.6]

"Commercial Driver License Information System" or "~~CDLIS~~" – the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 CFR 383), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Motor Vehicle" – a motor vehicle having a GVWR of 26,001 pounds or more, or such lesser GVWR as subsequently determined by Federal regulations (49 CFR 383); or any combination of vehicles with a GCWR of 26,001 pounds or more, provided the GVWR of any vehicles being towed is 10,001 pounds or more; or a vehicle designed to transport 16 or more persons; or a vehicle transporting hazardous materials that is required to be placarded. The definition does not include recreational vehicles as defined in Section 1-169 of the Illinois Vehicle Code [625 ILCS 5/1-169] when operated primarily for personal use, military vehicles being operated by non-civilian personnel or firefighting equipment owned or operated by or for a governmental entity.

"Department" – the Department of Driver Services of the Office of the Secretary of State.

"Driver Services Facility Representative" – an employee of the Secretary of State.

"Gross Combination Weight Rating" or "~~GCWR~~" – the GVWR of the power unit plus the GVWR of the towed units or the combined registered weight of the power unit plus the towed unit, whichever is greater.

"Gross Vehicle Weight Rating" or "~~GVWR~~" – the value specified by the manufacturers as the maximum loaded weight of a single vehicle, or the registered gross weight, whichever is greater.

"Hazardous Materials" – substance or material in a quantity and form that~~which~~

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may pose an unreasonable risk to health and safety or property when transported in commerce. (See 49 USCA 1802.)

"Mechanical Aid" – any device added to a motor vehicle that~~which~~ would enhance the operator's ability to safely operate the vehicle.

"Military Deferral Card" – a card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse, and dependent children who are living with the~~such~~ licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.

"Monocular Vision Acuity" – a visual acuity reading obtained utilizing an individual eye.

"No Photo or Signature – Administrative Approval License" – a driver's license issued without a photograph and/or signature to a driver who having his/her photograph taken is against his/her religious convictions or who has a serious facial disfigurement caused by disease, trauma, or congenital condition.

"No Photo or Signature – Military or Military Dependent" – a driver's license issued without a photograph or signature at the expiration of the driver's license of the licensee, spouse, and dependent children who are living with the~~such~~ licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.

"No Photo or Signature – Out of Country at Renewal" – a driver's license issued without a photograph or signature of the licensee to a driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.

"No Photo or Signature – Out of State at Renewal" – a driver's license issued without a photograph or signature of the licensee to a driver who is temporarily absent from the State of Illinois at the expiration date of his/her driver's license.

"Peripheral Vision" – the area of vision from the outside line of direct sight toward the temporal area.

"Prosthesis" – an artificial limb such as an arm or leg.

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"Religious Organization Bus" – ~~any~~ vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that is exclusively owned and operated by a religious organization and is used primarily in conducting the official activities of such organization.

"Restrictions" – ~~the~~ requirements or conditions added on a driver's license that must first be met by the license holder before he/she may legally operate a motor vehicle.

"Secretary of State" – ~~the~~ Secretary of State of Illinois.

"Senior Citizen Transportation Vehicle" – ~~any~~ vehicle other than a vehicle of the First Division or a school bus, as defined in Section 1-182 of the Illinois Vehicle Code, that is exclusively owned and operated by a senior citizen organization and is used primarily in conducting the official activities of ~~the~~ such organization.

"Valid License" – ~~a~~ driver's license that has not expired, ~~or~~ been cancelled, suspended or revoked in accordance with Sections 1030.70 and 1030.75 ~~of this Part~~.

"Visual Acuity Standards" – ~~the~~ minimum vision standard in accordance with Sections 1030.70 and 1030.75 ~~of this Part~~.

"Visual Peripheral Standards" – ~~the~~ minimum vision standards in accordance with Sections 1030.70 and 1030.75 ~~of this Part~~.

- b) A driver services facility representative shall have the authority to determine license restrictions. No restriction shall be added until the driving test is given unless the restriction is due to a vision or hearing defect.
- c) If a change in a person's physical and/or visual condition is discovered by a facility representative, ~~the~~ such representative has the authority to add, delete, or change the restrictions.
- d) A ~~Typetype~~ B restriction requires corrective eye lenses. This restriction is added when a person needs corrective eye lenses to meet visual acuity standards as provided in Part 1030.70 ~~of this Part~~. This restriction includes eye glasses and contact lenses in one or both eyes, pursuant to Section 1030.75 ~~of this Part~~.

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- e) A ~~Typetype~~ C restriction requires the driver to use one or more mechanical aids (e.g., hand operated brake, gearshift extension, shoulder harness, and foot operated steering wheel) to assist with the proper and safe operation of the vehicle.
- f) A ~~Typetype~~ D restriction requires the driver to use one or more prosthetic aids (e.g., artificial legs, artificial hands, hook on right or left arm, and brace on each leg) while operating a motor vehicle.
- g) A ~~Typetype~~ E restriction requires automatic transmission. An automatic transmission restriction is added when a driver is unable to operate a standard shift vehicle due to the minimal use of one or both arms and/or legs.
- h) A ~~Typetype~~ F restriction requires left and right outside rearview mirrors when a driver is hearing impaired or has a monocular visual acuity reading of 20/100 or worse in either eye, or requires a right outside rearview mirror because he/she has problems turning his/her head while backing and/or cannot meet the peripheral vision requirements of Section 1030.70(g)~~-of this Part~~ and/or takes the road test in a right hand driven vehicle with the steering wheel on the right side. A driver may be restricted to both left and right rearview mirrors if minimum peripheral standards are met by the use of only one eye in accordance with Sections 1030.70 and 1030.75~~-of this Part~~.
- i) A ~~Typetype~~ G restriction requires the driver to drive only in the daylight. This restriction is added when a driver has binocular visual acuity that does not meet the 20/40 minimum in accordance with Section 1030.70(b)~~-of this Part~~, but is not worse than 20/70. People who wish to drive utilizing a non-standard lens arrangement pursuant to Section 1030.75~~-of this Part~~ are restricted to daylight driving only in accordance with Section 1030.85~~-of this Part~~.
- j) A ~~Typetype~~ J restriction with appropriate numerical indicators includes other restrictions not listed in this Section. These ~~Typetype~~ J restrictions and numerical indicators are as follows:
- 1) J01 Driver has been issued an Illinois Medical Restriction Card, which must be carried in addition to a valid Illinois license/permit.
  - 2) J02 Driver authorized to operate a Religious Organization Bus within classification, as provided in Section 6-106.2 ~~of the Illinois Driver~~

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~~Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-106.2].

- 3) J03 Driver authorized to operate a Religious Organization Bus or Van within Class D only. The driver took the Religious Organization Bus test in a Class D vehicle, but may hold a Class A, B, or C license.
- 4) J04 Driver authorized to operate a Religious Organization Bus or Van within Class C or a lesser classification vehicle only. The driver took the Religious Organization Bus test in a Class C vehicle, but may hold a Class A or B license.
- 5) J05 Driver authorized to operate a Senior Citizen Transportation Vehicle within classification. The driver operates a vehicle ~~that which~~ is utilized solely for the purpose of providing transportation for senior citizens, as provided in Section 6-106.3 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-~~106.3~~<sup>103.3</sup>].
- 6) J06 Driver authorized to operate a Senior Citizen Transportation Vehicle within Class D only. The driver took the Senior Citizen Transportation Vehicle test in a Class D vehicle, but may hold a Class A, B, or C license.
- 7) J07 Driver authorized to operate a Senior Citizen Transportation Vehicle written Class C vehicle, or a lesser classification vehicle only. The driver took the Senior Citizen Transportation Vehicle test in a Class C vehicle, but may hold a Class A or B license.
- 8) J08 Driver authorized to operate a commuter van in a for-profit ridesharing arrangement within classification, as provided in Section 6-106.4 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-106.4].
- 9) J09 Driver who is 16 or 17 years of age authorized to operate either Class L motor driven cycles or Class M motorcycles, as provided in Section 6-103(2) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-103(2)].

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- 10) J10 Driver restricted to the operation of a vehicle with a GVWR of 16,000 pounds or less.
- 11) J11 Indicates the driver took the road test on a three wheel motorcycle (Class M) or three wheel motor driven cycle (Class L) and is restricted to a three wheel cycle of the proper class.
- 12) J12 Driver authorized to operate Class B or lesser classification vehicle for the passenger endorsement.
- 13) J13 Driver authorized to operate Class C classification vehicle for the passenger endorsement.
- 14) J14 Restricted to the use of a non-standard lens arrangement pursuant to Section 1030.75 ~~of this Part~~ when operating a motor vehicle. (Lens arrangement may be designed for monocular or binocular vision.)
- 15) J15 Special Restrictions - An applicant may have special restrictions applied specifically to the vehicle he/she is operating at the time a road test is being administered by a facility examiner. These special restrictions may apply only when the applicant is operating that particular motor vehicle. This J15 restriction only applies to variations of C, D or E restrictions. To remove a special restriction or to operate another motor vehicle would require the applicant to be administered another road test in the new vehicle.
- 16) J16 Pedalcycle Only – Authorizes an applicant holding a Class L license to operate a "Pedalcycle only".
- ~~17)~~15) J33 Driver authorized to operate a Class D vehicle using a non-standard lens arrangement, pursuant to Section 1030.75 ~~of this Part~~, during nighttime hours.
- 18) J48 Allows a person to use commercial privileges only for driving school buses to transport students for school related activities.
- 19) J50 Farm waived NON-CDL (Class A only) – Allows farmers or a member of the farmer's family who is 21 years of age or older and has completed all of the applicable exams (core, combination, air

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brake, and all three parts of the road test) to drive a farm waived non-CDL (Class A only) vehicle. Those eligible may operate the truck/tractor semi-trailer to transport farm products, equipment or supplies to or from a farm, if used within 150 air miles of the farm, and not used in the operations of a common or contract carrier.

- ~~20)16)~~ J71 No photo or signature – out of state at renewal – license issued to driver who is temporarily absent from State of Illinois at expiration date of his/her driver's license.
- ~~21)17)~~ J72 No photo or signature – out of country at renewal – license issued to driver who is temporarily residing outside the United States of America at the expiration date of his/her driver's license.
- ~~22)18)~~ J73 No photo or signature – military or military dependent – license issued at the expiration of the driver's license of the licensee, spouse, and dependent children who are living with thesueh licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.
- ~~23)19)~~ J74 Military deferral card issued at the expiration of the driver's license to extend the expiration while in the military of the licensee, spouse, and dependent children who are living with thesueh licensee while on active duty, serving in the Armed Forces of the United States outside the State of Illinois.
- ~~24)20)~~ J75 No photo or signature – administrative approval license to driver who having his/her photograph taken is against his/her religious convictions or has a serious facial disfigurement.
- ~~25)21)~~ J99 This restriction appears on the license if more than two J restrictions are placed on the driver.
- k) A type K restriction indicates the driver is authorized to operate a commercial motor vehicle intrastate only.
- l) A type L restriction indicates that the person is not authorized to operate vehicles equipped with air brakes.

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- m) If an individual wishes to appeal a type of restriction ~~that~~which has been added to his/her driver's license he/she, depending on the type of restriction, shall:
- 1) For Type B, C, D, E, F, G, J01, or any other medical restriction that has been added to his/her driver's license pursuant to the restrictions contained in subsection (j) ~~of this Section~~ follow the manner prescribed by this Part.
  - 2) For any other type of restrictions which have been added to his/her driver's license pursuant to this Section appeal to the Department of Administrative Hearings pursuant to Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118].
  - 3) Further review of any and all restrictions shall be conducted by the courts pursuant to Administrative Review Law [735 ILCS 5/Art. III].

(Source: Amended at 31 Ill. Reg. 16843, effective January 1, 2008)

**Section 1030.97 Invalidation of a Driver's License, Permit and/or Driving Privilege**

- a) For purposes of this Section the following definitions shall apply:

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.

"Invalidation" – the withdrawal, by consent, court order, death of the holder or the holder's failure to complete a driver remedial education course, of the validation of a person's license, permit and/or driving privilege in accordance with Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. I].

"Law Enforcement" – a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Secretary of State Employee" – ~~the personnel~~all supervisory personnel within the Department of Driver Services of the Office of the Secretary of State who are authorized to invalidate driver's licenses, permits and/or driving privileges.

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- b) The Secretary of State shall invalidate a driver's license, permit and/or driving privilege ~~when~~:
- 1) When the holder voluntarily surrenders the license or permit and declares his/her intention to do so in writing to the Secretary; or
  - 2) When the Secretary receives a certified court order indicating the holder is to refrain from driving; or
  - 3) Upon the death of the holder; or
  - 4) Upon the entry of a suspension of a driver under the age of 18 ~~Upon the termination of a suspension period of a driver under the age of 18 whose driving privileges have been suspended~~ pursuant to Section 6-206(a)(4), (11), (16), (21), (31), (33), (34, prior to 7/30/98), (36), (43) and/or Section 11-501.8 of the Illinois Vehicle Code, ~~who has failed to successfully complete a driver remedial education course~~ [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33), (34, prior to 7/30/98), (36), (43) and/or 11-501.8].
- c) A driver's license or permit invalidated based upon a voluntary surrender under this Section may be reinstated in the same manner as prescribed by Sections 6-114 and 6-115 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-114 and 6-115].
- d) A driver's license or permit invalidated under this Section shall nullify the holder's driving privileges, ~~except upon the death of the holder~~.
- e) A license or permit invalidated upon the death of the holder may be released to a relative of the decedent provided the actual license or permit bears a readily identifiable designation evidencing invalidation. To invalidate a license or permit, a hole shall be punched through the issuance date and the expiration date of the license or permit by an employee of the Secretary of State, a law enforcement officer, or a coroner.
- f) The Secretary of State employee, law enforcement officer, or coroner who invalidates a license or permit, shall make a report of the matter to the Secretary of State on a form provided or approved by the Secretary of State.

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- g) Driving privileges invalidated based upon a court order may be reinstated upon receipt of a court order granting reinstatement or an order from the court terminating probation, conditional discharge or court supervision.
- h) A driver whose driving privileges are invalidated pursuant to subsection (b)(4), and whose driving privileges are suspended for 6 months or longer,~~based upon the driver's failure to complete a driver remedial education course~~ may be reinstated upon successful completion of a driver remedial education course, the payment of all reinstatement fees and retesting under Section 6-109 of the Illinois Vehicle Code [625 ILCS 5/6-109] if the suspension period is 6 months or longer~~greater~~.
- i) A driver whose driving privileges are invalidated pursuant to subsection (b)(4) of this Section, and whose driving privileges are suspended for less than 6 months, may be reinstated upon successful completion of a driver remedial education course and the payment of all reinstatement fees.

(Source: Amended at 31 Ill. Reg. 16843, effective January 1, 2008)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) 

<u>Section Numbers</u> :	<u>Adopted Action</u> :
1040.20	Amendment
1040.25	Amendment
1040.28	New Section
1040.29	Amendment
1040.30	Amendment
1040.31	Amendment
1040.32	Amendment
1040.33	Amendment
1040.34	New Section
1040.35	Amendment
1040.36	Amendment
1040.37	Amendment
1040.38	Amendment
1040.40	Amendment
1040.41	Amendment
1040.42	Amendment
1040.43	Amendment
1040.46	Amendment
1040.50	Amendment
1040.52	Amendment
1040.55	Amendment
1040.65	Amendment
1040.66	Amendment
1040.70	Amendment
1040.100	Amendment
1040.101	Amendment
1040.105	Amendment
1040.107	Amendment
1040.108	Amendment
1040.109	Amendment
1040.111	Amendment
1040.115	Amendment

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- 4) Statutory Authority: 625 ILCS 5/6-107; 625 ILCS 5/6-107.1; 625 ILCS 5/6-110; 625 ILCS 5/6-206; 625 ILCS 5/12-610.1; 625 ILCS 5/6-521
- 5) Effective Date of Amendments: January 1, 2008
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference: No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 31 Ill. Reg. 13762; October 5, 2007
- 10) Has JCAR issued a Statement of Objection to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreements were necessary.
- 13) Will these amendments replace any emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: This rulemaking implements Public Act 95-310, which made changes to Illinois' Graduated Driver's License program. This rulemaking also modifies the length of supervision for those persons under age 21 convicted of a violation of Section 6-20 of the Liquor Control Act. Finally, this rulemaking standardizes definitions used throughout Part 1040 and addresses grammatical and typographical errors.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Arlene J. Pulley  
Office of the Secretary of State  
Driver Services Department  
2701 South Dirksen Parkway  
Springfield, Illinois 62723

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217/557-4462

The full text of the Adopted Amendments begins on the next page:

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## NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER II: SECRETARY OF STATEPART 1040  
CANCELLATION, REVOCATION OR SUSPENSION  
OF LICENSES OR PERMITS

## Section

1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
<a href="#">1040.28</a>	<a href="#">Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29</a>
1040.29	2 or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21 Years
1040.30	3 Or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.33	Suspension or Revocation of Driver's Licenses/Permits for Fictitious or Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device
<a href="#">1040.34</a>	<a href="#">Conviction for Possession/Consumption of Alcohol for Persons Under Age 21</a>
1040.35	Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction
1040.36	Suspension for Violation of Restrictions on Driver's License
1040.37	Suspension for Violation of Restrictions on Instruction Permit
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew <a href="#">or Night Time Driving Restriction</a> Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident and Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Occupational Driving Permit
1040.52	Driver Remedial Education Course
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision

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1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	Problem Driver Pointer System
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions
1040.105	Suspension for 5 or More Tollway Violations and/or Evasions
1040.107	Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle
1040.108	Suspension for Failure to Make Report of Vehicle Accident Violations
1040.109	Two or More Convictions for Railroad Crossing Violations
1040.110	Bribery
1040.111	Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present
1040.115	Suspension for Theft of Motor Fuel

**AUTHORITY:** Implementing Articles II and VII of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

**SOURCE:** Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990;

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amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective January 26, 1996; amended at 21 Ill. Reg. 8398, effective June 30, 1997; amended at 21 Ill. Reg. 10985, effective July 29, 1997; amended at 21 Ill. Reg. 12249, effective August 26, 1997; amended at 21 Ill. Reg. 12609, effective August 29, 1997; amended at 22 Ill. Reg. 1438, effective January 1, 1998; amended at 22 Ill. Reg. 5083, effective February 26, 1998; amended at 22 Ill. Reg. 13834, effective July 10, 1998; amended at 24 Ill. Reg. 1655, effective January 11, 2000; emergency amendment at 24 Ill. Reg. 8398, effective June 2, 2000, for a maximum of 150 days; emergency expired October 29, 2000; emergency amendment at 24 Ill. Reg. 16096, effective October 12, 2000, for a maximum of 150 days; amended at 24 Ill. Reg. 16689, effective October 30, 2000; amended at 25 Ill. Reg. 2723, effective January 31, 2001; amended at 25 Ill. Reg. 6402, effective April 26, 2001; emergency amendment at 26 Ill. Reg. 2044, effective February 1, 2002, for a maximum of 150 days; emergency expired June 30, 2002; emergency amendment at 26 Ill. Reg. 3753, effective February 21, 2002, for a maximum of 150 days; emergency expired July 20, 2002; amended at 26 Ill. Reg. 12373, effective July 25, 2002; amended at 26 Ill. Reg. 13684, effective August 28, 2002; amended at 29 Ill. Reg. 2441, effective January 25, 2005; amended at 29 Ill. Reg. 13892, effective September 1, 2005; amended at 29 Ill. Reg. 15968, effective October 7, 2005; amended at 30 Ill. Reg. 1896, effective January 26, 2006; amended at 30 Ill. Reg. 2557, effective February 10, 2006; amended at 30 Ill. Reg. 11299, effective June 12, 2006; amended at 31 Ill. Reg. 4792, effective March 12, 2007; amended at 31 Ill. Reg. 5647, effective March 20, 2007; amended at 31 Ill. Reg. 7296, effective May 3, 2007; amended at 31 Ill. Reg. 7656, effective May 21, 2007; amended at 31 Ill. Reg. 11356, effective July 19, 2007; amended at 31 Ill. Reg. 14559, effective October 9, 2007; amended at 31 Ill. Reg. 16880, effective January 1, 2008.

**Section 1040.20 Illinois Offense Table**

- a) The conviction report furnished to the Driver Services Department by the court where a person was convicted of a traffic violation shall be entered upon the driving record by classification (type action) and used as a source of information. In the absence of Statutory Amendment, the following rules shall be followed and the number of points assigned to a person's driving record shall be determined by using the point table set out herein.

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## 1) Classification for convictions of traffic offenses:

- Type action 68: Record History Item Only
- Type action 82: Conviction
- Type action 83: Immediate action (no points assigned)
- Type action 85: Conviction (no points assigned)
- Type action 87: Conviction (points assigned)
- Type action 89: Withdrawal (no points assigned)
- Type action 93: Immediate action bond forfeiture (no points assigned)
- Type action 94: Immediate action conviction (no points assigned)
- Type action 95: Bond forfeiture (no points assigned)
- Type action 96: Conviction (no points assigned)
- Type action 97: Bond forfeiture (points assigned - moving violation)
- Type action 99: Conviction (points assigned - moving violation)

2) Description of Offense: The code used to describe the offense is composed of the chapter and/or Section number of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-100], the Municipal Code of the City of Chicago (Municipal Code of Chicago, ch. 27), the Criminal Code of 1961 [720 ILCS 5/1-1], the Cannabis Control Act [720 ILCS 550/1], the Illinois Controlled Substances Act [720 ILCS 570/100], the Liquor Control Act of 1934 [235 ILCS 5/6-16(a)], or the Illinois Identification Card Act [15 ILCS 335]. Preceding the Section number for these codes, with the exception of those listed in subsection (a)(1)-~~above~~, will be a single digit code to identify the specific law which will be as follows:

- 0 – Criminal Code, Cannabis Control Act, Illinois Controlled Substances Act, the Liquor Control Act of 1934, or the Illinois Identification Card Act
- 1 – Illinois Vehicle Code
- 2 – Local ordinance (all municipal ordinance convictions), or violations occurring on military installations, to be considered, are to be coded exactly as Illinois Vehicle Code Violations with the exception of the first digit which shall be a "2"
- 4 – Motor Vehicle Theft Law of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/4-100]

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- 6 – The Illinois Driver Licensing Law
- 7 – Chicago Municipal Ordinance
- 8 – Foreign state and other (all out-of-state convictions to be considered, are to be coded exactly as Illinois Vehicle Code violations with the exception of the first digit which shall be an "8")

NOTE: The position for the single digit codes 1, 2, 6, or 8, will be symbolized by a # throughout the point table set out in this Part.

- 3) Any one of the last positions of the offense code may be used to indicate the paragraph of the Section violated, or refer to the number of miles per hour (in code form) the driver was operating above the posted speed limit (refer to Electronic Data Processing Machine (EDPM) Offense Codes set out in this Part).
- 4) The Secretary of State's Traffic Violation Advisory Committee relied upon the following criteria in determining whether specific convictions for traffic violations should be utilized in determining driver license suspension or revocation under the authority of Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)], as well as the number of points that should be assigned to those convictions which in turn determines the length and/or type of such action.
  - A) A thorough review of literature relating to the general concept of point systems utilized by other states.
  - B) A specific review of point systems and ranges of point assignments utilized by other states.
  - C) An exhaustive and detailed review of the current Illinois point system.
  - D) Based on the above, the relative criticality of the violations was determined and the specific number of points to be assigned was proposed, discussed, and agreed upon by the consensus of the group.
- b) Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois

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Identification Card Act. The following violations of the Illinois Vehicle Code, Criminal Code, the Liquor Control Act of 1934, the Cannabis Control Act, the Illinois Controlled Substances Act and the Illinois Identification Card Act will not be assigned points but will be entered on the record as type action -93- Bond forfeiture immediate action; or type action -94- conviction immediate action.

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
<u>3-707(c-1)</u>	<u>707301</u>	<u>3 707 C1</u>	<u>Convicted of driving without liability insurance</u>
4-102	102000	4 102 00	Motor Vehicle Anti-Theft Law, misdemeanor [625 ILCS 5/4-100]
4-103	103000	4 103 00	Motor Vehicle Anti-Theft Law, felony [625 ILCS 5/4-100]
4-103.1	103100	4 103 01	Motor Vehicle Anti-Theft Law, conspiracy [625 ILCS 5/4-100]
6-101	101000	# 101 00	Operating a motor vehicle without a valid license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-104(a)	104001	# 104 01	Violation of license classification for first and second division vehicles (a serious traffic violation if committed in a commercial motor vehicle)
6-104(b)	104002	# 104 02	Violation of classification for transporting persons for hire (a serious traffic violation if committed in a commercial motor vehicle)
6-104(c)	104003	# 104 03	Violation of classification for transporting property for hire (a

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			serious traffic violation if committed in a commercial motor vehicle)
6-104(d)	104004	# 104 04	Violation of school bus driver permits (a serious traffic violation if committed in a commercial motor vehicle)
6-104(e)	104005	# 104 05	Violation of religious bus driver endorsement (a serious traffic violation if committed in a commercial motor vehicle)
6-104(f)	104006	# 104 06	Violation of classification for transportation of the elderly (a serious traffic violation if committed in a commercial motor vehicle)
6-105	105000	6 105 00	Violation of instruction permit (a serious traffic violation if committed in a commercial motor vehicle)
6-107.1(a)	107110	6 107.1A	Violation of instruction permit
6-107.1(b)	107120	6 107.1B	Violation of curfew law ( <u>prior to 1-1-08</u> )— <del>under the age of 17</del>
<u>6-107.1(b)</u>	<u>107102</u>	<u>6 107.1B</u>	<u>Violation of nighttime driving restrictions – under the age of 18 (effective 1-1-08)</u>
6-110(a)	110000	6 110 00	Violation of curfew law – under age of 17 (Child Curfew Act [720 ILCS 555/1 and 2])
<u>6-110(a-1)</u>	<u>110101</u>	<u>6 110 A-1</u>	<u>Violation of nighttime driving restrictions (effective 1-1-08)</u>
6-113(e)	113501	# 113 E1	Violation of driver's license

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			restriction (a serious traffic violation if committed in a commercial motor vehicle)
6-113(e)	113502	# 113 E2	Violation of restriction on special restricted license or permit (a serious traffic violation if committed in a commercial motor vehicle)
6-205(a)3	205103	# 205 A3	Any felony under the laws of any state or federal government in the commission of which a vehicle was used
6-205(a)5	205105	6 205 A5	Conviction of perjury or making of false affidavit or statement under oath to the Secretary of State under the Driver License Act or any other law relating to the ownership or the operation of a motor vehicle
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act [705 ILCS 405/1-8] that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles described in Section 4-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-210(1)	210001	# 210 01	Driving during the period of suspension/revocation
6-210(2)	210002	# 210 02	Driving during the period of suspension/revocation

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6-301(1)	301001	# 301 01	To display or cause to be displayed or have in his possession any cancelled, revoked, or suspended license or permit
6-301(2)	301002	# 301 02	To lend his license or permit to any other person or knowingly allow the use thereof by another
6-301(3)	301003	# 301 03	To display or represent as his own any license or permit issued to another
6-301(4)	301004	# 301 04	To fail or refuse to surrender to the Secretary of State or his agent or any peace officer, upon his lawful demand, any license or permit which has been suspended, revoked or cancelled
6-301(5)	301005	# 301 05	To allow any unlawful use of a license or permit issued to him
6-301(6)	301006	# 301 06	To submit to an examination or to obtain the services of another person to submit to an examination for the purpose of obtaining a driver's license or permit for some other person
6-301.1(b)1	301121	# 301121	Possess fictitious altered driver's license or permit
6-301.1(b)2	301122	# 301122	Possess/display altered fictitious driver's license or permit
6-301.1(b)3	301123	# 301123	Possess fictitious altered driver's license or permit

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6-301.1(b)4	301124	# 301124	Possess fictitious altered driver's license or permit
6-301.1(b)5	301125	# 301125	Possess fictitious altered driver's license or permit
6-301.1(b)6	301126	# 301126	Possess fictitious altered driver's license or permit
6-301.1(b)7	301127	# 301127	Issue fictitious driver's license or permit
6-301.1(b)8	301128	# 301128	Alter/attempt to alter driver's license or permit
6-301.1(b)9	301129	# 301129	Provide ID for obtaining fictitious driver's license or permit
6-301.1(b)10	301120	# 301120	To knowingly use any fictitious or unlawfully altered driver's license or permit to purchase or attempt to purchase any ticket for, or to board or attempt to board any common carrier
6-301.1(b)11	011211	# 3011211	To knowingly possess any fictitious or unlawfully altered driver's license or permit if the person has, at the time, a different driver's license issued by the Illinois Secretary of State or other driver's license agency in another jurisdiction that is suspended or revoked
6-301.2(b)1	301221	# 301221	Possess fraudulent driver's license or permit
6-301.2(b)2	301222	# 301222	Possess/display fraudulent driver's

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			license or permit
6-301.2(b)3	301223	# 301223	Possess fraudulent driver's license or permit
6-301.2(b)4	301224	# 301224	Possess fraudulent driver's license or permit
6-301.2(b)5	301225	# 301225	Possess fraudulent driver's license or permit
6-301.2(b)6	301226	# 301226	Possess fraudulent driver's license or permit
6-301.2(b)7	301227	# 301227	Possess driver's license making implement
6-301.2(b)8	301228	# 301228	Possess stolen driver's license making implement
6-301.2(b)9	301229	# 301229	Duplicate/sell fraudulent driver's license or permit
6-301.2(b)10	301220	# 301220	Advertise or distribute fraudulent driver's license or permit
6-301.2(b)11	012211	# 3012211	To knowingly use a fraudulent driver's license or permit to purchase or attempt to purchase any ticket for a common carrier or to board or attempt to board any common carrier as used in this Section
6-301.2(b)12	012212	# 3012212	To knowingly possess any fraudulent driver's license or permit if the person has, at the time, a different driver's license issued by the Secretary of State or another official driver's license agency in another

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			jurisdiction that is suspended or revoked
6-301.2(b-1)	301201	# 3012b-1	Possess, use, or allow to be used any material to obtain information from the bar code or magnetic strip of an official Illinois Driver's License issued by the Secretary of State (P.A. 94-930, eff. 6-26-06)
6-302(a)1	302101	# 302101	Present false information in an application. For driver's license/permit
6-302(a)2	302102	# 302102	Accept false information/ID in an application for driver's license/permit
6-302(a)3	302103	# 302103	Make false affidavit swear or affirm falsely
6-303(a)1	303101	# 303 A1	Driving during a suspension or revocation
6-303(a)2	303102	# 303 A2	Driving during a revocation or suspension
6-303(d)	303400	# 303 D0	Second conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)2	303402	# 303 D2	Third conviction of driving during a revocation or violations of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance

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6-303(d)3	303403	# 303 D3	Fourth or subsequent conviction of driving during revocation for a violation of Sections 11-401 and 11-501 of the Illinois Rules of the Road and Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)4	303404	6-303(D-4)	Tenth through fourteenth conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 of the Illinois Rules of the Road or Section 9-3 of the Criminal Code or similar provisions of a local ordinance
6-303(d)5	303405	6-303(D-5)	Fifteenth or subsequent conviction of driving during revocation or suspension for a violation of Section 11-401 or 11-501 of the Illinois Rules of the Road or Section 9-3 of the Criminal Code or a similar provision of a local ordinance
6-507(a)2	507102	# 507 A2	Driving a commercial motor vehicle (CMV) without obtaining a commercial driver's license (CDL) (P.A. 94-307, eff. 10-1-05)
6-507(a)3	507103	# 507 A3	Driving without the proper commercial driver's license classification or endorsements (P.A. 94-307, eff. 10-1-05)
6-507(b)	507200	6 507 B0	No person may drive a commercial motor vehicle while driving privilege, license or permit is suspended, revoked, canceled, nor

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			while subject to disqualification or while subject to or in violation of an "out-of-service" order
6-507(b)1	507201	# 507 B1	No person may drive a commercial motor vehicle while driving privileges, license, or permit is suspended, revoked, canceled or disqualified
6-507(b)2	507202	# 507 B2	No person may drive a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order
6-507(b)3	507203	# 507 B3	No person may drive commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
8-101	008000	8000	Failure to show proof of financial responsibility – persons who operate motor vehicles in transportation of passengers for hire
11-204	020400	# 0204 00	Fleeing or attempting to elude a peace officer
11-204.1	020401	# 0204 01	Aggravated fleeing or eluding a peace officer
11-401	040100	# 0401 00	Leaving scene or failure to report an accident involving death or personal injury
11-402(b)	040202	# 0402 02	Leaving the scene of an accident

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			involving damage to a vehicle in excess of \$1000
11-406(a)	040610	# 0406 A0	Failure to make report of vehicle accident
11-406(b)	040620	# 0406 B0	Failure to make report of school bus accident
11-501(a)1	050111	# 0501 A1	Driving with a blood alcohol concentration above the legal limit
11-501(a)2	050112	# 0501 A2	Driving while under the influence of alcohol
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any other drug or combination of drugs (prior to 1-1-99)
11-501(a)3	050113	# 0501 A3	Driving while under the influence of any intoxicating compound or combination of intoxicating compounds (effective 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving under the combined influence of alcohol and other drug or drugs (prior to 1-1-99)
11-501(a)4	050114	# 0501 A4	Driving while under the influence of any other drug or combination of drugs (effective 1-1-99)

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11-501(a)5	050115	# 0501 A5	Driving while there is any amount of a drug, substance or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act, or a controlled substance listed in the Illinois Controlled Substances Act (prior to 1-1-99)
11-501(a)5	050105	# 0501 A5	Driving while under the combined influence of alcohol and other drug or drugs or intoxicating compound or compounds (effective 1-1-99)
11-501(a)6	050106	# 0501 A6	Driving while there is any amount of a drug, substance or compound in the person's breath, blood or urine resulting from the unlawful use or consumption of cannabis, a controlled substance or an intoxicating compound (effective 1-1-99)
11-501(b)	501200	# 11-0501 B	Initial conviction of violating Section 11-501 subsection (b)
11-501(b-3)	050123	# 0501 B-3	Second conviction of violating Section 11-501(a) or a similar provision committed within 5 years of a previous violation of Section 11-501(a) or similar provision (P.A. 93-800, eff. 1-1-05)
11-501(b-4)	050124	# 0501 B-4	Third or subsequent violation committed within 5 years of a previous violation of Section 11-501(a) or a similar provision (P.A. 93-800, eff. 1-1-05)

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11-501(c)	501300	# 11-0501 C	A violation of Section 11-501 subsection (c)
11-501(c-1)1	501311	# 0501 C11	Driving under the influence while revoked for driving while under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)2	501312	# 0501 C12	Third violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-1)3	501313	# 0501 C13	Fourth or subsequent violation of driving under the influence while revoked for driving under the influence, Section 11-501, leaving the scene, Section 11-401, reckless homicide, Section 9-3 of the Criminal Code, or suspended for statutory summary suspension under Section 11-501.1
11-501(c-4)1	501341	# 0501 C41	Convicted of violating Section 11-501(a) for first time when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16

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11-501(c-4)2	501342	# 0501 C42	Second conviction within 10 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16
11-501(c-4)3	501343	# 0501 C43	Third conviction within 20 years for violating Section 11-501(a) when blood, breath or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 4 felony
11-501(c-4)4	501344	# 0501 C44	Fourth or subsequent conviction for violating Section 11-501(a) when blood, breath, or urine was .16 or more, or is convicted of violating Section 11-501 while transporting a child under the age of 16. This is considered a Class 2 felony
11-501(c-5)1	501351	# 0501 C5(1)	Violation of Section 11-501(a) while transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)2	501352	# 0501 C5(2)	Second violation of Section 11-501(a) and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)3	501353	# 0501 C5(3)	Second violation of Section 11-501(a) or a similar provision within 10 years and at the time of the violation the person was transporting a person under the age

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			of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)4	501354	# 0501 C5(4)	Second conviction of Section 11-501(a) or a similar provision within 5 years and at the time of the violation the person was transporting a person under the age of 16 (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)5	501355	# 0501 C5(5)	Third conviction for violating Section 11-501(a) or a similar provision and at the time of the violation the person was transporting a person under the age of 16 (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)6	501356	# 0501 C5(6)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time the person was transporting a person under the age of 16 (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(c-5)7	501357	# 0501 C5(7)	Fourth or subsequent conviction for violating Section 11-501(a) or similar provision and at the time of the fourth or subsequent violation the person was transporting a person under age 16, 3 prior violations of transporting a person under age 16 or while BAC .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(c-6)1	501361	# 0501 C6(1)	Conviction of Section 11-501(a) or a similar provision and the alcohol concentration was .16 or more (P.A. 93-1093, eff. 3-29-05)

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11-501(c-6)2	501362	# 0501 C6(2)	Second conviction of Section 11-501(a) or a similar provision within 10 years and at the time the BAC was .16 or more (P.A. 93-1093, eff. 3-29-05)
11-501(c-6)3	501363	# 0501 C6(3)	Third conviction of Section 11-501(a) or a similar provision within 20 years and at the time of the violation the person's BAC was .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(c-6)4	501364	# 0501 C6(4)	Fourth or subsequent conviction for violating Section 11-501(a) or a similar provision and at the time of the fourth or subsequent violation the person's BAC was .16 or more, three prior convictions of transporting a person under the age of 16 or while BAC was .16 or more (felony) (P.A. 93-1093, eff. 3-29-05)
11-501(D)	501400	# 0501 D	A violation of Section 11-501(D)
11-501(d)1	050141	# 0501 D1	Such person committed a violation of Section 11-501(a) for the third or subsequent time
11-501(d)2	050142	# 0501 D2	Such person committed a violation of Section 11-501(a) while driving a school bus with children on board
11-501(d)3	050143	# 0501 D3	Such person in committing a violation of Section 11-501(a) was involved in a motor vehicle accident which resulted in great

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			bodily harm or permanent disability or disfigurement to another, when such violation was the proximate cause of such injuries
11-501(d)4	050144	# 0501 D4	Committed a violation of Section 11-501(a) of the Illinois Vehicle Code for a second time and was previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense
11-501(d)1A	501411	# 0501D1A	Convicted of committing a violation of Section 11-501(a) of the Illinois Vehicle Code for the third or subsequent time
11-501(d)1B	501412	# 0501D1B	Such person committed a violation of of Section 11-501(a) of the Illinois Vehicle Code while driving a school bus with children on board
11-501(d)1C	501413	# 0501D1C	Such person, in committing a violation of Section 11-501(a) of the Illinois Vehicle Code, was involved in a motor vehicle accident which resulted in great bodily harm or permanent disability or disfigurement to another when such violation was the proximate cause of such injuries
11-501(d)1D	501414	# 0501D1D	Committed a violation of Section 11-501(A) of the Illinois Vehicle Code for a second time and was

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			previously convicted of violating Section 9-3 of the Criminal Code for reckless homicide in which the person was determined to have been under the influence of alcohol or other drug as an element of the offense or Section 11-501(d)(1)(C) or (F)
11-501(d)1E	501415	# 0501D1E	Committed a violation of Section 11-501(a) in a school zone when a 20 MPH speed limit was in effect and was involved in an accident that resulted in bodily harm
11-501(d)1F	501416	# 0501D1F	Committed a violation of Section 11-501(a) and was involved in a motor vehicle, snowmobile, all-terrain vehicle or water craft accident that resulted in the death of another person when the violation of Section 11-501(a) was a proximate cause of death
11-501(d)1G	501417	# 0501D1G	Committed a violation of Section 11-501(a) and the driver did not possess a valid driver's license or permit (P.A. 94-329, eff. 1-1-06)
11-501(d)1H	501418	# 0501D1H	Committed a violation of Section 11-501(a) and the driver knew that the vehicle being driven was not covered by a liability insurance policy (P.A. 94-329, eff. 1-1-06)
11-503(c)	050303	# 050303	Aggravated reckless driving
11-504	050400	# 0504 00	Drag racing

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<u>11-506(a)</u>	<u>050601</u>	<u>#050601</u>	<u>Street racing</u>
11-907(c)	090703	# 0907 03	Failure to yield the right-of-way or drive with due caution upon approaching a stationary emergency vehicle
11-908(a)1	090811	1 908 A1	Failure to yield and proceed with due caution upon entering a construction zone when workers are present
11-1301 3a-1	301311	# 13013A1	Unauthorized use of handicap placard or device (P.A. 94-619, eff. 1-1-06)
11-1301.5(b)1	301521	1 13015B1	To knowingly possess any fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device
11-1301.5(b)2	301522	1 13015B2	To knowingly issue or assist in the issuance of, by the Secretary of State or unit of local government, any fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)3	301523	1 13015B3	To knowingly alter any person-with-disabilities license plate or parking decal or device

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11-1301.5(b)4	301524	1 13015B4	To knowingly manufacture, possess, transfer, or provide any documentation used in the application process, whether real or fictitious, for the purpose of obtaining, a fictitious person-with-disabilities license plate or parking decal or device
11-1301.5(b)5	301525	1 13015B5	To knowingly provide any false information to the Secretary of State or a unit of local government in order to obtain a person-with-disabilities license plate or parking decal or device
11-1301.5(b)6	301526	1 13015B6	To knowingly transfer a person-with-disabilities license plate or parking decal or device for the purpose of exercising the privileges granted to any authorized holder of a person-with-disabilities license plate or parking decal or device under this Code in the absence of the authorized holder
11-1301.6(b)1	301621	1 13016B1	To knowingly possess any fraudulent person-with-disabilities license plate or parking decal or devise
11-1301.6(b)2	301622	1 13016B2	To knowingly possess without authority any implement to duplicate and/or manufacture any person-with-disabilities license plate or parking decal or device
11-1301.6(b)3	301623	1 13016B3	To knowingly duplicate, manufacture, sell, or transfer any

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			fraudulent or stolen person-with-disabilities license plate or parking decal or devise
11-1301.6(b)4	301624	1 13016B4	To knowingly assist in the duplication, manufacturing, selling, or transferring of any fraudulent or stolen person-with-disabilities license plate or parking decal or device
11-1301.6(b)5	301625	1 13016B5	To advertise or distribute a fraudulent person-with-disabilities license plate or parking decal or device
12-215(g)	221507	# 2215 07	Conviction of Section 12-215 of the Illinois Vehicle Equipment Law of the Illinois Vehicle Code [625 ILCS 5/12-215] without lawful authority to stop

CRIMINAL CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
9-3	009003	9 03	Reckless homicide resulting from operation of a motor vehicle
11-15.1	011151	11 151	Conviction of soliciting for a juvenile prostitute
11-19.1	011191	11 191	Conviction of juvenile pimping
12-5	012005	12 05	Conviction of reckless conduct
12-13	012013	12 13	Conviction of criminal sexual assault

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12-14	012014	12 14	Conviction of aggravated criminal sexual assault
12-15	012015	12 15	Conviction of criminal sexual abuse
12-16	012016	12 16	Conviction of aggravated criminal sexual abuse
18-3	0018003	18 3	Conviction of vehicular hijacking
18-4	0018004	18 4	Conviction of aggravated vehicular hijacking
21-2	021002	21 02	Criminal trespass to motor vehicles
22-51	022051	22 51	Violation of the Hypodermic Syringes and Needles Act [720 ILCS 635/2] concerning the sale of instruments used for illegal drug use or abuse
24-1(a)3	241103	241 A3	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)4	241104	241 A4	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)7	241107	241 A7	Conviction of unlawful use of weapons while using a motor vehicle
24-1(a)9	241109	241 A9	Conviction of unlawful use of weapons while using a motor vehicle
24-1.2	241200	241 200	Conviction of aggravated discharge of a firearm

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24-1.5(b)	241520	24 15B	Conviction of reckless discharge of a firearm
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THE LIQUOR CONTROL ACT OF 1934 *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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43-131(a)	431311	43 131A	Minor presents false ID to buy alcoholic beverage – Liquor Control Act of 1934
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6-20	006020	6-20	Violation of Section 6-20 of the Liquor Control Act of 1934 (P.A. 92-804, eff. 1-1-03)
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<u>6-20(a)</u>	<u>060201</u>	<u>6-20A</u>	<u>Violation of Section 6-20(a) of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</u>
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<u>6-20(c)</u>	<u>060203</u>	<u>6-20C</u>	<u>Violation of Section 6-20(c) of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</u>
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<u>6-20(d)</u>	<u>060204</u>	<u>6-20D</u>	<u>Violation of Section 6-20(d) of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</u>
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<u>6-20(e)</u>	<u>060205</u>	<u>6-20E</u>	<u>Violation of Section 6-20(e) of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</u>
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CANNABIS CONTROL ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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704(a)	070401	704 01	Conviction for violation of Section
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			4(a) of the Cannabis Control Act concerning the possession of not more than 2.5 grams of any substance containing cannabis
704(b)	070402	704 02	Conviction for violation of Section 4(b) of the Cannabis Control Act concerning the possession of more than 2.5 grams but more than 10 grams of any substance containing cannabis
704I	070403	704 03	Conviction for violation of Section 4I of the Cannabis Control Act concerning the possession of more than 10 grams but not more than 30 grams of any substance containing cannabis
704(d)	070404	704 04	Conviction for violation of Section 4(d) of the Cannabis Control Act concerning the possession of more than 30 grams but not more than 500 grams of any substance containing cannabis
704(e)	070405	704 05	Conviction for violation of Section 4(e) of the Cannabis Control Act concerning the possession of more than 500 grams of any substance containing cannabis
705	00705	705 00	Violation of the Cannabis Control Act concerning the unauthorized manufacture or delivery of cannabis
707	00707	707 00	Violation of the Cannabis Control Act concerning the unauthorized delivery of cannabis to a person

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under 18 by an adult

ILLINOIS CONTROLLED SUBSTANCES ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
1401(a)	140101	1401 01	Class X violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(b)	140102	1401 02	Class 1 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401I	140103	1401 03	Class 2 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(d)	140104	1401 04	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(e)	140105	1401 05	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(f)	140106	1401 06	Class 3 violation of the Illinois

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			Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1401(g)	140107	1401 07	Class 3 violation of the Illinois Controlled Substances Act concerning the unauthorized manufacture or delivery of a controlled substance
1402(a)1	<del>014201</del> <u>140201</u>	1402 01	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing heroin
1402(a)2	014202	1402 02	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing cocaine
1402(a)3	014203	1402 03	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more of any substance containing morphine
1402(a)4	014204	1402 04	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing peyote
1402(a)5	014205	1402 05	

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			Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing a derivative of barbituric acid or any of the salts of a derivative of barbituric acid
1402(a)6	014206	1402 06	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any substance containing amphetamine or any salt of an optical isomer of amphetamine or methamphetamine
1402(a)7	014207	1402 07	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 15 grams or more, but less than 100 grams of any substance containing lysergic acid diethylamide (LSD)
1402(a)8	014208	1402 08	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing pentazocine or any of the salts, isomers and salts of isomers of pentazocine
1402(a)9	014209	1402 09	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing methaqualone or any of the salts, isomers and salts of isomers of methaqualone

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1402(a)10	014210	1402 10	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 30 grams or more of any substance containing phencyclidine or any of the salts, isomers and salts of isomers of phencyclidine (PCP)
1402(a)11	014211	1402 11	Conviction for violation of Section 402(a) of the Controlled Substances Act concerning the possession of 200 grams or more of any other controlled or counterfeit substance classified as a narcotic drug in Schedule I or II which is not otherwise included in this subsection
1402(b)	014220	1402 20	Conviction for violation of Section 402(b) of the Controlled Substances Act concerning the possession of any other amount of a controlled or counterfeit substance
1407	014070	1407 00	Adult delivers controlled or counterfeit substances to minor
1407.1	014701	1407 01	Adult uses minor to deliver controlled/counterfeit substances
16J-15	161015	16J-15	Conviction for violation of theft of motor fuel (P.A. 94-700, eff. 6-1-06)
2103	021003	21 03	Violation of the Drug Paraphernalia Control Act [720 ILCS 600] concerning the sale of instruments used for illegal drug use or abuse

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ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335-14a1	014101	14A1	To possess, display, or cause to be displayed any canceled or revoked identification card
335-14a2	014102	14A2	To display or represent as the person's own any identification card issued to another
335-14a3	014103	14A3	To allow any unlawful use of an identification card issued to another person
335-14a4	014104	14A4	To lend an identification card to another or knowingly allow the use thereof
335-14a5	014105	14A5	To fail or refuse to surrender to the Secretary of State, the Secretary's agent, or any peace officer upon lawful demand, any identification card that has been revoked or canceled
335-14a6	014106	14A6	To knowingly possess, use or allow to be used any materials, hardware or software specifically designed for or primarily used in the manufacture, assembly, issuance or authentication of an official Illinois identification card or Illinois disabled person identification card by the Secretary of State (P.A. 93-667, eff. 3-19-04)

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335-14a7	014107	14A7	To knowingly possess, use or allow to be used a stolen identification card making implement (P.A. 94-239, eff. 1-1-06)
335-14(A-1)	014011	14-A-1	Possess or use materials to obtain information from an identification card (P.A. 94-239, eff. 1-1-06)
335-14ab1	014121	14AB1	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card
335-14ab2	014122	14AB2	To knowingly possess, display, or cause to be displayed any fictitious or unlawfully altered identification card for the purpose of obtaining any account, credit, credit card, or debit card from a bank, financial institution, or retail mercantile establishment
335-14ab3	014123	14AB3	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this state or any law of any other jurisdiction
335-14ab4	014124	14AB4	To knowingly possess any fictitious or unlawfully altered identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a

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			sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14ab5	014125	14AB5	To knowingly possess any fictitious or unlawfully altered identification card while in unauthorized possession of any document, instrument or device capable of defrauding another
335-14ab6	014126	14AB6	To knowingly possess any fictitious or unlawfully altered identification card with the intent to use the identification card to acquire any other identification document
335-14ab7	014127	14AB7	To knowingly issue or assist in the issuance of any fictitious identification card
335-14ab8	014128	14AB8	To knowingly alter or attempt to alter any identification card
335-14ab9	014129	14AB9	To knowingly manufacture, possess transfer, or provide any identification document for the purpose of obtaining a fictitious identification card
335-14ab10	0141210	14AB10	To make application for the purpose of obtaining a fictitious identification card for another person
335-14ab11	0141211	14AB11	To obtain the services of another person to make application for the purpose of obtaining a fictitious

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			identification card
335-14bb <del>2</del> <u>4</u>	014221	14BB <del>2</del> <u>4</u>	To knowingly possess, display or cause to be displayed any fraudulent identification card
335-14bb1	014222	14BB1	To knowingly possess, display or cause to be displayed any fraudulent identification card for the purpose of obtaining any account, credit, credit card or debit card from a bank, financial institution or retail mercantile establishment
335-14bb3	014223	14BB3	To knowingly possess any fraudulent identification card with the intent to commit a theft, deception or credit or debit card fraud in violation of any law of this State or any law of any other jurisdiction
335-14bb4	014224	14BB4	To knowingly possess any fraudulent identification card with the intent to commit any other violation of any law of this State or any law of any other jurisdiction for which a sentence to a term of imprisonment in a penitentiary for one year or more is provided
335-14bb5	014225	14BB5	To knowingly possess any fraudulent identification card while in unauthorized possession of any document, instrument or device capable of defrauding another

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335-14bb6	014226	14BB6	To knowingly possess any fraudulent identification card with the intent to use the identification card to acquire any other identification document
335-14bb7	014227	14BB7	To knowingly possess without authority any identification card making implement (P.A. 93-895, eff. 1-1-05)
<del>335-14bb7</del>	<del>014227</del>	<del>14BB7</del>	<del>To knowingly possess without authority any implement to duplicate or manufacture any license or identification card</del>
335-14bb8	014228	14BB8	To knowingly possess any stolen implement for duplicating or manufacturing an identification card
335-14bb9	014229	14BB9	To knowingly duplicate, manufacture, sell or transfer any fraudulent identification card
335-14bb10	0142210	14BB10	To advertise or distribute any information or materials that promote the selling, giving, or furnishing of a fraudulent identification card
335-14cal	014311	14CA1	Present false information in application for identification card
335-14ca2	014312	14CA2	Accept false information in application for identification card

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335-14ca3                      014313                      14CA3                      Make false affidavit, swear or affirm falsely

c) Illinois Vehicle Code  
The following point assigned violations will be entered on the driving record as type action -97- Bond forfeiture or type action -99- conviction

IVC VIOLATION CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
6-107(e)	107005	6 107 05	Violation of <u>Graduated Driver's License (GDL)</u> <del>GDL</del> <u>restrictions</u> <del>Restrictions</del> on <u>passengers</u> <del>passenger</del> <u>limitations of drivers under the age of 18</u> (Implemented for GDL— P.A. 90-369, eff. 1-1-98)	10
6-107(f)	107006	6 107 06	Violation of GDL <u>restrictions on passenger seat belt/child restraints</u> . <del>Every person under the age of 18 when transporting a child under the age of 19, as provided in 625 ILCS 25/5 (Child Passenger Act), shall be responsible for securing that child in either a child restraint system or properly fastened seat belt</del>	10
6-107(g)	107007	6 107 07	Violation of GDL <u>restrictions on number of passengers for the first six months after issuance of the driver's license on passenger limitations of driver's under the age of 18</u> (P.A. 93-101, eff. 1-1-04)	10

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6-501	501000	6 501 00	Violation of more than one driver's license (a serious traffic violation if committed in a commercial motor vehicle)	50
6-507(a)(1)	507101	6 507 A1	Driving without a commercial driver's license (CDL) in possession (P.A. 94-307, eff. 9/30/05) (a serious traffic violation if committed in a commercial motor vehicle)	50
11-203	020300	# 0203 00	Failure to obey lawful order of authorized officer	10
11-305	030500	# 0305 00	Disregarding official traffic control device	20
11-306	030600	# 0306 00	Disregarding traffic control light	20
11-308	030800	# 0308 00	Disregarding lane control signal (a serious traffic violation if committed in a commercial motor vehicle)	20
11-309	030900	# 0309 00	Disregarding flashing traffic signal	20
11-402(a)	040201	# 0402 01	Collision involving damage to vehicles only – failure to stop, exchange information and make report	25
11-403	040300	# 0403 00	Failure to stop and exchange information after motor vehicle collision property damage only	25

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11-403	040370	# 0403 G0	Failure to stop and exchange information or give aid after motor vehicle collision – personal injury involved	50
<u>11-403</u>	<u>040380</u>	<u># 0403 H0</u>	<u>Failure to stop and exchange information or give aid after motor vehicle collision - fatality</u>	<u>50</u>
11-404	040400	# 0404 00	Failure to notify owner after collision with unattended vehicle or other property	15
11-502(a)	050201	# 0502 01	Illegal transportation, of any alcoholic liquor within the passenger area of any motor vehicle	25
11-503	050300	# 0503 00	Reckless driving (a serious traffic violation if committed in a commercial motor vehicle)	55
11-505	050500	# 0505 00	Squealing or screeching tires	10
11-601(a)	060100	# 0601 00	Speeding too fast for conditions or failure to reduce speed to avoid an accident (a serious traffic violation if committed in a commercial motor vehicle)	10
11-601(b)	060101	# 0601 01	1-10 MPH above limit	5
11-601(b)	060103	# 0601 03	11-14 MPH above limit	15
11-601(b)	060105	# 0601 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20

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11-601(b)	060107	# 0601 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
11-601(b)	060108	# 0601 08	26-29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601(b)	060109	# 0601 09	Over 29 MPH above limit (a serious violation if committed in a commercial motor vehicle)	50
11-601.5	060109	# 0601 09	Driving 40 MPH or more in excess of the applicable speed limit ( <u>a serious violation if committed in a commercial motor vehicle</u> )	50
11-605	060500	# 0605 00	Exceeding the maximum speed limit in a school zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605(a)	060501	# 0605 01	Exceeding the maximum speed limit in a school zone (a serious violation in a commercial motor vehicle)	20
11-605(b)	060502	# 060502	Exceeding the maximum speed limit through a highway construction or maintenance zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-605.1	060510	# 0605 1	Exceeding the maximum speed limit in a construction zone	20

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(P.A. 93-955, eff. 8-19-04)

11-605.3b	060532	# 0605 3b	Exceeding the maximum speed limit on a park zone street (P.A. 94-808, eff. 5-26-06)	20
11-605.3c	060533	# 0605 3c	Failure to obey stop sign or red light on a park zone street (P.A. 94-808, eff. 5-26-06)	20
11-606(a)	060601	# 0606 01	Driving below minimum speed limit	5
11-606(b)	060602	# 0606 02	Driving below minimum speed limit on Illinois Tollway	20
11-608	060800	# 0608 00	Exceeding maximum speed limit on bridge or elevated structure	10
11-701	070100	# 0701 00	Failure to drive on right side of roadway (a serious traffic violation if committed in a commercial motor vehicle)	20
11-702	070200	# 0702 00	Improper passing upon meeting an approaching vehicle (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(a)	070301	# 0703 01	Improper passing on left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-703(b)	070302	# 0703 02	Failure to yield right-of-way to vehicle passing on the left (a serious traffic violation if	20

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			committed in a commercial motor vehicle)	
11-703(c)	070303	# 0703 03	Improper passing with a two wheeled vehicle	20
11-704	070400	# 0704 00	Improper passing on the right (a serious traffic violation if committed in a commercial motor vehicle)	20
11-705	070500	# 0705 00	Improper passing on the left (a serious traffic violation if committed in a commercial motor vehicle)	20
11-706	070600	# 0706 00	Driving on left side of roadway where prohibited (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(b)	070702	# 0707 02	Driving on left side of roadway in a no passing zone (a serious traffic violation if committed in a commercial motor vehicle)	20
11-707(d)	070704	# 0707 04	No passing in unincorporated area where there exists a school speed zone as defined in Section 11-605 (a serious traffic violation if committed in a commercial motor vehicle)	10
11-708	070800	# 0708 00	Driving wrong way on one-way street or highway or around traffic island (a serious traffic violation if committed in a commercial motor vehicle)	5

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11-709(a)	070901	# 0709 01	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(b)	070902	# 0709 02	Improper center lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(c)	070903	# 0709 03	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709(d)	070904	# 0709 04	Improper traffic lane usage (a serious traffic violation if committed in a commercial motor vehicle)	20
11-709.1	070911	# 0709 11	Passing on shoulder while merging into traffic (a serious traffic violation if committed in a commercial motor vehicle)	20
11-710	071000	# 0710 00	Following too closely (a serious traffic violation if committed in a commercial motor vehicle)	25
11-711(a)	071101	# 0711 01	Improper entry or exit from controlled access roadway	10
11-711(b)	071102	# 0711 02	Operating an improper vehicle on a controlled access roadway	10
11-801	080100	# 0801 00	Improper turn at intersection	10
11-802	080200	# 0802 00	Improper U-turn	20

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11-803	080300	# 0803 00	Unsafe movement of vehicle from parked position	15
11-804	080400	# 0804 00	Failure to give stop or turn signal	15
11-805	080500	# 0805 00	Improper stop or turn signal	15
11-806	080600	# 0806 00	Improper arm signal	15
11-901	090100	# 0901 00	Failure to yield right-of-way at intersection	15
11-901.1	090101	# 901 01	Failure to yield right-of-way at T intersection	15
11-902	090200	# 0902 00	Improper left turn with oncoming traffic	25
11-903	090300	# 0903 00	Failure to stop or yield right-of-way to pedestrians at intersections or crosswalks with traffic control devices	20
11-904	090400	# 0904 00	Failure to obey stop or yield right-of-way sign	20
11-905	090500	# 0905 00	Improper merging into traffic	20
11-906	090600	# 0906 00	Failure to yield right-of-way upon emerging from private road or roadway	20
11-907	090700	# 0907 00	Failure to yield right-of-way to emergency vehicle	15
11-908(a)	090801	# 0908 01	Failure to yield right-of-way to authorized vehicle or pedestrian engaged in work within any	15

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			highway construction or maintenance area	
11-908(b)	090802	# 0908 02	Failure to yield right-of-way to authorized vehicle displaying flashing lights engaged in work upon a highway	15
11-908(c)	090803	# 0908 03	Failure to stop at highway construction sign	15
11-1002(a)	100201	# 1002 01	Failure to yield right-of-way to pedestrians at crosswalks without traffic control devices	20
11-1002(d)	100204	# 1002 04	Passing vehicle stopped for pedestrian (a serious traffic violation if committed in a commercial motor vehicle)	20
11-1002(e)	100205	# 1002 05	Failure to yield right-of-way to pedestrian at an intersection	20
11-1003.1	100301	# 1003 01	Failure to exercise due care for pedestrian or bicyclist	10
11-1004	100400	# 1004 00	Failure to yield right-of-way to a blind or hearing impaired pedestrian	20
11-1008	100800	# 1008 00	Failure to yield to a pedestrian on a sidewalk	20
11-1101	110100	# 1101 00	Improper passing of street car on the left	10
11-1102	110200	# 1102 00	Improper passing on the right or failure to stop for a street car	20

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11-1103	110300	# 1103 00	Obstructing street car traffic	5
11-1104	110400	# 1104 00	Driving through safety zone	20
11-1201	120100	# 1201 00	Failure to stop for approaching railroad train or signal	20
11-1201(a)	120110	# 1201 A	For drivers who are not always required to stop, failing to stop before reaching the railroad crossing, if tracks are not clear (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(a-2)	120112	# 1201 A2	Failing to obey a traffic control device or the directions of an enforcement official at the railroad crossing	20
11-1201(a-5)	120115	# 1201 A5	For drivers who are not always required to stop, failing to slow down and check that the tracks are clear of approaching train (serious traffic violation if committed in a commercial motor vehicle)	20
11-1201(d-1)	120141	# 1201 D1	For all drivers, failing to negotiate a railroad-highway grade crossing because of insufficient undercarriage clearance (serious traffic violation if committed in a commercial motor vehicle)	20
11-1202	120200	# 1202 00	Failure to stop at railroad grade crossing	20

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11-1202	120020	# 1202	Failure to stop before driving onto crossing	20
11-1203	120300	# 1203 00	Improper movement of heavy equipment across railroad grade crossing	5
11-1204	120400	# 1204 00	Disregarding stop or yield sign at an intersection	20
11-1205	120500	# 1205 00	Failure to yield right-of-way upon emerging from alley or driveway	20
11-1402(a)	140201	# 1402 01	Limitations on backing	10
11-1402(b)	140202	# 1402 02	Limitations on backing upon controlled access highway	20
11-1403	140300	# 1403 00	Motorcycle operating violation or passenger equipment violation	5
11-1403.1	140301	# 1403 01	Motorized pedalcycle operating violation	5
11-1403.2	140302	# 1403 02	Operation of motorcycle on one wheel – reckless driving	55
11-1404	140400	# 1404 00	Motorcycle glasses, goggles or shield violation	5
11-1405	140500	# 1405 00	Motorcycle equipment violation	5
11-1412.1	141201	# 1412 01	Driving upon sidewalk (a serious traffic violation if committed in a commercial motor vehicle)	20

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11-1414(a)	141401	# 1414 01	Passing school bus receiving or discharging children (a serious traffic violation if committed in a commercial motor vehicle)	25
11-1418	141800	# 1418 00	Illegal operation of farm tractor upon highway	10
11-1425(b)	142520	# 1425 B	For all drivers, failing to have sufficient space to drive completely through the railroad crossing without stopping (serious traffic violation if committed in a commercial motor vehicle)	20
11-1505	150500	# 1505 00	Improper position of motorized pedalcycles on roadway	10
11-1505.1	150501	# 1505 01	Riding motorized pedalcycle more than two abreast on roadways	10
11-1507.1	150701	# 1507 01	Violation of lamps on motorized pedalcycles	10
11-1510(b)	151020	# 1510 B0	Improper left turn on pedalcycle	10
12-201(b)	220102	# 2201 02	Head, tail or side light violation	10
12-208(a)	220801	# 2208 01	No stop lights	5
12-208(b)	220802	# 2208 02	No turn signal lights	5
12-208(c)	220803	# 2208 03	No turn signal lights on trailers or semi-trailers	5

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12-301	230100	# 2301 00	Defective brakes	20
12-610.1b	261012	# 2610 1B	Driver under age 18 using a wireless phone (P.A. 94-240, eff. 7-15-05)	10
<u>12-610.1b</u>	<u>261010</u>	<u># 2610 1b</u>	<u>Driving under age 19 using a wireless phone (P.A. 95-166, eff. 1-1-08)</u>	
12-804	280400	# 2804 00	School bus identification and warning light violation	5
15-106	510600	# 5106 00	Failure to fasten or secure any protruding component of a vehicle	15
15-109	510900	# 5109 00	Spilling or unsafe load	15
15-110	511000	# 5110 00	Improper towing of a vehicle	10
15-114	511400	# 5114 00	Improper pushing of another vehicle	10

d) City of Chicago Traffic Regulations – Chapter 27 of the Municipal Code of Chicago

The following point assigned violations will be entered on the driving record as type action -97- Bond forfeiture or type action -99- conviction

CHICAGO TRAFFIC CODE	EDPM OFFENSE CODE	ABSTRACT DESCRIPTION CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****	*****	*****
7-201	201000	7 201 00	Disregarding official traffic control device	20
7-202	202000	7 202 00	Disregarding traffic control	20

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			light	
7-203	203000	7 203 00	Disregarding flashing traffic signal	20
7-204	204000	7 204 00	Disregarding lane control light	20
7-205	205000	7 205 00	Avoiding official traffic control device	20
7-210	210000	7 210 00	Driving motor-driven cycle on access roadway	10
7-211	211000	7 211 00	Improper traffic lane usage	20
7-212	212000	7 212 00	Speeding too fast for conditions	10
7-212.01	212001	7 212 01	1-10 MPH above limit	5
7-212.03	212003	7 212 03	11-14 MPH above limit	15
7-212.05	212005	7 212 05	15-25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	20
7-212.07	212007	7 212 07	Over 25 MPH above limit (a serious traffic violation if committed in a commercial motor vehicle)	50
7-213	213000	7 213 00	Driving below minimum speed limit	5

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7-214	214000	7 214 00	Improper turn at intersection	10
7-215	215000	7 215 00	Improper or illegal turn on red signal light	20
7-216	216000	7 216 00	Improper U-turn	10
7-217	217000	7 217 00	Improper U-turn in Loop district	10
7-218	218000	7 218 00	Disobeying no-turn sign	10
7-219	219000	7 219 00	Driving wrong way on one-way street	5
7-220	220000	7 220 00	Driving wrong way on one-way street – restrictive period	5
7-221	221000	7 221 00	Disregarding stop sign at intersection	20
7-222	222000	7 222 00	Failure to yield right-of-way at stop intersection	20
7-223	223000	7 223 00	Failure to yield right-of-way upon emerging from alley or driveway	20
7-224	224000	7 224 00	Entering intersection when traffic is obstructed	20
7-225	225000	7 225 00	Failure to observe yield right-of-way	20
7-226	226000	7 226 00	Failure to stop for approaching railroad train or signal	20

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7-227	227000	7 227 00	Failure to observe bridge signal	20
7-228	228000	7 228 00	Failure to yield right-of-way to emergency vehicles	15
7-229	229000	7 229 00	Failure to yield right-of-way to pedestrian at intersection	20
7-230	230000	7 230 00	Failure to yield right-of-way at intersection	15
7-231	231000	7 231 00	Failure to yield right-of-way to pedestrian	20
7-232	232000	7 232 00	Failure to yield right-of-way to equestrian	20
7-233	233000	7 233 00	Failure to yield right-of-way to blind person	20
7-236(a)	236001	7 236 01	Improper passing on the left	20
7-236(b)	236002	7 236 02	Failure to yield right-of-way to vehicle passing on the left	20
7-237	237000	7 237 00	Improper passing on the right	20
7-238	238000	7 238 00	Improper passing on the left	20
7-239	239000	7 239 00	Failure to drive on right side of roadway	5
7-240	240000	7 240 00	Passing stopped school bus receiving or discharging children	25

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7-241	241000	7 241 00	Passing vehicle stopped for pedestrian	20
7-244	244000	7 244 00	Failure to obey lawful order or authorized officer	10
7-247	247000	7 247 00	Driving in area designated as play street	20
7-248	248000	7 248 00	Driving on sidewalk or parkway	20
7-249	249000	7 249 00	Driving through safety zone	20
7-250	250000	7 250 00	Driving in bus lane	20
7-251	251000	7 251 00	Driving on left side of roadway where prohibited	20
7-252	252000	7 252 00	Improper backing	10
7-253	253000	7 253 00	Improper entry or exit from controlled access roadway	10
7-255	255000	7 255 00	Negligent driving	10
7-256	256000	7 256 00	Following too closely	25
7-257	257000	7 257 00	Failure to exercise due care for pedestrian	10
7-260	260000	7 260 00	Unsafe movement of vehicle from parked position	15
7-261	261000	7 261 00	Failure to give stop or turn signal	15
7-262	262000	7 262 00	Improper stop or turn signal	15

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7-266	266000	7 266 00	Improper towing or pushing of vehicle	10
7-270	270000	7 270 00	Failure to drive within bus lane – bus drivers	20
7-271	271000	7 271 00	Failure to observe mass transportation vehicle regulations	20
7-278	278000	7 278 00	Illegal operation of motorcycle or motor driven cycle	10
7-342	342000	7 342 00	Defective brakes	20
7-346	346000	7 346 00	Head, tail, or side light violation	10
7-359	359000	7 359 00	Towing vehicles without bar or other safety device	10
7-369	369000	7 369 00	Failure to notify owner after collision with unattended vehicle	25
7-402(c)	402003	7 402 03	Restricted turn signs – prohibited right or left turn	10

- e) Illinois Vehicle Code  
The following violations will be entered on the driving record as type action -95- Bond forfeiture or type action -96- conviction with no point value:

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
11-407(a)	040710	# 0407 A0	Failure of driver to give notice of accident
11-407(b)	040720	# 0407 B0	Failure of passenger to give notice of

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			accident
<a href="#">11-506(b)</a>	<a href="#">050602</a>	<a href="#"># 0506 B</a>	<a href="#">Vehicle owner permitting street racing</a>
11-1412	141200	# 1412 00	Crossing fire hose
11-1420	142000	# 1420 00	Funeral procession violation
12-201(c)	220103	# 2201 03	Registration light violation
12-203	220300	# 2203 00	Lamps on parked vehicle
12-207	220700	# 2207 00	Spot light or auxiliary light violation
12-209	220900	# 2209 00	Other light violation
12-211(a)	221101	# 2211 01	Headlight violation
12-211(b)	221102	# 2211 02	Front light violation
12-212	221200	# 2212 00	Front red or flashing light violation
12-214	221400	# 2214 00	Special lighting equipment on rural mail delivery vehicle
12-603.1	260301	# 2603 01	Violation of the <a href="#">seat</a> belt act
12-604.1	260401	# 260401	Driving while using prohibited video devices (P.A. 94-185, eff. <a href="#">1-1-06</a> )
12-613(a)	261301	# 2613 A	Violation of possession and use of radar or laser jamming devices (P.A. 94-594, eff. <a href="#">1-1-06</a> )
12-714(a)	271401	# 2714 01	Violation of possession and use of a radar detecting device in a commercial motor vehicle
12-715(a)	271501	# 2715 01	Violation of possession and use of a radar

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			jamming device in a commercial motor vehicle
1104	001104	# 01104 00	Violation of the Child Passenger Protection Act, [625 ILCS 25] - child under age 4
1104(a)	101104	# 01104 10	Violation of the Child Passenger Protection Act, [625 ILCS 25] - child age 4 but under age 6
25/4	250400	25 04	Violation of the Child Passenger Protection Act [625 ILCS 25] - child under age 4
25/4a	250401	25 04A	Violation of the Child Passenger Protection Act [625 ILCS 25] - child age 4 but under age 16
25/4b	250402	25 04B	Unrestrained – age 86 but under age 1948 [625 ILCS 25]

f) City of Chicago Traffic Regulations – Chapter 27 of The Municipal Code of Chicago  
 The following violations will be entered on the driving record as type action -95- Bond forfeiture or type action -96- conviction with no point value:

CHICAGO TRAFFIC CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-235	235000	7 235 00	Driving through a funeral procession
7-246	246000	7 246 00	Crossing fire hose
7-274	274000	7 274 00	Driving in a funeral procession
7-342.1	342001	7 342 01	Violation of seat belt act
7-347	347000	7 347 00	Spot light violation

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7-348	348000	7 348 00	Other light violation
7-349	349000	7 349 00	Front red or flashing light

## g) Case Review

- 1) After each case is entered to the appropriate driving record, suspension, revocation, disqualification or cancellation action is determined by review of the driving record by a trained Driver Services Technician or action is taken for suspension, revocation, or disqualification by automated computer programs using criteria set forth in 92 Ill. Adm. Code 1040.
- 2) Driver control action shall be entered upon the driver's record by classification (type action).

## A) Classification for driver control actions:

Type action 01	Mandatory Revocation
Type action 02	Discretionary Revocation
Type action 03	Discretionary Suspension
Type action 04	Safety Responsibility Suspension
Type action 05	Financial Responsibility Suspension
Type action 06	Unsatisfied Judgment Suspension
Type action 07	Mandatory Suspension
Type action 08	Cancellation of License
Type action 09	Mandatory Suspension
Type action 17	Statutory Summary Suspension
Type action 18	Vehicle Emissions Suspension
Type action 45	Cancellation/Suspension/Denial of School Bus Permit
Type action DN	Denial of License and/or Privileges
Type action DQ	Discretionary/Mandatory Disqualification
Type action FR	Family Financial Responsibility Suspension
Type action IV	Invalidation of License
Type action OS	Out of Service Law Enforcement History Item
Type action ZT	Zero Tolerance Suspension

## B) Description of driver control action:

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The code used to describe the action is composed of the Chapter and/or Section number of the Illinois Vehicle Code which provides the Secretary of State with the authority to take such action.

## h) Mandatory Revocation – Type Action 01

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(a)1	205101	6 205 A1	Reckless homicide
6-205(a)2	205102	6 205 A2	Driving while under the influence of alcohol, other drug, or combination thereof
6-205(a)3	205103	6 205 A3	Felony involving the use of a motor vehicle
6-205(a)4	205104	6 205 A4	Leaving the scene of a traffic accident involving death of personal injury – violation of Section 11-401 of the Illinois Vehicle Code
6-205(a)5	205105	6 205 A5	Perjury under oath relating to ownership or operation of a motor vehicle
6-205(a)6	205106	6 205 A6	Three convictions of reckless driving committed within a 12-month period
6-205(a)7	205107	6 205 A7	Conviction of motor vehicle theft as defined in Section 4-102
6-205(a)8	205108	6 205 A8	Conviction of drag racing under Section 11-504 <del>of the Illinois Rules of the Road</del> of the Illinois Vehicle Code
6-205(a)9	205109	6 205 A9	Violation of financial responsibility in operation of a motor vehicle for the purpose of hire (Chapter 8) or for rent (Chapter 9)

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6-205(a)10	205110	6 205 A10	Reckless conduct, Section 12-5 Illinois Criminal Code of 1961
6-205(a)11	205111	6 205 A11	Conviction of aggravated fleeing or eluding a peace officer
6-205(a)12	205112	6 205 A12	Violation of <del>Section</del> <u>See</u> 6-507(b) or a similar law of another state relating to the unlawful operation of a commercial motor vehicle
6-205(a) <del>(13)</del>	<del>€</del> 205113	6 205 A13	A second or subsequent violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense.
<u>6-205(a)14</u>	<u>205114</u>	<u>6 205 A14</u>	<u>Conviction of Section 11-506(a) of the Illinois Vehicle Code or a similar provision of a local ordinance relating to street racing</u>
6-205(b)1	205201	6 205 B1	Notice provided for in Section 1-8 of the Juvenile Court Act, that minor has been adjudicated under that Act as having committed an offense relating to motor vehicles prescribed in Section 4-103 of the Illinois Vehicle Code
6-205(b)2	205202	6 205 B2	When any other law of this State requires either the revocation or suspension of such license or permit
6-205(c)	205300	6 205 C0	Revocation of a restricted driving permit
6-205(d)	205400	6 205 D0	Conviction of a person under the age of 21 for driving under the influence of alcohol, other drug or a combination thereof

i) Discretionary Revocations and Suspensions – Type Action 02 or 03

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IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-113(d)	113400	6 113 D0	Violation of a restriction on a license or permit
6-206(a)1	206101	6 206 A1	Has committed an offense requiring revocation upon conviction
6-206(a)2	206102	6 206 A2	Three or more convictions of moving traffic violations committed within a 12-month period
6-206(a)3	206103	6 206 A3	Habitually been in violation of vehicle laws
6-206(a)4	206104	6 206 A4	Accident resulting in death or injury
6-206(a)5	206105	6-206 A5	Permitted unlawful or fraudulent use of license, ID card or permit
6-206(a)6	206106	6 206 A6	Conviction of an offense in another state requiring a suspension or revocation in this State including authorization contained in Section 6-203.1
6-206(a)7	206107	6 206 A7	Refused or failed to submit to an examination
6-206(a)8	206108	6 206 A8	Ineligible for license or permit under Section 6-103.
6-206(a)9	206109	6 206 A9	False statement or knowingly concealed a material fact in application for license, ID card or permit
6-206(a)10	206110	6 206 A10	Has displayed or attempted to fraudulently use any driver's license, ID card or permit

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			not issued to such person
6-206(a)11	206111	6 206 A11	Driving while license or permit has been revoked
6-206(a)12	206112	6-206 A12	Obtained the services of another person to take an examination for the purpose of obtaining a license, ID card or permit for some other person
6-206(a)13	206113	6 206 A13	Violation of Curfew Act ( <u>prior to 1-1-08</u> )
<u>6-206(a)13</u>	<u>206113</u>	<u>6 206 A13</u>	<u>Violation of nighttime driving restrictions (effective 1-1-08)</u>
6-206(a)14	206114	6 206 A14	Unlawful use of license or permit under Section 6-301 of the Illinois Vehicle Code or Section 14, 14A or 14B of the Illinois Identification Card Act [15 ILCS 335]
6-206(a)15	206115	6 206 A15	Conviction of criminal trespass to vehicles as defined in Section 21-2 of the Criminal Code of 1961 [725 ILCS 5/100-1]
6-206(a)16	206116	6 206 A16	Violation of Section 11-204, fleeing from a peace officer
6-206(a)17	206117	6 206 A17	Has refused to submit to a test as required under Section 11-501.1, and such person has not sought a hearing as provided for in Section 11-501.1
6-206(a)18	206118	6 206 A18	Has been adjudged to be afflicted with or suffering from any mental disability or disease
6-206(a)19	206119	6 206 A19	Has violated Section 6-101 – driving without a valid license

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6-206(a)20	206120	6 206 A20	Has violated Section 6-104 – driving without a proper classification on a driver's license
6-206(a)21	206121	6 206 A21	Has violated Section 11-402 relating to leaving the scene of an accident resulting in damage to a vehicle in excess of \$1000
6-206(a)22	206122	6 206 A22	Has used a motor vehicle in violation of Section 24-1(a)(3), (4), (7), or (9) of the Criminal Code of 1961
6-206(a)23	206123	6 206 A23	Has been convicted of violating Section 11-502(a) for a second or subsequent time within one year
6-206(a)24	206124	6 206 A24	Has been convicted by court martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of a traffic related offense which is the same or similar to an offense specified under Section 6-205 or 6-206
6-206(a)25	206125	6 206 A25	Has permitted any form of identification to be used by another in the application process in order to obtain a license, identification card or permit
6-206(a)26	206126	6 206 A26	Has altered or attempted to alter a license or has possessed an altered license, identification card or permit
6-206(a)27	206127	6 206 A27	Has violated Section 6-16 of the Liquor Control Act of 1934
6-206(a)28	206128	6 206 A28	Conviction for the illegal possession of any controlled substance prohibited under the Illinois Controlled Substances Act or any cannabis prohibited under the Cannabis

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			Control Act while operating a motor vehicle
6-206(a)29	206129	6 206 A29	Conviction of criminal sexual assault, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute or the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse while operating a motor vehicle
6-206(a)30	206130	6 206 A30	Conviction of a second or subsequent time of a sex offense and/or an offense against drug laws while operating a motor vehicle as enumerated in Section 6-206(a)(29)
6-206(a)31	206131	6 206 A31	Refused to submit/failed test(s) as required by Section 11-501.6
6-206(a)32	206132	6 206 A32	Has used a motor vehicle in violation of Section 24-1.2 of the Criminal Code of 1961
6-206(a)33	206133	6 206 A33	A violation of Section 11-502(a) of the Illinois Vehicle Code or a similar provision of a local ordinance and the driver was less than 21 years of age at the time of the offense
6-206(a)34	206134	6 206 A34	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 prior to 8-8-98) (Type Action 03 prior to 8-11-98)
6-206(a)34	206134	6 206 A34	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (effective 8-8-98)

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6-206(a)35	206135	6 206 A35	Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (prior to 8-8-98)
<del>6-206(a)35</del>	<del>206135</del>	<del>6 206 A35</del>	<del>Use of fictitious or unlawfully altered person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.5 of the Illinois Vehicle Code (prior to 8-8-98)</del>
6-206(a)35	206135	6 206 A35	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 of the Illinois Vehicle Code (effective 8-8-98)
6-206(a)36	206136	6 206 A36	Use of fraudulent person-with-disabilities license plate or parking decal or device as defined in Section 11-1301.6 of the Illinois Vehicle Code (prior to 8-8-98)
6-206(a)36	206136	6 206 A36	Two or more convictions of moving traffic violations committed within a 24 month period (Type Action 02 effective 8-8-98) (Type Action 03 effective 8-11-98)
6-206(a)37	206137	6 206 A37	Has been convicted of a violation of Section 11-907(c) that resulted in property damage, personal injury, or death
6-206(a)38	206138	6 206 A38	Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 (P.A. 92-874, eff. 1-1-03)
6-206(a)39	206139	6 206 A39	Has committed a second or subsequent violation of Section 11-1201 of the Illinois Vehicle Code (P.A. 92-814, eff. 1-1-03)

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6-206(a)40	206140	6 206 A40	Failure to yield and proceed with due caution upon entering a construction zone when workers are present (P.A. 93-667, eff. 3-19-04)
6-206(a)41	206141	6 206 A41	Committed a second or subsequent violation of Section 11-605.1 of the Illinois Vehicle Code within 2 years of the date of the previous violation (P.A. 93-955, eff. 8-19-04)
6-206(a)42	206142	6 206 A42	Has committed a violation of Section 11-1301.3(a-1) (P.A. 94-930, eff. 6-26-06)
<u>6-206(a)43</u>	<u>206143</u>	<u>6 206 A43</u>	<u>Has been convicted of a moving violation after having previously been suspended or revoked pursuant to Section 6-206(a)36 of the Illinois Vehicle Code</u>
<u>6-206(a)43</u>	<u>206143</u>	<u>6 206 A43</u>	<u>Supervision for violation of Section 6-20 of the Liquor Control Act (P.A. 95-166, eff. 1-1-08)</u>
6-206(c)3	206303	6 206 C3	Conviction of an offense while holding a Restricted Driving Permit

j) Discretionary or Mandatory – Suspension – Type Action 03, 07, 09, 17, or 18, or ZT

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-205(c)	205300	6 205 C0	Suspension of a Restricted Driving Permit
6-205.2	205002	6 205 02	Theft of motor fuel (P.A. 94-700, eff. 6-1-06)

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6-303(b)	303200	6 303 B0	Driving while license or permit has been revoked or suspended
6-306.3	306003	6 306 03	Failure to appear in court to answer a traffic violation charge after depositing a valid Illinois license in lieu of bail
6-306.5	306005	6 306 05	Failure to pay fines – parking violations or automated traffic law violations
6-306.7	306007	6 306 07	Failure to pay fines – Illinois State Toll Highway Authority
11-406(e)	040650	1 0406 E0	Suspended for failure or neglect to make a report of a traffic accident as required by Section 11-406
11-501.1	050101	1 0501 01	Statutory Summary Suspension
11-501.8	050108	1 0501 08	Zero Tolerance Suspension
11-1414(f)	141460	1 1414 F0	Failure to stop for school bus when loading or discharging passengers
13A 112(b)	311122	13A 112 B	Vehicle Emissions Suspension
13B 55(b)	132552	13B 55B	Vehicle Emissions Suspension (P.A. 88-533, eff. 1-1-95)

## k) Safety Responsibility Suspension – Type Action 04

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-201			Motor vehicle operator and/or owner of a vehicle involved in an accident in excess of \$500 without liability insurance coverage, with a reasonable possibility of a civil

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judgment being entered in court

l) Financial Responsibility Suspension – Type Action 05

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-305			Failure to maintain proof of financial responsibility (SR-22 insurance) for a designated period of time

UNIFIED CODE OF CORRECTIONS *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
730/5	5-6-3.1(m)		Fail to file proof of financial responsibility after receiving supervision or three convictions for a mandatory insurance violation

m) Unsatisfied Judgment Suspension – Type Action 06

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-303			Failure to satisfy court judgment relating to property damage or personal injury resulting from the operation of any motor vehicle

n) Cancellation – Type Action 08

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****

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6-108(1)	108001	6 108 01	Request for withdrawal of consent
6-108(2)	108002	6 108 02	Death of person giving consent
6-108(3)	108003	6 108 03	Person giving consent no longer has legal custody
<u>6-108(4)</u>	<u>108004</u>	<u>6 108 04</u>	<u>Reported to be a chronic or habitual truant as defined in Section 26-2a of the School Code (P.A. 94-916, eff. 7-1-07)</u>
6-113(d)	113400	6 113 D0	Cancellation of a Restricted Driving Permit based on evidence of violation of restriction
6-201(a)1	201101	6 201 A1	Not entitled to the issuance of the license or permit
6-201(a)2	201102	6 201 A2	Failed to give the required or correct information
6-201(a)3	201103	6 201 A3	Failed to pay fees or taxes due
6-201(a)4	201104	6 201 A4	Committed any fraud in the making of such application
6-201(a)5	201105	6 201 A5	Ineligible therefore under the provisions of Section 6-103
6-201(a)6	201106	6 201 A6	Has refused or neglected to submit to examination or re-examination as required under this Code
6-201(a)7	201107	6 201 A7	Has violated the Cannabis Control Act or the Illinois Controlled Substances Act while in physical control of a motor vehicle
6-201(a)8	201108	6 201 A8	Failed to notify Secretary of State of a medical condition which is likely to cause loss of consciousness or loss of ability to

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safely operate a motor vehicle within 10 days after becoming aware of the condition

6-201(a)9      201109      6 201 A9      Convicted of a sex offense as defined in the Sex Offender Registration Act (P.A. 94-993, eff. 1-1-07)

6-205(c)      205300      6 205 C0      Cancellation of a permit issued subsequent to a mandatory revocation pursuant to Section 6-205

6-206(c)3      206303      6 206 C3      Cancellation of a permit subsequent to a discretionary revocation or suspension pursuant to Section 6-206

ILLINOIS IDENTIFICATION CARD ACT *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
335 13(b)1	013201	335-13 B1	Not entitled to the issuance of an identification card
335 13(b)2	013202	335-13 B2	False statement or knowingly concealed a material fact in your application for an identification card
335 13(b)3	013203	335-13 B3	Displayed or represented as your own an identification card not issued to you
335 13(b)4	013204	335-13 B4	Permitted an unlawful use of your identification card by allowing another person to use your identification card
335 13(b)5	013205	335-13 B5	Signature of the applicant or the signature on the identification card is a forgery
335 13(b)6	013206	335-13 B6	Identification card has been used for an unlawful or fraudulent purpose

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335 13(b)7	013207	335-13 B7	Identification card has been altered or defaced
335 13(b)8	013208	335-13 B8	Identification card has been duplicated for any purpose
335 13(b)9	013209	335-13 B9	Identification card was utilized for counterfeit purposes
335 13(b)10	013210	335-13 B10	Not a disabled person as defined in Section 4A of the Illinois Identification Card Act (effective <u>7-1-8507/01/85</u> )
335 13(b)11	013211	335-13 B11	The holder failed to appear at a Driver Services Facility for the re-issuance of an identification card (P.A. 93-895, eff. 1-1-05)

o) Discretionary/Mandatory Cancellation/Suspension/Denial of School Bus Driver Permit – Type Action 45

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-106.1	106001	6 106 01	Discretionary/mandatory suspension/cancellation/denial of a school bus driver permit pursuant to Section 6-106.1 of the Illinois Vehicle Code
6-106.1(a)	106011		Zero tolerance cancellation of school bus driver permit

p) Denial – Type Action DN

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
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- 6-107(c) Denial of driver's license and/or driving privileges pursuant to Section 6-107(c) of the Illinois Vehicle Code
- 6-107(d) Denial of driver's license pursuant to Section 6-107(d) of the Illinois Vehicle Code
- 6-108.1 Denial of driver's license pursuant to Section 6-108.1 of the Illinois Vehicle Code

q) Discretionary/Mandatory Disqualification –Type Action DQ

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
		*	
6-514(a)1	514101	6 514 A1	Refusal to submit/failure to complete chemical test
6-514(a)2	514102	6 514 A2	Operating commercial motor vehicle/ <u>non-commercial motor vehicle with</u> alcohol concentration .04 or more or any amount of a drug, substance, or compound in such person's blood or urine resulting from the unlawful use or consumption of cannabis listed in the Cannabis Control Act or a controlled substance listed in the Illinois Controlled Substances Act
6-514(a)3I	514131	6 514 A31	Driving under influence of alcohol/other drugs
6-514(a)3II	514132	6 514 A32	Leaving scene of accident while operating commercial motor vehicle
6-514(a)3III	514133	6 514 A33	Driving commercial motor vehicle while committing any felony

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6-514(b)	514200	6 514 B	Second conviction of violation <del>Section</del> Sec. 6-514(a)
6-514(c)	514300	6 514 C	Conviction of felony drug <del>offenses</del> offense(s) using commercial motor vehicle
6-514(e)	514500	6-514 E	Conviction of 2 or more serious traffic violations within 3 years
6-514(i)1	514901	6-514 I1	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)2	514902	6 514 I2	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)3	514903	6 514 I3	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order
6-514(i)4	514904	6 514 I4	Conviction for a first violation of operating a commercial motor vehicle while driving privileges, license, or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(i)5	514905	6 514 I5	Conviction for a second violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or

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			hazardous materials
6-514(i)6	514906	6 515 I6	Conviction for a third or more violation of operating a commercial motor vehicle while driving privileges, license or permit is subject to or in violation of an out-of-service order and while transporting passengers or hazardous materials
6-514(j)2i	514021	6 514 J2i	Convicted for a first violation of railroad-highway grade crossing
6-514(j)2ii	514022	6 514 J2ii	Convicted for a second violation of railroad-highway grade crossing within a three-year period
6-514(j)2iii	514023	6 514 J2iii	Convicted of a third or subsequent violation of railroad-highway grade crossing within a three-year period
6-514(k)	514110	6 514 K	Notification of a disqualification of a driver's CMV privileges imposed by US DOT, Federal Motor Carrier Safety Administration, in accordance with 49 CFR 383.52, the Secretary of State shall immediately record the notice of disqualification and confirm the action to the driver
6-514(a)3iv	<u>514134514034</u>	6 514 A3iv	Driving a CMV when, as a result of prior violations committed while operating a CMV, the driver's CDL is revoked, suspended, <u>disqualified</u> or cancelled, <del>or the driver is Motor Carrier Safety Improvement Act (MCSIA) required</del>
6-514(a)3v	<u>514135514035</u>	6 514 3v	Causing a fatality through the negligent operation of a CMV, including but not limited to the crimes of motor vehicle manslaughter, homicide by motor vehicle

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and negligent homicide MCSIA-required

r) Family Financial Responsibility Suspension – Type Action FR

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
7-702	<u>702000</u>	<u>7 702 00</u>	Individuals who are 90 days or more delinquent in court ordered child support payments and have been found in contempt by the court
7-703			<u>Individuals</u> Individual who <u>are</u> is 90 days or more delinquent in court ordered child support payment

s) Invalidation – Type Action IV

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-301.3			Invalidation of driver's license or permit pursuant to Section 6-301.3 of the Illinois Vehicle Code

t) Out-Of-Service – Law Enforcement Sanction History Item – Type Action OS

IVC VIOLATION CODE *****	EDPM OFFENSE CODE *****	ABSTRACT DESCRIPTION CODE *****	DESCRIPTION OF OFFENSE *****
6-515	515000	6 515	24 <u>hour</u> <del>Hour</del> out-of-service order

u) The following violations will not be assigned points but will be entered on the driving record as type action -68- record history item conviction. In the following Table, ACD means AAMVANet Code Dictionary.

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ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A24	Driving under the influence of medication not intended to intoxicate
A33	Illegal possession of drugs (controlled substances)
A41	Driver violation of ignition interlock or immobilization device
A60	Underage conviction of drinking and driving at .02 or higher BAC
A61	Underage Administrative Per Se – drinking and driving at .02 or higher BAC
B63	Failed to file future proof of financial responsibility
B64	Failed to file insurance certification
B65	Failed to file medical/certification disability information
D02	Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
D16	Present or use improperly driver's license (includes DL, CDL, and Instruction Permit)
D35	Failure to comply with financial responsibility law
D36	Failure to maintain required liability insurance
D37	Failure to pay for damages or make installment payment
D38	Failure to post security or obtain release from liability
D39	Unsatisfied judgment
D51	Failure to make required payment of child support
<u>D72</u>	<u>Inability to control vehicle</u>

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<u>D74</u>	<u>Operating a motor vehicle improperly due to drowsiness</u>
<u>D75</u>	<u>Operating a motor vehicle improperly due to physical or mental disability</u>
<u>E03</u>	<u>Operating without HAZMAT safety equipment as required by law</u>
<u>E04</u>	<u>Operating without HAZMAT placards/markings as required by law</u>
<u>E33</u>	<u>Defective HAZMAT safety devices</u>
E37	Defective tires
E50	Failure to use equipment as required
E53	Failure to use HAZMAT safety devices as required
<u>E54</u>	<u>Failure to use headlight dimmer as required</u>
E57	Failure to use snow tires or chains as required
E70	Equipment used improperly or obstructed
F05	Carrying unsecured passengers in open area of vehicle
F06	Improper operation of or riding on a motorcycle
F34	Stopping, standing or parking: obstructing or impeding traffic
F66	Unsafe condition of vehicle (no specified component)
M02	Failure to obey barrier
M03	Failure to obey construction or maintenance zone markers
M04	Failure to obey flagger
M09	Failure to obey railroad crossing restrictions

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- M13 Failure to obey school crossing guard
- M32 Following emergency vehicle unlawfully
- M33 Following fire equipment unlawfully
- M33 Following fire equipment unlawfully
- M43 Ran off road
- M47 Improper lane or location – in bicycle lane
- M55 Improper lane or location – on rail or streetcar tracks
- M81 Careless driving
- M82 Inattentive driving
- M83 Negligent driving
- N02 Failure to yield right of way to animal rider or animal-drawn vehicle
- N41 Failure to cancel directional signals
- N44 Giving wrong signal
- N80 Coasting (operating with gears disengaged) |
- N84 Unsafe operation
- S97 Operating at erratic or suddenly changing speeds
- U02 Resisting arrest
- U04 Using a motor vehicle in connection with a misdemeanor (not a traffic offense)
- U05 Using a motor vehicle to aid and abet a felon

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- U06      Vehicular assault
- U21      Illegal operation of emergency vehicle

v)      The following violations will not be assigned points but will be entered on the driving record as type action -82- conviction immediate action:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detailed field required)
A12	Refuse to submit to test for alcohol – Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A25	Driving while impaired
A26	Drinking alcohol while operating a vehicle
A90	DUI at .10 Admin
A94	DUI at .04 Admin
A98	DUI at .08 Admin

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- B21 Driving while license barred
- B22 Driving while license cancelled
- B23 Driving while license denied
- B27 Driving while license out-of-service order is in effect (for violations not covered by B19)
- D06 Misrepresentation of identify or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (including DL, CDL, and Instruction Permit) (Serious violation)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
- D27 Violate limited license conditions (Serious violation)
- D29 Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit) (Serious violation)
- S95 Speed contest (racing) on road open to traffic
  - w) A TA 68 or TA 82 for the following offenses, additional information will be required from the reporting state to determine if the violation if committed in Illinois would result in a immediate action points assigned or, non-points assigned. The TA 68 or TA 82 will be converted to the applicable offenses of subsection b, c, or ~~81~~ of this Section, respectively.
  - x) The following violations will not be assigned points but will be entered on the driving record as type action -83- conviction immediate action:

ACD  
CODE

DESCRIPTION OF OFFENSE

\*\*\*\*\*  
 A50 Motor vehicle used in the commission of a felony involving manufacturing, distribution, or dispensing a controlled substance

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- B06 Leaving scene of an accident before police arrive – fatal accident
- B07 Leaving scene of an accident before police arrive – personal injury accident
- B19 Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
- B20 Driving while license withdrawn
- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver's license (includes DL, CDL, and Instruction Permit)  
(Serious violation) |
- B56 Driving a CMV without obtaining a CDL (Serious violation) |
- B91 Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit) (Serious violation) |
- D78 Perjury about the operation of a motor vehicle
- U01 Fleeing or evading police or roadblock
- U03 Using a motor vehicle in connection with a felony (not traffic offense)
- U07 Vehicular homicide
- U08 Vehicular manslaughter (Serious violation) |
- U09 Negligent homicide while operating a CMV

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U10 Causing a fatality through the negligent operation of a CMV

y) The following violations will not be assigned points but will be entered on the driving record as type action -85- conviction:

ACD CODE	DESCRIPTION OF OFFENSE
*****	*****
B61	Failed to file accident report
D70	Driver's view obstructed
E01	Operating without equipment as required by law
E23	Use of radar or laser detector prohibited by law
E34	Defective lights
E54	Failure to use headlight dimmer as required
F02	Child or youth restraint not used properly as required
F04	Seat belt not used properly as required
M30	Following improperly
M56	Improper lane or location – on fire hose
M80	Reckless, careless, or negligent driving
N05	Failure to yield right of way to funeral procession, procession or parade

z) The following point assigned violations will be entered on the driving record as type action -87- conviction:

ACD CODE	DESCRIPTION OF OFFENSE	POINTS
*****	*****	*****

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A26	Drinking alcohol while operating a vehicle	25
A31	Illegal possession of alcohol	25
A35	Possession of open alcohol container	25
B01	Hit and run – failure to stop and render aid after accident	25
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B02	Hit and run – failure to stop and render aid after accident – fatal accident	50
B03	Hit and run – failure to stop and render aid after accident – personal injury accident	50
B04	Hit and run – failure to stop and render aid after accident – property damage accident	25
B05	Leaving scene of accident before police arrive	25
B08	Leaving scene of accident before police arrive – property damage accident	25
B14	Failure to reveal identity after fatal or personal injury accident	50
E02	Operating without brakes as required by law	20
E05	Operating without lights as required by law	10
E06	Operating without school bus equipment as required by law	5
E31	Defective brakes	20
E36	Defective school bus equipment	5
E51	Failure to use brakes	20

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E55	Failure to use lights as required	10
E56	Failure to use school bus safety equipment as required	5
E71	Brakes used improperly	20
F03	Motorcycle safety equipment not used properly as required	5
M05	Failure to obey land markings or signal	20
M08	Failure to obey police or peace officer	10
M10	Failure to obey railroad gates, signs, or signals	20
M11	Failure to obey restricted lane ( <u>Serious violation</u> )	<u>20</u>
M12	Failure to obey safety zone	20
M14	Failure to obey sign or traffic control device	20
M15	Failure to obey stop sign	20
M16	Failure to obey traffic signal or light	20
M17	Failure to obey traffic sign	20
M18	Failure to obey warning light or flasher	20
M19	Failure to obey yield sign, or when entering roadway	20
M20	Failure to slow down to check tracks are clear of approaching train	20
M21	Failure to stop at crossing if track not clear	20
M22	Failure to stop before driving onto crossing	20
M23	Fail to have space to drive through crossing	20

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M24	Fail to manage crossing, insufficient clearance	20
M25	Failure to obey yield sign	20
M31	Failure to leave sufficient distance for overtaking by other vehicles ( <a href="#">Serious violation</a> )	20
M34	Following too closely ( <a href="#">Serious violation</a> )	20
M40	Improper lane or location ( <a href="#">Serious violation</a> )	20
M41	Failure to keep in proper lane ( <a href="#">Serious violation</a> )	20
M42	Improper or erratic (unsafe) lane changes ( <a href="#">Serious violation</a> )	20
M44	Improper lane or location – crossover ( <a href="#">Serious violation</a> )	20
M45	Improper lane or location – crosswalk ( <a href="#">Serious violation</a> )	20
M46	Improper lane or location – entrance/exit ramp or way	10
M48	Improper lane or location – in occupied lane ( <a href="#">Serious violation</a> )	20
M49	Improper lane or location – in human occupant violator or restricted lane ( <a href="#">Serious violation</a> )	20
M50	Improper lane or location – limited access highway	10
M51	Improper lane or location – median ( <a href="#">Serious violation</a> )	20
M57	Improper lane or location – oncoming traffic lane ( <a href="#">Serious violation</a> )	20
M58	Improper lane or location – road shoulder, ditch, or sidewalk ( <a href="#">Serious violation</a> )	20
M60	Improper lane or location – slower vehicle lane	20

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M61	Improper lane or location – straddling center line(s) <u>(Serious violation)</u>	20	
M62	Improper lane or location – traveling in turn (or center) lane <u>(Serious violation)</u>	20	
M70	Improper passing	10	
M71	Passing in violation of posted sign or pavement marking <u>(Serious violation)</u>	20	
M72	Passing in violation of opposite directions restrictions	10	
M73	Passing on wrong side <u>(Serious violation)</u>	20	
M74	Passing on hill or curve <u>(Serious violation)</u>	20	
M75	Passing school bus displaying warning not to pass	25	
M76	Passing where prohibited <u>(Serious violation)</u>	20	
M77	Passing with insufficient distance or visibility <u>(Serious violation)</u>	20	
M84	Reckless driving <u>(Serious violation)</u>	55	
N01	Failure to yield right of way	20	
N03	Failure to yield right of way to cyclist	10	
N04	Failure to yield right of way (i.e., ambulance, fire equipment, police, etc.)	15	
N06	Failure to yield right of way to other vehicle	20	
N07	Failure to yield right of way to overtaking vehicle <u>(Serious violation)</u>	20	
N08	Failure to yield right of way to pedestrian (includes	20	

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handicapped or blind)

N09	Failure to yield right of way to school bus	20
N20	Failure to yield right of way at crosswalk	20
N21	Failure to yield right of way at rotary	20
N22	Failure to yield right of way at stop sign	20
N23	Failure to yield right of way at traffic sign	20
N24	Failure to yield right of way at traffic signal	20
N25	Failure to yield right of way at unsigned intersection	15
N26	Failure to yield right of way at yield sign	20
N30	Failure to yield right of way when warning displayed on other vehicle	15
N31	Failure to yield right of way when turning	20
N40	Failure to use or improper signal	15
N42	Failure to signal intent to pass	15
N43	Failure to signal lane change or turn	15
N50	Improper turn	10
N51	Improper method of turning	10
N52	Improper position for turning	10
N53	Making improper left turn	10
N54	Making improper right turn	10

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N55	Making improper turn around (not U turn)	10
N56	Making improper U turn	20
N60	Driving wrong way ( <a href="#">Serious violation</a> )	5
N61	Driving wrong way at rotary intersection	5
N62	Driving wrong way on divided highway ( <a href="#">Serious violation</a> )	5
N63	Driving wrong way on one way street or road ( <a href="#">Serious violation</a> )	5
N70	Driving on wrong side ( <a href="#">Serious violation</a> )	20
N71	Driving on wrong side of divided highway ( <a href="#">Serious violation</a> )	20
N72	Driving on wrong side of undivided street or road ( <a href="#">Serious violation</a> )	20
N82	Improper backing	10
N83	Improper starting	15
S01	01-05 mph over speed limit (detail optional)	5
S06	06-10 mph over speed limit (detail optional)	5
S15	Speeding 15 mph or more over the speed limit (detail optional) ( <a href="#">Serious violation</a> )	20
S16	16-20 mph over speed limit (detail optional) ( <a href="#">Serious violation</a> )	20
S21	21-25 mph over speed limit (detail optional) ( <a href="#">Serious violation</a> )	20
S26	26-30 mph over speed limit (detail optional) ( <a href="#">Serious violation</a> )	50

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S31	31-35 mph over the speed limit (detail optional) ( <u> Serious violation</u> )	50
S36	36-40 mph over the speed limit (detail optional) ( <u> Serious violation</u> )	50
S41	41 mph or more over the speed limit (detail optional) ( <u> Serious violation</u> )	50
S51	01-10 mph over speed limit (detail optional)	5
S71	21-30 mph over speed limit (detail optional) ( <u> Serious violation</u> )	20
S81	31-40 mph over speed limit (detail optional) ( <u> Serious violation</u> )	50
S91	41 mph or more over speed limit (detail optional) (Serious violation)	50
S92	Speeding – speed limit and actual speed (detail required)	10
S93	Speeding	10
S94	Prima facie speed violation or driving too fast for conditions ( <u> Serious violation</u> )	10
S96	Speed less than minimum	5
S98	Speeding on freeway (wasting fuel)	10
U31	Violation resulting in fatal accident ( <u> Serious violation</u> )	20

aa) The following withdrawals will not be assigned points but will be entered on the driving record as type action -89- withdrawal:

ACD  
CODE

DESCRIPTION OF OFFENSE

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A04	Driving under the influence of alcohol with BAC at or over .04
A08	Driving under the influence of alcohol with BAC at or over .08
A10	Driving under the influence of alcohol with BAC at or over .10
A11	Driving under the influence of alcohol with BAC at or over _____ (detail field required)
A12	Refused to submit to test for alcohol-Implied Consent Law
A20	Driving under the influence of alcohol or drugs
A21	Driving under the influence of alcohol
A22	Driving under the influence of drugs
A23	Driving under the influence of alcohol and drugs
A24	Driving under the influence of medication not intended to intoxicate
A25	Driving while impaired
A26	Drinking alcohol while operating a vehicle
A31	Illegal possession of alcohol
A33	Illegal possession of drugs (controlled substances)
A35	Possession of open alcohol container
A41	Driver violation of ignition interlock or immobilization device
A50	Motor vehicle used in the commission of a felony involving manufacturing, distributing, or dispensing a controlled substance
A60	Underage convicted of drinking and driving at .02 or higher BAC

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- A61 Underage Administrative Per Se – drinking and driving at .02 or higher BAC
- A90 DUI at .10 Admin
- A94 DUI at .04 Admin
- A98 DUI at .08 Admin
- B01 Hit and run – failure to stop and render aid after accident
- B02 Hit and run – failure to stop and render aid after accident – fatal accident
- B03 Hit and run – failure to stop and render aid after accident – personal injury accident
- B04 Hit and run – failure to stop and render aid after accident – property damage accident
- B05 Leaving accident scene before police arrive
- B06 Leaving accident scene before police arrive – fatal accident
- B07 Leaving accident scene before police arrive – personal injury accident
- B08 Leaving accident scene before police arrive – property damage accident
- B14 Failure to reveal identity after fatal or personal injury accident
- B19 Driving while out-of-service order is in effect and transporting 16 or more passengers, including the driver and/or transporting hazardous materials that require a placard
- B20 Driving while license withdrawn
- B21 Driving while license barred
- B22 Driving while license canceled
- B23 Driving while license denied

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- B24 Driving while license disqualified
- B25 Driving while license revoked
- B26 Driving while license suspended
- B27 Driving while license out of service order is in effect
- B41 Possess or provide counterfeit or altered driver's license (includes DL, CDL, and Instruction Permit) or ID
- B51 Expired or no driver's license (includes DL, CDL, and Instruction Permit)
- B56 Driving a CMV without obtaining a CDL
- B61 Failed to file accident report
- B63 Failed to file future proof of financial responsibility
- B64 Failed to file insurance certification
- B65 Failed to file medical certification/disability information
- B91 Improper classification or endorsement on driver's license (includes DL, CDL, and Instruction Permit)
- D02 Misrepresentation of identity or other facts on application for driver's license (includes DL, CDL, and Instruction Permit)
- D06 Misrepresentation of identity or other facts to obtain alcohol
- D07 Possess multiple driver's licenses (includes DL, CDL, and Instruction Permit)
- D10 Manufacture or duplicate false driver's license (includes DL, CDL, and Instruction Permit)
- D16 Present or use improperly – driver's license (includes DL, CDL and

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- Instruction Permit)
- D27 Violate limited license conditions
- D29 Violate restrictions of driver's license (includes DL, CDL, and Instruction Permit)
- D35 Failure to comply with financial responsibility law
- D36 Failure to maintain required liability insurance
- D37 Failure to pay for damages or make installment payment
- D38 Failure to post security or obtain release from liability
- D39 Unsatisfied judgment
- D45 Failure to appear for trial or court appearance
- D51 Failure to make required payment of child support
- D53 Failure to make requirement payment of fine and costs
- D56 Failure to answer a citation, pay fines, penalties and/or costs related to the original violation
- D70 Driver's view obstructed
- D72 Inability to control vehicle
- D74 Operating a motor vehicle improperly because of drowsiness
- D75 Operating a motor vehicle improperly due to physical or mental disability
- D78 Perjury about the operation of a motor vehicle
- E01 Operating without equipment as required by law
- E02 Operating without brakes as required by law

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- E03 Operating without HAZMAT safety equipment as required by law
- E04 Operating without HAZMAT placards/markings as required by law
- E05 Operating without lights as required by law
- E06 Operating without school bus equipment as required by law
- E23 Use of radar or laser detector prohibited by law
- E31 Defective brakes
- E33 Defective HAZMAT safety devices
- E34 Defective lights
- E36 Defective school bus equipment
- E37 Defective tires
- E50 Failure to use equipment as required
- E51 Failure to use brakes
- E53 Failure to use HAZMAT safety devices as required
- ~~E54 Failure to use headlight dimmer as required~~
- E55 Failure to use lights as required
- E56 Failure to use school bus safety equipment as required
- E57 Failure to use snow tires or chains as required
- E70 Equipment used improperly or obstructed
- E71 Brakes used improperly

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- F02 Child or youth restraint not used properly as required
- F03 Motorcycle safety equipment not used properly as required
- F04 Seat belt not used properly as required
- F05 Carrying unsecured passengers in open area of vehicle
- F06 Improper operation of or riding on a motorcycle
- F34 Stopping, standing, or parking: obstructing or impeding traffic
- F66 Unsafe condition of vehicle (no specified component)
- M02 Failure to obey barrier
- M03 Failure to obey construction or maintenance zone markers
- M04 Failure to obey flagger
- M05 Failure to obey lane markings or signal
- M08 Failure to obey police or peace officer
- M09 Failure to obey railroad crossing restrictions
- M10 Failure to obey railroad gates, signs, or signals
- M11 Failure to obey restricted lane
- M12 Failure to obey safety zone
- M13 Failure to obey school crossing guard
- M14 Failure to obey sign or traffic control device
- M15 Failure to obey stop sign
- M16 Failure to obey traffic signal or light

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- M17 Failure to obey traffic signal
- M18 Failure to obey warning light or flasher
- M19 Failure to obey yield sign
- M20 Failure to slow down to check if tracks are clear
- M21 Fail to stop at crossing if tracks not clear
- M22 Failure to stop before driving onto crossing
- M23 Fail to have space to drive through crossing
- M24 Fail to manage crossing, insufficient clearance
- M25 Failure to stop; basic rule at unsigned intersection or when entering roadway from private driveway, alley, etc.
- M30 Following improperly
- M31 Failure to leave sufficient distance for overtaking by other vehicles
- M32 Following emergency vehicle unlawfully
- M33 Following fire equipment unlawfully
- M34 Following too closely
- M40 Improper lane or location
- M41 Failure to keep in proper lane
- M42 Improper or erratic (unsafe) lane changes
- M43 Ran off road
- M44 Improper lane or location – crossover

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- M45 Improper lane or location – crosswalk
- M46 Improper lane or location – entrance/exit ramp or way
- M47 Improper lane or location – in bicycle lane
- M48 Improper lane or location – in occupied lane
- M49 Improper lane or location – in human occupant violator or restricted lane
- M50 Improper lane or location – limited access highway
- M51 Improper lane or location – median
- M55 Improper lane or location – on rail or streetcar tracks
- M56 Improper lane or location – on fire hose
- M57 Improper lane or location – oncoming traffic lane
- M58 Improper lane or location – road shoulder, ditch or sidewalk
- M60 Improper lane or location – slower vehicle lane
- M61 Improper lane or location – straddling center line(s)
- M62 Improper lane or location – traveling in turn (or center) lane
- M70 Improper passing
- M71 Passing in violation of posted sign or pavement marking
- M72 Passing in violation of opposite directions restriction
- M73 Passing on wrong side
- M74 Passing on hill or curve

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- M75 Passing school bus displaying warning not to pass
- M76 Passing where prohibited
- M77 Passing with insufficient distance or visibility
- M80 Reckless, careless, or negligent driving
- M81 Careless driving
- M82 Inattentive driving
- M83 Negligent driving
- M84 Reckless driving
- N01 Failure to yield right of way
- N02 Failure to yield right of way to animal rider or animal drawn vehicle
- N03 Failure to yield right of way to cyclist
- N04 Failure to yield right of way to emergency vehicle (i.e., ambulance, fire equipment, police, etc.)
- N05 Failure to yield right of way to funeral procession, procession or parade
- N06 Failure to yield right of way to other vehicle
- N07 Failure to yield right of way to overtaking vehicle
- N08 Failure to yield right of way to pedestrian (includes handicapped or blind)
- N09 Failure to yield right of way to school bus
- N20 Failure to yield right of way at crosswalk
- N21 Failure to yield right of way at rotary

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- N22 Failure to yield right of way at stop sign
- N23 Failure to yield right of way at traffic sign
- N24 Failure to yield right of way at traffic signal
- N25 Failure to yield right of way at unsigned intersection
- N26 Failure to yield right of way at yield sign
- N30 Failure to yield right of way when warning displayed on other vehicle
- N31 Failure to yield right of way when turning
- N40 Failure to use signal or improper signal
- N41 Failure to cancel directional signals
- N42 Failure to signal intention to pass
- N43 Failure to signal lane change or turn
- N44 Giving wrong signal
- N50 Improper turn
- N51 Improper method of turning
- N52 Improper position for turning
- N53 Making improper left turn
- N54 Making improper right turn
- N55 Making improper turn around (not U turn)
- N56 Making improper U turn
- N60 Driving wrong way

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- N61 Driving wrong way at rotary intersection
- N62 Driving wrong way on divided highway
- N63 Driving wrong way on one way street or road
- N70 Driving on wrong side
- N71 Driving on wrong side of divided highway
- N72 Driving on wrong side of undivided street or road
- N80 Coasting (operating with gears disengaged)
- N82 Improper backing
- N83 Improper starting
- N84 Unsafe operations
- S01 01-05 mph above speed limit (detail optional)
- S06 06-10 mph above speed limit (detail optional)
- S15 Speeding 15 mph or more above speed limit (detail optional)
- S16 16-20 mph above speed limit (detail optional)
- S21 21-25 mph above speed-limit (detail optional)
- S26 26-30 mph above speed limit (detail optional)
- S31 31-35 mph above speed limit (detail optional)
- S36 36-40 mph above speed limit (detail optional)
- S41 41 mph or more above speed limit (detail optional)

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S51	01-10 mph above speed limit (detail optional)
S71	21-30 mph above speed limit (detail optional)
S81	31-40 mph above speed limit (detail optional)
S91	41 mph or more above speed limit (detail optional)
S92	Speeding; speed limit and actual speed (detail required)
S93	Speeding
S94	Prima facie speed violation or driving too fast for conditions
S95	Speed contest (racing) on road open to traffic
S96	Speed less than minimum
S97	Operating at erratic or suddenly changing speeds
S98	Speeding or freeway (wasting fuel)
U01	Fleeing or evading police or roadblock
U02	Resisting arrest
U03	Using motor vehicle in connection with a felony (not traffic offense)
U04	Using a motor vehicle in connection with a misdemeanor (not traffic offense)
U05	Using a motor vehicle to aid and abet a felon
U06	Vehicular assault
U07	Vehicular homicide
U08	Vehicular manslaughter

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U09	Negligent homicide while operating a CMV
U10	Causing a fatality through the negligent operation of a CMV
U21	Illegal operation of emergency vehicle
U31	Violation resulting in fatal accident
W00	Withdrawal, non-ACD violation
W01	Accumulation of convictions (including point systems and/or being judged a habitual offender or violator)
W09	Failure to surrender hazmat endorsement as required by the USA Patriot Act
W13	Parental consent withdrawn
W14	Physical or mental disability
W15	Physician's or specialist's report recommended
W20	Unable to pass DL test(s) or meet qualifications
W30	2 serious violations within 3 years
W31	3 serious violations within 3 years
W40	The accumulation of two or more major offenses
W41	An additional major offense after reinstatement
W50	The accumulation, within 10 years, of two out-of-service general violations
W51	The accumulation of two out-of-service order violations within 10 years while transporting 16 or more passengers, including the driver, and/or transporting hazardous materials that require a placard
W52	The accumulation of three or more out-of-service order violations within 10 years

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- W60 Accumulation of two railroad-highway grade crossing violations within a three year period
- W61 Accumulation of three or more railroad-highway grade crossing violations in a three year period
- W70 Imminent hazard

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License**

- a) For purpose of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emission Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].~~

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations [625 ILCS 5/6-306.5].

"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges which has terminated.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

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"Department" – Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" – a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-7-3 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].~~

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.  
~~safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, or unsatisfied judgment.~~

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that~~which~~ appears on the driving record.

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"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation ~~as provided for in Section 1040.20 of this Part, and~~ as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 ~~of the Illinois Safety Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary ~~as provided for in Section 1040.20 of this Part, and~~ as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 ~~of the Illinois Safety and Family Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Valid Driver's License or Permit" – a license or permit issued by the Secretary of State ~~that which~~ is of the proper classification for the purposes for which it is being used and ~~that which~~ has not been invalidated, denied, canceled, revoked, suspended or used after curfew or night time driving restriction.

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-

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~~306.5].suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.~~

- b) When considering prior convictions, only convictions for driving without a valid driver's license within 7 years prior to the arrest date of the incoming conviction shall be considered.
- c) Only those suspensions or revocations cleared within 7 years prior to the effective date of the forthcoming ~~forthcoming~~ suspension's or revocation's effective date shall be considered as prior suspensions or revocations. Cleared miscellaneous suspensions shall not be considered prior suspensions for purposes of this Section.
- d) Miscellaneous suspensions ~~that~~ which have not been cleared shall be counted as a prior suspension if the arrest date of the conviction for driving without a valid license occurred after the effective date of the miscellaneous suspension and if the miscellaneous suspension is in full force and effect upon entry of the suspension or revocation for driving without a valid driver's license.
- e) A person shall have his/her driving privileges suspended or revoked by the Department if he/she is convicted of driving without a valid driver's license and has not been issued a valid Illinois driver's license on or prior to the date of conviction for the violation of driving without a valid license.
- f) If a person has no prior suspension(s) or revocation(s) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	2 month Suspension
2 <sup>nd</sup> Conviction	4 month Suspension
3 <sup>rd</sup> Conviction	6 month Suspension
4 <sup>th</sup> Conviction	12 month Suspension
5 <sup>th</sup> or subsequent Conviction	Revocation

- g) If a person has 1 prior suspension or revocation (excluding miscellaneous

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suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	4 month Suspension
2 <sup>nd</sup> Conviction	6 month Suspension
3 <sup>rd</sup> Conviction	12 month Suspension
4 <sup>th</sup> or subsequent Conviction	Revocation

- h) If a person has 2 prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	6 month Suspension
2 <sup>nd</sup> Conviction	12 month Suspension
3 <sup>rd</sup> or subsequent Conviction	Revocation

- i) If a person has 3 prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	12 month Suspension
2 <sup>nd</sup> or subsequent Conviction	Revocation

- j) If a person has 4 or more prior suspensions or revocations or any combination thereof (excluding miscellaneous suspensions) and a conviction for driving without a valid driver's license, the Department shall enter an order of revocation.

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- k) If a conviction for driving without a valid driver's license shows an arrest date during a period of revocation which is in effect, the revocation shall be extended for 1 year from the date of the conviction or 1 year from the latest projected eligibility date on record whichever is the longer period of time. If a conviction for driving without a valid driver's license shows an arrest date during a period of suspension (excluding all miscellaneous suspensions except curfew and night time driving restriction suspensions) ~~that~~which is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension in accordance with Section 6-303 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-303].
  
- l) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) ~~that~~which is in effect, has no prior suspensions or revocations and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	4 month Suspension
2 <sup>nd</sup> Conviction	6 month Suspension
3 <sup>rd</sup> Conviction	12 month Suspension
4 <sup>th</sup> or subsequent Conviction	Revocation

- m) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) ~~that~~which is in effect, has 1 prior suspension or revocation and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	6 month Suspension
2 <sup>nd</sup> Conviction	12 month Suspension
3 <sup>rd</sup> or subsequent Conviction	Revocation

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- n) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that which is in effect, has 2 prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	12 month Suspension
2 <sup>nd</sup> or subsequent Conviction	Revocation

- o) If a person has a miscellaneous suspension (excluding curfew and night time driving restriction suspensions) that which is in effect, has 3 or more prior suspensions or revocations or any combination thereof and a conviction for driving without a valid driver's license, with an arrest date during the miscellaneous suspension, the Department shall enter an order of revocation.
- p) If a person has a suspension in effect pursuant to Section 6-206(a)(19) or ~~(a)(6) of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(19) or 6-206(a)(6)] and receives a subsequent conviction for driving without a valid driver's license, the suspension shall be amended in accordance with the guidelines of this Section.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.28 Traffic Offense Committed by a Person Under the Age of 21 Years After a Prior Suspension Under Part 1040.29**

- a) For purposes of this Section, the following definitions shall apply:

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Department " – Department of Driver Services within the Office of the Secretary of State.

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"Open Suspension or Revocation" – a suspension or revocation that appears on the driving record that is in effect.

"Pending Suspension or Revocation" – a suspension or revocation that appears on the driving record that is not yet in effect.

"Terminated Suspension or Revocation" – a suspension or revocation that is no longer in effect.

- b) When a person has been convicted of a point assigned traffic violation and the arrest date was prior to the age of 21, the Department shall take the following action:
- 1) If a person's driving record indicates one or more terminated suspensions in accordance with Section 6-206(a)(36) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)] and an additional conviction is received, a six month suspension shall be entered to the driving record in accordance with Section 6-206(a)(43) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)].
  - 2) If a person's driving record indicates one open, pending or terminated suspension in accordance with Section 6-206(a)(43) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)] and an additional conviction is received, a 12 month suspension shall be entered to the driving record in accordance with Section 6-206(a)(43).
  - 3) If a person's driving record indicates two open, pending or terminated suspensions in accordance with Section 6-206(a)(43) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)] and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43).
  - 4) If a person's driving record indicates one or more, pending or terminated revocations in accordance with Section 6-206(a)(43) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(43)] and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43).

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- 5) If a person's driving record indicates one or more terminated revocations in accordance with Section 6-206(a)(36) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)] and an additional conviction is received, a revocation shall be entered to the driving record in accordance with Section 6-206(a)(43).

(Source: Added at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.29 2 or More Traffic Offenses Committed Within 24 Months by a Person Under the Age of 21 Years**

- a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 13B].~~suspension for failing to have a vehicle tested or failing a vehicle inspection as required pursuant to Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].~~

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

"Curfew Violation Suspension" – a suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear

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in court following the issuance of a traffic ticket as ~~defined~~provided in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].~~

"Financial Responsibility Suspension" – a suspension in accordance with Sections 7-304 and 7-305 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous ~~Suspension~~Suspensions" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment~~suspensions for safety responsibility, family financial responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment.~~

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an

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application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of **revocation**, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176]

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 ~~of the Illinois Safety and Family Financial Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the **Secretary**, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension" – a suspension in accordance with Sections 7-303 and 7-313 ~~of the Illinois Safety and Family Financial Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations, in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.~~

- b) A person who has been convicted of 2 or more points assigned traffic offenses as listed in Section 1040.20 of this Part (Type Action 87, 97 or 99), excluding any conviction previously used as a basis for suspension/revocation action, which were committed on or after January 1, 1998, while the person was under the age of 21, within a 24 month period, shall be identified by the Department for review for possible driver's license and driving privilege suspension or revocation pursuant to Section 6-206(a)(36) (prior to 7/30/1998 authority was 6-206(a)(34)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)] provided no more than 6 months have elapsed between the effective date of the suspension or revocation

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and the last conviction date.

- 1) If a person's driving record indicates no prior suspensions, excluding miscellaneous suspensions or revocations within a 7 year period from the effective date of the suspension or revocation, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 34	1 month Suspension
35 through 49	3 month Suspension
50 through 64	6 month Suspension
65 through 79	12 month Suspension
Over 79	Revocation

- 2) If the person has had 1 prior suspension or 1 prior revocation within a 7 year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 34	2 month Suspension
35 through 49	6 month Suspension
50 through 70	12 month Suspension
Over 79	Revocation

- 3) If the person has had 2 or more prior suspensions or revocations within a 7 year period from the effective date of the suspension or revocation, excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension or

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revocation is to be entered and recorded to the driving record;

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 79	12 month Suspension
Over 79	Revocation

- 4) If the person has in effect a suspension for safety responsibility, financial responsibility, family financial responsibility or an unsatisfied judgment and at least 1 of the 2 or more convictions referenced in subsection (b) ~~above~~ were committed after the effective date of the suspension for safety responsibility, financial responsibility, family financial responsibility or an unsatisfied judgment, the following point table shall be used in computing whether an order of suspension or revocation is to be entered to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 9	No Action
10 through 79	12 month Suspension
Over 79	Revocation

- 5) Notice of suspension or revocation will be given pursuant to Sections 6-209 and 2-114 of the Illinois Vehicle Code [625 ILCS 5/6-209 and 2-114].

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.30 3 Or More Traffic Offenses Committed Within 12 Months**

- a) For the purpose of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – [a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code \[625 ILCS 5/Ch.13B\]](#)~~suspension for failing to have a vehicle tested or failing a~~

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~~vehicle inspection as required pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 13A-101 et seq.).~~

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

~~"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)]. a final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture or default as defined in Section 6-100(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-100(b)).~~

~~"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)]. suspension of a minor for operating a vehicle on a highway during a prescribed hour without an adult or as otherwise provided in accordance with Section 1 of "AN ACT relating to a curfew for certain children" (Ill. Rev. Stat. 1987, ch. 23, par. 2371) in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-206(a)(13)).~~

"Department" – Department of Driver Services within the Office of the Secretary of State.

~~"Failure to Appear Suspension" – a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3] suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as provided in Section 6-306.3 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-306.3).~~

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703]. suspension in accordance with Sections 7-304 and 7-305 of the Illinois

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~~Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 7-304 and 7-305).~~

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous ~~Suspension~~**Suspensions**" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment. ~~suspensions for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, or unsatisfied judgment.~~

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation ~~that~~**which** appears on the driving record.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of **revocation**, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208]. ~~suspension in accordance with Sections 7-205 and 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 7-205 and 7-208).~~

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"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgement Suspension" – a suspension in accordance with Sections 7-303 and 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313]. ~~suspension in accordance with Sections 7-303 and 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 7-303 and 7-313).~~

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5]. ~~suspension for arrest warrants issued for failure to pay fines for traffic or parking violations as described in Section 6-306.3 and 6-306.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-306.3 and/or 6-306.5).~~

- b) A person who has been convicted of three ~~(3)~~ or more points assigned traffic offenses as listed in Section 1040.20 of this Part (type action 97 or 99), excluding any conviction previously used as a basis for action, which were committed within a ~~twelve (12)~~ month period shall be identified by the Department for review for possible driver's license and driving privilege suspension or revocation pursuant to Section 6-206(a)(2) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)]. ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-206(a)(2))~~ provided no more than six ~~(6)~~ months has elapsed between the effective date of the suspension or revocation and the last conviction date.
- 1) If a person's driving record indicates no prior suspensions excluding miscellaneous suspensions or revocations within a seven ~~(7)~~ year period from the effective date of the suspension or revocation, the following point

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table shall be used in computing whether an order of suspension, the length of a suspension or whether a revocation is to be entered and recorded to the driving record.

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 through 44	A 2 month suspension
45 through 74	A 3 month suspension
75 through 89	A 6 month suspension
90 through 99	A 9 month suspension
100 through 109	A 12 month suspension
110 or more	Revocation

- 2) If the person has had one prior suspension or one prior revocation within a seven (~~7~~)-year period from the effective date of the suspension or revocation excluding action taken pursuant to Section 6-206(a)(3)-~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(3\)\]](#)~~(Ill. Rev. Stat. 1987, ch. 95 1/2, par. 6-206(a)(3))~~ and excluding those defined as Miscellaneous Suspensions, the following point table shall be used in computing whether an order of suspension, the length of a suspension or whether a revocation is to be entered and recorded to the driving record.

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 through 44	A 4 month suspension
45 through 74	A 6 month suspension
75 through 109	A 12 month suspension
110 or more	Revocation

- 3) If the person has in effect, a suspension for safety responsibility, financial responsibility or an unsatisfied judgment and at least one of the three or more convictions for offenses was committed after the effective date of

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the suspension for safety responsibility, financial responsibility or an unsatisfied judgement, the following point table shall be used in computing whether an order of suspension or revocation is to be entered to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 through 109	A 12 month suspension
110 or more	Revocation

- 4) Notice of suspension or revocation will be given pursuant to Section 6-209 ~~of the Illinois Driver Licensing Law of the Illinois Vehicle Code~~ and Section 2-114 ~~of the Illinois Vehicle Title and Registration Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-209 and 2-114\]](#) ~~(Ill. Rev. Stat. 1987, ch. 95½, pars. 6-209 and 2-114).~~

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.31 Operating a Motor Vehicle During a Period of Suspension or Revocation**

- a) For purposes of this Section, the following definitions shall apply:

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction ~~either~~ after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-100\(b\)\]](#) ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-100(b)).~~

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Driving During a Period of Suspension or Revocation" – any person who drives or is in actual physical control of a motor vehicle on any highway at a time when such person's driver's license, permit or privilege to drive is revoked or suspended.

["Family Financial Responsibility Suspension"](#) – a suspension in accordance with

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Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Judicial Driving Permit" – a driving permit issued to grant a driver limited driving privileges as provided in Section 6-206.1 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206.1]~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-306.1).~~

"Like Period of Time" – an equal amount of time as ~~the~~an original ~~period of~~ suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous ~~Suspension~~Suspensions" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, or unsatisfied judgment suspension.~~

"Probationary License" – a conditional license granting full driving privileges during a period of suspension, as defined in Section 1-164.1 of the Illinois Vehicle Code [625 ILCS 5/1-164.1]~~(Ill. Rev. Stat. 1987, ch. 95½, par. 1-164.1).~~

"Restricted Driving Permit" – a document which grants and specifies limited privileges to drivers of motor vehicles who have had their full driving privileges suspended, revoked or cancelled, as defined. ~~The restricted driving permit is valid only when in the immediate possession of the driver to whom it is issued as provided for~~ in Section 1-173.1 of the Illinois Vehicle Code [625 ILCS 5/1-173.1] ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 1-173.1).~~

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal~~

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~~or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of the revocation as defined in Section 1-176 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-176) subject to the provisions of Section 6-208 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-208).~~

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204]~~(Ill. Rev. Stat. 1987, ch. 95½, par. 1-204).~~

"Suspension or Revocation in Effect" – a suspension or revocation that which has not terminated ~~and is in full force and effect.~~

"Terminated Suspension or Revocation" – a suspension or revocation that which is no longer in effect.

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6 306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

- b) Pursuant to Section 6-303 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-303]~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-303)~~, when the Department is notified that a person has been convicted of any violation committed while operating a motor vehicle upon a highway, except violations of Section 12-603.1 ~~of the Illinois Vehicle Equipment Law~~ of the Illinois Vehicle Code [625 ILCS 5/12-603.1]~~(Ill. Rev. Stat. 1987, ch. 95½, par. 12-603.1)~~ and Section 7-342.1 of the Chicago Traffic Code while his/her driving privileges were suspended, excluding miscellaneous suspensions, and the person~~he/she~~ does not

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possess a valid restricted driving permit, judicial driving permit or probationary license at the time of arrest, the period of suspension shall be extended for an additional like period of time as the original suspension if the suspension is in effect at the time the conviction is recorded to the driving record. The Department shall suspend for a like period of time as the original suspension if the suspension has terminated at the time the conviction is recorded to the driving record.

- c) If a person is convicted of driving while **driving privileges are** suspended in violation of Section 6-303(a) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-303(a)](Ill. Rev. Stat. 1987, ch. 95½, par. 6-303(a))~~ and ~~he/she~~ possesses a valid probationary license at the time of the arrest, no suspension action will be taken by the Department.
- d) If a person is convicted of driving while **driving privileges are** suspended in violation of Section 6-303(a) or Section 6-113 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-303(a) or 6-113](Ill. Rev. Stat. 1987, ch. 95½, pars. 6-303(a) and 6-113)~~ and at the time of arrest the person had in his/her possession a valid restricted driving permit or valid judicial driving permit, the period of suspension shall be extended for an additional like period of time as the original suspension if the suspension is in effect at the time the conviction is recorded to the driving record. If the suspension has terminated at the time the conviction is recorded to the driving record the Department shall suspend for a like period of time as the original suspension.
- e) If a person is convicted of driving while **driving privileges are** revoked in violation of Section 6-303(a) or Section 6-113 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-303(a) or 6-113](Ill. Rev. Stat. 1987, ch. 95½, pars. 6-303(a) and 6-113)~~, and at the time the conviction is recorded to the driving record, a revocation is in effect, ~~the person~~**he/she** shall not be eligible to apply for reinstatement of ~~his/her~~ driving privileges for an additional one ~~(1)~~ **twelve** year period from the date of conviction or the latest projected eligibility date on record regardless of whether or not the person possesses a valid restricted driving permit. If the period of revocation has terminated at the time the conviction is recorded to the driving record, the Department shall suspend the person's driving privileges for ~~twelve~~ **(12)** months.
- f) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of suspension, excluding miscellaneous

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suspensions, and ~~he/she~~ possesses a valid restricted driving permit or valid judicial driving permit at the time of arrest, a determination shall be made whether or not the person was in violation of a restriction on the permit based on, but not limited to, the person's driving record, the ticket issued, and the restriction on the permit. If a violation of a restriction on the permit exists, the period of ~~his/her~~ suspension shall be extended for an additional like period of time as the original suspension, provided the suspension is in effect at the time the conviction is recorded to the driving record. If the suspension has terminated at the time the conviction is recorded to the driving record, the Department shall suspend for a like period of time as the original suspension. Convictions of the following violations shall be excluded from this subsection: Section 6-303(a) and Section 6-113 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-303\(a\) and 6-113\]](#)~~(Ill. Rev. Stat. 1987, ch. 95½, pars. 6-303(a) and 6-113)~~, Section 7-342.1 of the Chicago Traffic Code and Section 12-603.1 ~~of the Illinois Vehicle Equipment Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/12-603.1\]](#)~~(Ill. Rev. Stat. 1987, ch. 95½, par. 12-603.1)~~.

- g) If a person is convicted of any violation committed while operating a motor vehicle upon a highway during a period of revocation and ~~he/she~~ possesses a valid restricted driving permit at the time of arrest, a determination shall be made, whether or not the person was in violation of a restriction imposed on the permit based on, but not limited to, the person's driving record, the ticket issued, and the restrictions on the permit. If a violation of a restriction on the permit exists, the person shall not be eligible to apply for reinstatement of ~~his/her~~ driving privileges for an additional one ~~(1)~~ year period or longer as provided in Section 6-208 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-208\]](#)~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-208)~~ from the date of conviction or the latest projected eligibility date on record provided the revocation is in effect at the time the conviction is recorded to the driving record. If the period of revocation has terminated at the time the conviction is recorded to the driving record, the Department shall suspend the person's driving privileges for ~~twelve (12)~~ months. Convictions of the following violations shall be excluded from this subsection: Section 6-303(a) and Section 6-113 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-303\(a\) and 6-113\]](#)~~(Ill. Rev. Stat. 1987, ch. 95½, pars. 6-303(a) and 6-113)~~, Section 7-342.1 of the Chicago Traffic Code and Section 12-603.1 ~~of the Illinois Vehicle Equipment Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/12-603.1\]](#)~~(Ill. Rev. Stat. 1987, ch. 95½, par. 12-603.1)~~.
- h) If a person is convicted of any violation committed while operating a motor

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vehicle upon a highway during a period of suspension, excluding miscellaneous suspensions, or during the period of revocation and ~~he/she~~ possesses a valid restricted driving permit or valid judicial driving permit at the time of arrest, a determination shall be made whether or not a violation of any restriction on the permit exists, based on, but not limited to, the person's driving record, the ticket issued, and the restrictions on the permit. If no violation of a restriction on the permit is found to exist, the Department shall take no action pursuant to Section 6-303(b) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-303(b)](Ill. Rev. Stat. 1987, ch. 95½, par. 6-303(b))~~. Convictions of the following violations shall be excluded from this subsection: ~~Sections~~~~Section~~ 6-303(a) and ~~Section~~ 6-113 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-303(a) and 6-113](Ill. Rev. Stat. 1987, ch. 95½, pars. 6-303(a) and 6-113)~~, Section 7-342.1 of the Chicago Traffic Code and Section 12-603.1 ~~of the Illinois Vehicle Equipment Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/12-603.1](Ill. Rev. Stat. 1987, ch. 95½, par. 12-603.1)~~.

- i) If a person is convicted of any violation of driving during a miscellaneous suspension, the Department will take no action pursuant to Section 6-303(b) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-303(b)](Ill. Rev. Stat. 1987, ch. 95½, par. 6-303(b))~~.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

### **Section 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently**

- a) For purposes of this Section, the following definitions shall apply:

"Amnesty" – A sovereign act of forgiveness for past acts granted by a government to all persons (or to certain persons) generally conditioned upon their return to obedience and duty within a prescribed time as recognized by the Immigration Reform and Control Act of 1986 (P.L. 99-603).

"Department" – Driver Services Department within the Office of the Secretary of State.

"Driver's License or Permit" – Document that permits a person to legally operate a motor vehicle. Includes a restricted driving permit, ~~a~~judicial driving permit, instruction permit, ~~a~~traffic ticket issued where the person's driver's license is

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deposited in lieu of bail, ~~a~~-suspension notice in which the suspension is not yet effective, ~~a~~-duplicate or corrected driver's license, ~~a~~-temporary instruction permit, ~~or~~-temporary driver's license, [temporary visitor instruction permit](#), [temporary visitor driver's license](#), or ~~a~~-probationary driver's license.

"False Information" – Any information concerning the [legal](#) name, sex, date of birth, social security number or any photograph that falsifies all or in part the actual identity of the individual issued the ~~driver's~~ license, permit [or identification card](#) [625 ILCS 5/6-301.1(a)(2) and 15 ILCS 335/14A(a)(2)].

"Fictitious Driver's License or Permit" – Any issued ~~driver's~~ license or permit for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which contains false information concerning the identity of the individual issued the ~~driver's~~ license or permit.

"Fictitious Identification Card" – Any issued [identification card](#) for which a computerized number and file have been created by the Secretary of State, the United States Government, [or](#) any other state or political subdivision thereof, or any governmental or quasi-governmental organization that contains false information concerning the identity of the individual issued the [identification card](#) [15 ILCS 335/14A(a)(1)].

"Fraudulent Driver's License or Permit" – Any ~~driver's~~ license or permit that purports to be an official driver's license or permit for which a computerized number and file have not been created by the Secretary of State or other official driver's license agency in another jurisdiction [625 ILCS 5/1-123.4].

"Fraudulent Identification Card" – Any [identification card](#) that purports to be an official [identification card](#) for which a computerized number and file have not been created by the Secretary of State, the United States Government or any state or political subdivision thereof, or any governmental or quasi-[governmental government](#) organization. For the purpose of this definition, any [identification card](#) that resembles an official [identification card](#) in either size, ~~or~~-color, ~~or~~ photograph location, or design, or uses the word "official", ~~or~~ "state", ~~or~~ "Illinois", or the name of any other state or political subdivision thereof, or any governmental or quasi-governmental organization individually or in any combination thereof to describe or modify the term "identification card" or "I.D. card" anywhere on the card, or uses a shape in the likeness of Illinois or any

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*other state on the photograph side of the card, is deemed to be a fraudulent identification card* [\[15 ILCS 335/1A\]](#).

"Identification Card" – Any document made or issued by or under the authority of the United States Government, the State of Illinois, or any other state or political subdivision thereof, or any *other* governmental or quasi-governmental organization ~~which that, when completed with~~<sup>upon issue contains</sup> information concerning the individual, is of ~~the~~ type intended or commonly accepted for the purpose of ~~identification of an~~<sup>identifying the</sup> individual ~~in accordance with Section 14(a-5) of the Illinois Identification Card Act~~ [\[15 ILCS 335/14A\(a\)\(5\)\]](#)~~[15 ILCS 335/14(a-5)]~~.

"Open Revocation" – a revocation that appears on the driving record that is in effect.

"Pending Revocation" – a revocation that appears on the driving record that is not yet in effect.

"Revocation" – The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [\[625 ILCS 5/1-176\]](#).

"Suspension" – The temporary withdrawal by a formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined ~~in~~<sup>pursuant to</sup> Section 1-204 of the Illinois Vehicle Code [\[625 ILCS 5/1-204\]](#).

"Unlawfully Altered Driver's License ~~or, Permit or Identification Card~~" – Any issued ~~driver's license or, permit or identification card~~ for which a computerized number and file have been created by the Secretary of State or other official driver's license agency in another jurisdiction which has been physically altered or changed in such a manner that false information appears upon the ~~driver's license or permit~~ [\[625 ILCS 5/6-301.1\(a\)\(3\)\]](#).

"Unlawfully Altered Identification Card" – Any issued identification card for which a computerized number and file have been created by the Secretary of

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*State, the United States Government, any other state or political subdivision thereof, or any governmental or quasi-governmental organization that has been physically altered or changed in such a manner that false information appears upon the identification card [15 ILCS 335/14A(a)(5)].*

- b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that the person has committed one or more of the following offenses listed in Section 6-206 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206].
- 1) If any person has permitted an unlawful use of a driver's license, identification card, or permit by allowing another person to use any license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(5) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(5)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> offense	12-month Suspension
1 <sup>st</sup> <del>Offense</del> offense (with open or pending revocation)(with pending or effective Revocation)	Revocation
2 <sup>nd</sup> or subsequent <del>Offense</del> offense	Revocation; or

- 2) If any person has made a false statement or made any false affidavit or has knowingly concealed or affirmed falsely to a material fact or used false information or identification in an application for a driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-206(a)(9) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> offense	12-month Suspension
1 <sup>st</sup> <del>Offense</del> offense with open or pending revocation(with pending or effective Revocation)	Revocation

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2<sup>nd</sup> or subsequent ~~Offense~~~~offense~~ Revocation; or

- 3) If any person has possessed, displayed or attempted to fraudulently use any driver's license, identification card, or permit not issued to that person, the Department shall take the following action pursuant to Section 6-206(a)(10) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(10\)\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> <del>offense</del>	12-month Suspension
1 <sup>st</sup> <del>Offense</del> <del>offense</del> (with open or pending revocation)(with pending or effective Revocation)	Revocation
2 <sup>nd</sup> or subsequent <del>Offense</del> <del>offense</del>	Revocation; or

- 4) If any person has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a driver's license, identification card or permit for some other person, the Department shall take the following action pursuant to Section 6-206(a)(12) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/626\(a\)\(12\)\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> <del>offense</del>	12-month Suspension
1 <sup>st</sup> <del>Offense</del> <del>offense</del> (with open or pending revocation)(with pending or effective Revocation)	Revocation
2 <sup>nd</sup> or subsequent <del>Offense</del> <del>offense</del>	Revocation; or

- 5) If any person has violated Sections 6-301, 6-301.1 or 6-301.2 of the Illinois Vehicle Code [\[625 ILCS 5/6-301, 6-301.1 or 6-301.2\]](#) or Section 14, 14A or 14B ~~of~~ the Illinois Identification Card Act [\[15 ILCS 335/14, 14A or 14B\]](#), the Department shall take action appropriate for the violation committed pursuant to Section 6-206 ~~of the Illinois Driver Licensing Law~~

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of the Illinois Vehicle Code [\[625 ILCS 5/6-206\]](#).

- A) Unlawful use of driver's license, permit or identification card: If any person has displayed or caused to be displayed or had in his possession any cancelled, revoked or suspended driver's license, permit or identification card; allowed unlawful use of driver's license, permit or identification card; lent his driver's license, permit or identification card to any other person or knowingly allowed the use thereof by another; or displayed or represented as his own any driver's license, permit or identification card issued to another, the Department shall take the following action pursuant to Section 6-301 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-301\]](#) or Section 14 of the Illinois Identification Card Act [\[15 ILCS 335/14\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> <del>offense</del>	12-month Suspension
1 <sup>st</sup> <del>Offense</del> <del>offense</del> (with open or pending revocation) <del>(with pending or effective Revocation)</del>	Revocation
2 <sup>nd</sup> or subsequent <del>Offense</del> <del>offense</del>	Revocation; or

- B) Fictitious or unlawfully altered driver's license, identification card or permit: If any person has knowingly possessed or displayed any fictitious or unlawfully altered driver's license, identification card or permit; knowingly issued or assisted in the issuance of a fictitious driver's license, identification card or permit; or knowingly manufactured, possessed, transferred or provided any identification document for the purpose of obtaining a fictitious driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-301.1 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[615 ILCS 5/6-301.1\]](#) or Section 14 of the Illinois Identification Card Act [\[15 ILCS 335/14\]](#):

ACTION TABLE

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<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> offense	12-month Suspension
1 <sup>st</sup> <del>Offense</del> offense (with open or pending revocation)(with pending or effective Revocation)	Revocation
2 <sup>nd</sup> or subsequent <del>Offense</del> offense	Revocation; or

- C) Fraudulent driver's license or permit: If any person has knowingly possessed, displayed or caused to be displayed any fraudulent driver's license, identification card or permit; knowingly possessed without authority any driver's license-making implement; or knowingly duplicated, manufactured, sold or transferred any fraudulent driver's license, identification card or permit, the Department shall take the following action pursuant to Section 6-301.2 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-301.2\]](#) or Section 14 of the Illinois Identification Card Act [\[15 ILCS 335/14\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> or subsequent <del>Offense</del> offense	Revocation; or

- 6) If any person has permitted another person to use any form of that person's identification in the application process to obtain a driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(25) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(25\)\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> offense	12-month Suspension
1 <sup>st</sup> <del>Offense</del> offense (with open or pending revocation)(with pending or effective Revocation)	Revocation
2 <sup>nd</sup> or subsequent <del>Offense</del> offense	Revocation; or

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- 7) If any person has unlawfully altered or attempted to alter or possessed an altered driver's license, identification card, or permit, the Department shall take the following action pursuant to Section 6-206(a)(26) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [[ILCS 5/6-206\(a\)\(26\)](#)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> offense	12-month Suspension
1 <sup>st</sup> <del>Offense</del> offense (with open or pending revocation)(with pending or effective Revocation)	Revocation
2 <sup>nd</sup> or subsequent <del>Offense</del> offense	Revocation; or

- 8) If any person has violated Section 6-16 of the Liquor Control Act of 1934 [235 ILCS 5/6-16], the Department shall take the following action pursuant to Section 6-206(a)(27) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [[625 ILCS 5/6-206\(a\)\(27\)](#)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> <del>Offense</del> offense	12-month Suspension
1 <sup>st</sup> <del>Offense</del> offense (with open or pending revocation)(with pending or effective Revocation)	Revocation
2 <sup>nd</sup> or subsequent <del>Offense</del> offense	Revocation; or

- 9) If any person has been convicted of violating Section 6-20(c) of the Liquor Control Act of 1934 [235 ILCS 5/6-20(c)], the Department shall take the following action pursuant to Section 6-206(a)(38) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [[625 ILCS 5/6-206\(a\)\(38\)](#)]:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> <del>Conviction</del> conviction	12-month Suspension
1 <sup>st</sup> <del>Conviction</del> conviction (with open or	Revocation

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~~pending revocation) (with pending or effective Revocation)~~  
2<sup>nd</sup> or subsequent Conviction Revocation.  
~~conviction~~

- c) The sources of acceptable proof of the offenses described in subsection (b) are court documents, driver services facility applications, government entity documents, and law enforcement correspondence/reports.
- d) Persons who have applied for federal amnesty pursuant to the Immigration Reform and Control Act of 1986 (P.L. 99-603) shall not be suspended or revoked under subsection (b) of this Section if they show proof to the Department that they have applied for federal amnesty, unless they are otherwise ineligible to be licensed as drivers or granted a permit, as provided by Section 6-103 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [\[625 ILCS 5/6-103\]](#). Proof shall be the application documents for federal amnesty issued by the Immigration and Naturalization Service verifying that the individual has applied for federal amnesty. If an individual seeking federal amnesty has previously been found by the Department to be in violation of this Section or if the Department receives a report from individuals or agencies listed in subsection (c) of this Section that a person applying for federal amnesty has been convicted of committing a criminal act involving the use of their identification card, driver's license or permit in violation of the Criminal Code of 1961 [720 ILCS 5], his or her driving privileges shall be suspended or revoked by the Department in accordance with subsection (b) of this Section.
- e) The Director of the Department shall rescind a suspension or revocation or reduce the period of a suspension for fraudulent activity if the Office of the Inspector General provides the Director with sufficient evidence demonstrating the person has cooperated in the course of an official investigation regarding the sale, manufacture, issuance or receipt of a fraudulent or fictitious driver's license, [permit](#) or identification card. Sufficient evidence of cooperation will be shown by a written statement to the Director signed by the supervising official of the Office of the Inspector General. Whether the person cooperated in an investigation will be determined by the Office of the Inspector General.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.33 Suspension or Revocation of Driver's Licenses/Permits for Fictitious or**

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**Unlawfully Altered Disability License Plate or Parking Decal or Device or Fraudulent Disability License Plate or Parking Decal or Device**

- a) For purposes of this Section, the following definitions shall apply:

1) "Authorized holder" – An individual issued a disability license plate under Section 3-616 of the Illinois Vehicle Code [\[625 ILCS 5/3-616\]](#) or an individual issued a ~~disability~~ parking decal or device under ~~Section 11-1301.2~~~~Section 11-1301.1~~ of the Illinois Vehicle Code [\[625 ILCS 5/11-301.2\]](#) or an individual issued a disabled veteran's license plate under Section 3-609 of the Illinois Vehicle Code [\[625 ILCS 5/3-609\]](#).~~[625 ILCS 5/3-616 and 11-1301.1]~~

2) "Department" – Driver Services Department within the Office of the Secretary of State.

3) "False information" – ~~Any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification, or any other information required on the Persons with Disabilities Certification for Plate or Parking Placard, on the Application for Replacement Disability Parking Placard, or on the application for license plates issued to disabled veterans under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609] that falsifies the content of the application.~~ ~~Any incorrect or inaccurate information concerning the name, date of birth, social security number, driver's license number, physician certification or any other information required on the application for a disability license plate or parking permit or device that falsifies the content of the application~~

4) "Fictitious disability license plate or parking decal or device" – ~~Any issued disability license plate or parking decal or device, or any license plate issued to a disabled veteran under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609], that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application.~~ ~~Any disability license plate or parking decal or device that has been issued by the Secretary of State or an authorized unit of local government that was issued based upon false information contained on the required application~~

5) "Fraudulent disability license plate or parking decal or device" – ~~Any disability license plate or parking decal or device that purports to be an~~ ~~official~~ ~~authorized~~

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*disability license plate or parking decal or device and that has not been issued by the Secretary of State or an authorized unit of local government [\[625 ILCS 5/11-1301.6\(a\)\]](#).*

6) "Disability license plate or parking decal or device-making implement" – *Any implement specially designed or primarily used in the manufacture, assembly or authentication of a disability license plate or parking decal or device, or a license plate issued to a disabled veteran under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609] issued by the Secretary of State or a unit of local government [\[625 ILCS 5/11-1301.6\(a\)\]](#).*

"Open Revocation" – A revocation that appears on the driving record that is in effect.

"Pending Revocation" – A revocation that appears on the driving record that is not yet in effect.

7) "Revocation" – The termination by formal action of the Secretary of a person's driver's license or privilege to operate a motor vehicle on the public highways, which ~~The~~ termination shall not be subject to renewal or restoration except that an application for a new driver's license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [\[625 ILCS 5/1-176\]](#).

8) "Suspension" – The temporary withdrawal by a formal action of the Secretary of a person's ~~driver's~~ license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary pursuant to Section 1-204 of the Illinois Vehicle Code [\[625 ILCS 5/1-204\]](#).

9) "Unlawfully altered disability license plate or parking permit or device" – *Any disability license plate or parking permit or device, or any license plate issued to a disabled veteran under Section 3-609 of the Illinois Vehicle Code [625 ILCS 5/3-609], issued by the Secretary of State or an authorized unit of local government that has been physically altered or changed in such manner that false information appears on the license plate or parking decal or device [\[625 ILCS 5/11-1301.5\(a\)\]](#).*

- b) The Secretary of State has discretionary authority to suspend or revoke the driving privileges of any person upon receipt of evidence that such person has committed

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one or more of the following offenses listed in Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206]:

- 1) If such person has knowingly possessed any fictitious or unlawfully altered disability license plate or parking decal or device in violation of Section 11-1301.5(b)(1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 authority was Section 6-206(a)(35)) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(34)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12-month Suspension
1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> )( <del>with pending or effective Revocation</del> )	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 2) If such person has knowingly issued or assisted in the issuance of, by the Secretary of State or unit of local government, any fictitious disability license plate or parking decal or device in violation of Section 11-1301.5(b)(2) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code [[625 ILCS 5/6-206\(a\)\(34\)](#)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> )( <del>with pending or effective Revocation</del> )	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 3) If such person has knowingly altered any disability license plate or parking decal or device in violation of Section 11-1301.5(b)(3) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(3)], the Department shall

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take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(34\)\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense <a href="#">(with open or pending revocation)</a> <del><a href="#">(with pending or effective Revocation)</a></del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 4) If such person manufactures, possesses, transfers, or provides any documentation used in the application process whether real or fictitious, for the purpose of obtaining a fictitious disability license plate or parking decal or device in violation of Section 11-1301.5(b)(4) of the Illinois Vehicle Code [\[625 ILCS 5/11-1301.5\(b\)\(4\)\]](#), the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(34\)\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense <a href="#">(with open or pending revocation)</a> <del><a href="#">(with pending or effective Revocation)</a></del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 5) If such person knowingly provides any false information to the Secretary of State or a unit of local government in order to obtain a disability license plate or parking decal or device in violation of Section 11-1301.5(b)(5) of the Illinois Vehicle Code [\[625 ILCS 5/11-1301.5\(b\)\(5\)\]](#), the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(34\)\]](#):

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ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> ) <del>(with pending or effective Revocation)</del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 6) If such person knowingly transfers a disability license plate or parking decal or device for the purpose of exercising the privileges granted to an authorized holder of a disability license plate or parking decal or device under the Illinois Vehicle Code in the absence of the authorized holder in violation of Section 11-1301.5(b)(6) of the Illinois Vehicle Code [625 ILCS 5/11-1301.5(b)(6)], the Department shall take the following action pursuant to Section 6-206(a)(34) (prior to 7/30/98 the authority was Section 6-206(a)(35)) of the Illinois Vehicle Code [[625 ILCS 5/6-206\(a\)\(34\)](#)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> ) <del>(with pending or effective Revocation)</del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 7) If such person has knowingly possessed any fraudulent disability license plate or parking decal or device in violation of Section 11-1301.6(b)(1) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(1)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code [[625 ILCS 5/6-206\(a\)\(35\)](#)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension

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1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> ) <del>(with pending or effective Revocation)</del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 8) If such person has knowingly possessed without authority any disability license plate or parking decal or device-making implement in violation of Section 11-1301.6(b)(2) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(2)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code [[625 ILCS 5/6-206\(a\)\(35\)](#)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> ) <del>(with pending or effective Revocation)</del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 9) If such person knowingly duplicates, manufactures, sells or transfers any fraudulent or stolen disability license plate or parking decal or device in violation of Section 11-1301.6(b)(3) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(3)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code [[625 ILCS 5/6-206\(a\)\(35\)](#)]:

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> ) <del>(with pending or effective Revocation)</del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 10) If such person has knowingly assisted in the duplication, manufacture,

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sales or transfer of any fraudulent or stolen disability license plate or parking decal or device in violation of Section 11-1301.6(b)(4) of Illinois Vehicle Code [625 ILCS 5/11-1301(b)(4)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(35\)\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> ) <del>(with pending or effective Revocation)</del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation; or

- 11) If such person has advertised or distributes a fraudulent disability license plate or parking decal or device in violation of Section 11-1301.6(b)(5) of the Illinois Vehicle Code [625 ILCS 5/11-1301.6(b)(5)], the Department shall take the following action pursuant to Section 6-206(a)(35) (prior to 7/30/98 the authority was Section 6-206(a)(36)) of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)\(35\)\]](#):

ACTION TABLE

<u>Offenses</u>	<u>Action</u>
1 <sup>st</sup> Offense	12 months Suspension
1 <sup>st</sup> Offense ( <a href="#">with open or pending revocation</a> ) <del>(with pending or effective Revocation)</del>	Revocation
2 <sup>nd</sup> or subsequent Offense	Revocation

- c) If such person has committed a violation of 11-1301.3(a-1) [of the Illinois Vehicle Code \[625 ILCS 5/11-1301.3\(a-1\)\]](#) for the use of a ~~disabled~~ [handicap](#) decal or device, who is not the holder or is not transporting the holder or the person who uses the decal or device for privileges granted, the Department shall take the following action pursuant to Section 6-206(a)42 of the Illinois Vehicle Code [\[625 ILCS 5/6-206\(a\)42\]](#):

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ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	1 month Suspension
1 <sup>st</sup> Conviction ( <del>with open or pending revocation</del> )( <del>with pending or effective Revocation</del> )	Revocation
2 <sup>nd</sup> Conviction	6 months Suspension
2 <sup>nd</sup> Conviction ( <del>with open or pending revocation</del> )( <del>with pending or open Revocation</del> )	Revocation
3 <sup>rd</sup> or subsequent Conviction	Revocation

- d) The sources of acceptable proof of the offenses described in subsections (b) and (c) are court documents, Department of Vehicle Services applications, Driver Services facility applications, government entity documents and law enforcement correspondence/reports.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.34 Conviction for Possession/Consumption of Alcohol for Persons Under Age 21**

- a) For the purpose of this Section, the following definitions shall apply:

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Open Revocation" - a revocation that appears on the driving record that is in effect.

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

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"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

- b) If any person has been convicted of violating Section 6-20(a), (d) or (e) of the Liquor Control Act of 1934 [235 ILCS 5/6-20(a), (d) or (e)], the Department shall take the following action pursuant to Section 6-206(a)38 of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(38)]:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
<u>1<sup>st</sup> Conviction</u>	<u>6 month Suspension</u>
<u>1st Conviction (with open or pending revocation)</u>	<u>Revocation</u>
<u>2<sup>nd</sup> Conviction</u>	<u>12 month Suspension</u>
<u>2<sup>nd</sup> Conviction (with open or pending revocation)</u>	<u>Revocation</u>
<u>3<sup>rd</sup> or Subsequent Conviction</u>	<u>= Revocation</u>

(Source: Added at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.35 Administrative Revocation for Commission of an Offense Requiring Mandatory Revocation Upon Conviction, and Suspension or Revocation Based Upon a Local Ordinance Conviction**

- a) Local ordinance conviction. A person who has been convicted of a local ordinance violation thatwhich is similar to any of those offenses in Section 6-205 or 6-206 of the Illinois Vehicle Code ~~(IVC)~~ [625 ILCS 5/6-205 ~~or~~ 6-206] shall have his/her driving privileges revoked or suspended in the same manner as if

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he/she had been convicted of an offense contained within the Illinois Vehicle Code. An offense would be similar if the same elements were necessary to prove a local ordinance offense as are necessary to prove the offense as stated in the Illinois Vehicle Code.

## b) Administrative Revocation

1) When the Secretary of State has received sufficient evidence that a person has committed one or more of the following offenses or similar provisions of a local ordinance and these offenses, currently awaiting court disposition, resulted in great bodily harm or death, the driving record of the individual shall be reviewed for possible driver's license revocation by the Department of Driver Services.

- A) Driving under the influence of alcohol, other drugs or a combination thereof. See Section 11-501 of the [Illinois Vehicle Code](#) [625 ILCS 5/11-501];
- B) Reckless homicide resulting from the operation of a motor vehicle. See [Section 9-3 of the Criminal Code of 1961 \[720 ILCS 5/9-3\]](#)~~[720 ILCS 5/9-3]~~;
- C) Leaving the scene of a traffic accident involving death or personal injury. See Section 11-401 of the [Illinois Vehicle Code](#) [625 ILCS 5/11-401];
- D) Drag racing. See Section 11-504 of the [Illinois Vehicle Code](#) [625 ILCS 5/11-504];
- E) Aggravated reckless driving. See Section 11-503(c) of the [Illinois Vehicle Code](#) [625 ILCS 5/11-503(c)];
- F) Any felony under the laws of this or any other State or the federal government in which a motor vehicle was an instrument of the offense. See Section 6-205(a)(3) of the [Illinois Vehicle Code](#) [625 ILCS 5/6-205(a)(3)];
- G) [Street Racing. See Section 11-506\(a\) of the Illinois Vehicle Code \[625 ILCS 5/11-506\(a\)\].](#)

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- 2) In determining whether action should be taken, the driving record and other sufficient evidence showing that the person has committed such an offense shall be examined. "Sufficient evidence" shall be defined as copies of court documents showing the person has been charged with one or more of the named offenses in subsection (b)(1) of this Section and:
  - A) documentation or copies of documentation, of coroner's activities describing an incident where great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1) of this Section was charged; or
  - B) statements of eye witnesses and others with first hand knowledge concerning the matter that indicate that great bodily harm or death resulted from a motor vehicle accident where one or more of the named offenses in subsection (b)(1) of this Section was charged; or
  - C) any other competent evidence. Examples of what would constitute other competent evidence include but are not limited to laboratory reports, accident reports and other documentation deemed important and probative by the state's attorney.
- 3) This information shall be provided with a letter of transmittal from the appropriate state's attorney.
- 4) "Great bodily harm" shall include but not be limited to any of the following:
  - A) bodily injury that involves a substantial risk of death;
  - B) unconsciousness;
  - C) extreme physical pain;
  - D) protracted or permanent disfigurement;
  - E) protracted or permanent loss or impairment of the function of a bodily member, organ, or mental faculty;

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- F) bone fractures;
  - G) distorted extremity or extremities;
  - H) severely bleeding wound.
- 5) If sufficient evidence is received from the state's attorney and indicates that a person has committed one or more of the named offenses in subsection (b)(1) of this Section, and that these offenses, currently awaiting court disposition, involved a motor vehicle accident that caused great bodily harm or death, the driving privileges of the individual shall be revoked.
- 6) If the individual whose driving privileges have been revoked under this Section is adjudicated "guilty" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall stand. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.
- 7) If the individual whose driving privileges have been revoked under this Section is adjudicated "not guilty" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.
- 8) If the individual whose driving privileges have been revoked under this Section is granted a disposition of "court supervision" by the court system, the revocation previously entered on his/her driving record in accordance with this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.
- 9) If the charges against an individual whose driving privileges have been revoked under this Section are reduced or altered in any manner so that the offenses for which the individual is convicted do not require a mandatory revocation under Section 6-205 of the Illinois Vehicle Code, the revocation previously entered on his/her driving record in accordance with

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this Section shall be rescinded. This action does not preclude further suspension and/or revocation of driving privileges under another Section of the Illinois Vehicle Code.

- c) Administrative Hearing. An individual whose driving privileges have been revoked or suspended under this Section may request an administrative hearing pursuant to Section 2-118 of the [Illinois Vehicle Code](#)IVC [625 ILCS 5/2-118] and 92 Ill. Adm. Code 1001.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.36 Suspension for Violation of Restrictions on Driver's License**

- a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – [a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code \[625 ILCS 5/Ch.13B\]](#).~~a suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].~~

"Automated Traffic Law Violation Suspension" – [a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code \[625 ILCS 5/6-306.5\] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.](#)

"Conviction" – [a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100\(b\) of the Illinois Vehicle Code \[625 ILCS 5/6-100\(b\)\].](#)~~an adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

"Curfew Violation Suspension" – [a suspension of a minor](#) for operating a vehicle on a highway during ~~a~~-prescribed ~~hours~~~~hour~~ without an adult or as otherwise provided ~~for~~ in ~~accordance with~~ Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" – Department of Driver Services within the Office of the Secretary of State.

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"Driver's License Restriction" – the notation~~identification~~ on a driver's license indicating requirements deemed applicable to the licensee by the Secretary of State to assure safe operation of a motor vehicle.

"Failure to Appear Suspension" – a suspension for failing to pay fines or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3]~~a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket.~~

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703]~~a suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].~~

"Financial Responsibility Suspension" – a suspension in accordance with Section~~Sections~~ 7-304 and/or Section 7-305 ~~of the Illinois Safety and Family Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension~~Suspensions~~" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~a safety responsibility, family financial responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment.~~

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

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"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application or a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation ~~as provided for in Section 1040.20 of this Part and~~ as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary ~~as provided for in Section 1040.20 of this Part and~~ as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension" – a suspension in accordance with ~~Section~~Sections 7-303 or 7-313 ~~of the Illinois Safety Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.~~

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- b) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on a driver's license shall have his/her driving privileges suspended by the Department. If a corrected driver's license ~~that~~<sup>which</sup> removes the restriction that was violated at the time of arrest is issued on or prior to the conviction date of the incoming conviction for a first offense of a driver's license restriction violation, no action shall be taken against the individual by the Department.
- c) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.
- d) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on a driver's license within 7 years prior to the arrest date of the incoming conviction shall be considered.
- e) Only those suspensions currently in effect or pending or suspensions or revocations cleared within 7 years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.
- f) If a person has no prior suspensions or revocations of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	2 month Suspension
2 <sup>nd</sup> Conviction	4 month Suspension
3 <sup>rd</sup> Conviction	6 month Suspension
4 <sup>th</sup> or subsequent Conviction	12 month Suspension

- g) If a person has 1 prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
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1 <sup>st</sup> Conviction	4 month Suspension
2 <sup>nd</sup> Conviction	6 month Suspension
3 <sup>rd</sup> or subsequent Conviction	12 month Suspension

- h) If a person has 2 prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

Convictions	Action
1 <sup>st</sup> Conviction	6 month Suspension
2 <sup>nd</sup> or subsequent Conviction	12 month Suspension

- i) If a person has 3 prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license, the Department shall take action as follows:

ACTION TABLE

Convictions	Action
1 <sup>st</sup> or subsequent Conviction	12 month Suspension

- j) If a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license shows an arrest date during a period of revocation [that which](#) is in effect, the revocation shall be extended for 1 year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on a driver's license shows an arrest date during a period of suspension (including curfew [and night time driving restriction](#) suspensions) [that which](#) is still in effect, the suspension shall be extended the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].

- k) If a person has a suspension in effect pursuant to Section 6-113(d) of the Illinois Vehicle Code [\[625 ILCS 5/6-113\(d\)\]](#) and receives a subsequent conviction for

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operating a motor vehicle in violation of the restrictions imposed on a driver's license, the suspension shall be amended in accordance with the guidelines of subsections (f) through (i) of this Part.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.37 Suspension for Violation of Restrictions on Instruction Permit**

a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~a suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].~~

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations [625 ILCS 5/6-306.5].

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~an adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

"Curfew Violation Suspension" – a suspension of a minor for operating a vehicle on a highway during the prescribed ~~hours~~hour without an adult or as otherwise provided in accordance with Section 1 of the Child Curfew Act [720 ILCS 555/1], in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an ~~instructional~~instructional permit and limiting privileges to that of an ~~instructional~~instructional permit, if a driver's license has previously been issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-107(d)].

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a

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driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) of the Illinois Vehicle Code [625 ILCS 5/6-107(c)].

"Department" – the Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703]. ~~a suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].~~

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 ~~of the Illinois Safety and Family Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Instruction Permit" – a driving permit issued pursuant to Sections 6-105 or 6-107.1 of the Illinois Vehicle Code [625 ILCS 5/6-105 or 6-107.1].

"Instruction Permit Restriction" – a limitation imposed on an instruction permit ~~that which~~ limits the holder to the operation of a motor vehicle only when accompanied by a parent, legal guardian, family member, or person in loco parentis who is 21 years of age or more ~~licensed driver at least 21 years of age~~ who has a license classification to operate such vehicle, who and has at least one year of driving experience. ~~had 1 year's driving experience with such classification~~ and who is occupying the seat beside the driver.

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment. ~~a safety~~

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~~responsibility, family responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment.~~

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, as provided for in Section 1040.20 of this Part and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 ~~of the Illinois Safety and Family Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as provided for in Section 1040.20 of this Part and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-

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303 or 7-313 ~~of the Illinois Safety Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5], ~~a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.~~

- b) A person who is convicted of operating a motor vehicle in violation of the restrictions imposed on an instruction permit shall have his/her driving privileges suspended by the Department. If a new driver's license is issued on or prior to the conviction date of the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.
- c) A person who is arrested for a traffic offense prior to the initial issuance of a driver's license and is subsequently convicted of the offense shall be returned to instruction permit status. If the person is subsequently convicted of operating a motor vehicle in violation of the restrictions of the instruction permit, he or she shall have his or her driving privileges suspended by the Department. If the person has returned to driver's license status when the Department receives ~~is convicted of operating a motor vehicle in violation of the restrictions imposed on an instruction permit issued on a driver's license during a period of denial shall have his/her driving privileges suspended by the Department. If the denial has terminated upon receipt of~~ the incoming conviction for a first offense of an instruction permit restriction violation, no action shall be taken against the individual by the Department.
- d) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.
- e) When considering prior convictions, only convictions for operating a motor vehicle in violation of restrictions on an instruction permit within 7 years prior to ~~of~~ the arrest date of the incoming conviction shall be considered.
- f) Only those suspensions currently in effect or pending or suspensions or

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revocations cleared within 7 years prior to the forthcoming suspension's effective date shall be considered as prior suspensions or revocations.

- g) If a person has no prior ~~suspensions~~suspension/s or ~~revocation~~revocation/s of any kind and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	2 month Suspension
2 <sup>nd</sup> Conviction	4 month Suspension
3 <sup>rd</sup> Conviction	6 month Suspension
4 <sup>th</sup> or subsequent Conviction	12 month Suspension

- h) If a person has 1 prior suspension or revocation and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	4 month Suspension
2 <sup>nd</sup> Conviction	6 month Suspension
3 <sup>rd</sup> or subsequent Conviction	12 month Suspension

- i) If a person has 2 prior suspensions or revocations or any combination thereof, and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> Conviction	6 month Suspension
2 <sup>nd</sup> or subsequent Conviction	12 month Suspension

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- j) If a person has 3 or more prior suspensions or revocations or any combination thereof and a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> or subsequent Conviction	12 month Suspension

- k) If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of revocation [thatwhich](#) is in effect, the revocation shall be extended for 1 year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit shows an arrest date during a period of suspension (including curfew [and night time driving restriction](#) suspensions) [thatwhich](#) is still in effect, the suspension shall be extended [for](#) the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].
- l) If a person has a suspension in effect pursuant to Section 6-113(d) of the Illinois Vehicle Code [625 ILCS 5/6-113(d)] and receives a subsequent conviction for operating a motor vehicle in violation of the restrictions imposed on an instruction permit, the suspension shall be amended in accordance with the guidelines of subsections (g) through (j) of this Section.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.38 Commission of a Traffic Offense in Another State**

- a) A person who has been convicted of a traffic offense in another state, which if committed in this State would be grounds for mandatory revocation under Section 6-205 of the Illinois Vehicle Code [625 ILCS 5/6-205] shall have his/her driving privileges revoked.
- b) A person who has been convicted of a traffic offense in another state, which if committed in this State would be grounds for suspension or revocation under

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Section 6-206 of the Illinois Vehicle Code [625 ILCS 5/6-206], shall have his/her driving privileges reviewed, and shall be subject to the same action as if the ~~offense~~offense(s) had occurred within this State.

- c) A person who has been convicted of a traffic offense in another state, which if committed in this State would be grounds for denial under Section 6-107(c) or 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) or 6-107(d)], shall have his/her driving privileges reviewed and shall be subject to the same action as if the ~~offense~~offense/s had occurred within this State.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.40 Repeated Convictions or Collisions**

- a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].~~suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].~~

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~adjudication of guilty as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hour without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" – Department of Driver Services within the Office of the Secretary

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of State.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].~~suspension in accordance with Sections 7-702 and 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].~~

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~Sections 7-304 and/or Section 7-305 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous ~~Suspension~~Suspensions" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~safety responsibility, family responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew or unsatisfied judgment.~~

"Night Time Driving Restriction" - the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation which appears on the driving record.

"Revocation" – the termination by formal action of the Secretary of a person's

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license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, ~~as provided for in Section 1040.20 of this Part and~~ as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – suspension in accordance with Section 7-205 or 7-208 ~~of the Illinois Safety and Family Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 ~~of the Illinois Safety and Family Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.~~

- b) A person who has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree ~~that~~which indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle, or whose record indicates disrespect for traffic laws and the safety of other persons on the highway, shall be reviewed by the Department for possible driver's license and/or driving privilege suspension or revocation pursuant to

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Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)]. Upon review, if a determination is made by the Department that additional convictions accumulating 90 or more points have been received after the effective date of a 12 month suspension or revocation entered under Section 1040.30 of this Part, or under this Section and the 90 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the 12 month suspension, the person's driving privileges shall be revoked under Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

- c) A person who has been convicted of 3 or more point assigned traffic violations committed within a 12 month period as listed in Section 1040.20 of this Part (type action [87](#), 97 or 99), excluding any conviction previously used as a basis for action, shall be identified for review for possible driver's license and/or driving privilege suspension or revocation pursuant to Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)].

- 1) If a person's driving record indicates 1 or more prior suspensions or revocations under Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] within a 7 year period from the effective date of the revocation, the following point table shall be used to enter an order of revocation and shall be recorded to the driving record:

POINT TABLE

<u>Number of Points</u>	<u>Action</u>
0 through 14	No Action
15 or more	Revocation

- 2) If a person's driving record indicates 2 or more prior suspensions or revocations within a 7 year period from the effective date of the suspension or revocation, excluding miscellaneous suspensions and suspensions or revocations under Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)], the following point table shall be used in computing whether an order of suspension or revocation is to be entered and recorded to the driving record:

POINT TABLE

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Number of Points	Action
0 through 14	No Action
15 through 109	12 month Suspension
110 or more	Revocation

- 3) If a person has a point total which exceeds 109 and more than 6 months has elapsed between the time of the last conviction date and the effective date of the order of revocation, an order of revocation shall be entered and recorded to the driving record.
- 4) Notice of suspension or revocation will be given pursuant to [Section 6-209](#) and [Section 2-114](#) of the Illinois Vehicle Code [625 ILCS 5/2-114 and 6-209].

d) An order of revocation shall be entered and recorded to the driving record pursuant to Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] if:

- 1) The person has a 12-month suspension or revocation in effect pursuant to Section 6-206(a)(36) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(36)]; and
- 2) During the same 24-month period, the person is convicted of 2 or more point-assigned traffic violations totaling 65 or more points (type action 87, 97 or 99), excluding any conviction previously used as a basis for a suspension or revocation; and
- 3) The person was under age 21 at the time the point-assigned traffic violations occurred.

e) An order of revocation shall be entered and recorded to the driving record pursuant to Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(3)] if:

- 1) The person is convicted of 2 or more points assigned traffic violations committed while the person was under the age of 21; and
- 2) The point total for those convictions exceeds 79; and

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- 3) More than 6 months have elapsed between the latest conviction date and the effective date of the order of revocation.
- d) ~~An order of revocation shall be entered and recorded to the driving record pursuant to Section 6-206(a)(3) of the Illinois Vehicle Code if a person has been convicted of 2 or more point assigned traffic violations committed:~~
- 1) either:
- A) ~~within a 24 month period as specified in Section 1040.20 of this Part (87, 97 or 99), excluding any conviction previously used as a basis for suspension/revocation action; or~~
- B) ~~on or after January 1, 1998; and~~
- 2) ~~while under the age of 21, has a point total that exceeds 79, and more than 6 months have elapsed between the latest conviction date and the effective date of the order of revocation.~~
- f)e) If a person has been repeatedly involved as a driver in motor vehicle accidents or repeatedly convicted of traffic offenses to a degree which indicates the lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or his/her driving record indicates disrespect for traffic laws and the safety of other persons on the highway, that person shall be reviewed by the Department for possible driver's license and/or driving privilege revocation pursuant to Section 6-206(a)(3) of the Illinois Vehicle Code [625 ILCS 5/6-~~206203~~(a)(3)]. Upon review, if a determination is made by the Department that additional convictions accumulating 65 or more points have been received after the effective date of a 12 month suspension or revocation entered under Section 1040.29 of this Part and the 65 or more additional or accumulated points were a result of convictions occurring during the same period of time as the convictions used for the 12 month suspension or revocation, that person's driving privileges shall be revoked under Section 6-206(a)(3)-~~of the Illinois Vehicle Code.~~

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.41 Suspension of Licenses for Curfew or Night Time Driving Restriction Violations**

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- a) For purposes of this Section, the following definitions shall apply:

"Conviction" – A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)]. ~~an adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

"Curfew" – The hours by ~~stipulated hours~~ which any person under 17 years of age may not lawfully be present at or upon any public assembly, building, place, street or highway as provided in Section 1 of the Child Curfew Act [720 ILCS 555/1].

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Night Time Driving Restriction" – The hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" – A suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

- b) A person who is under the age of 17 years ~~old~~ is in violation of Section 6-110(a) or 6-107.1(b) of the Illinois Vehicle Code [625 ILCS 5/6-110(a) or 6-107.1(b)] if he/she operates a motor vehicle on any highway during any time such licensee is prohibited from being in a public place because of curfew.
- c) A person is in violation of Section 6-107.1(b) or 6-110(a-1) of the Illinois Vehicle Code if he/she operates a motor vehicle on any highway during night time driving restriction [625 ILCS 5/6-107.1(b) or 6-110(a-1)].
- d)e) The Department shall take the following action pursuant to Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)] for curfew or night time driving restriction violation convictions:
- 1) 1<sup>st</sup> Conviction – 60 day suspension

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- 2) 2<sup>nd</sup> Conviction – 90 day suspension
- 3) 3<sup>rd</sup> Conviction or more – 6 month suspension

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.42 Fleeing and Eluding**

- a) For purposes of this Section, the following definitions shall apply:

1) "Auto Emissions Suspension" – ~~a suspension~~ Suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

2) "Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)]. ~~A final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default as defined in Section 6-100(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

3) "Curfew Violation Suspension" – ~~a suspension~~ Suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

4) "Department" – Department of Driver Services within the Office of the Secretary of State.

5) "Failure to Appear Suspension" – ~~a suspension~~ Suspension for failing to pay fines or appear in court following the issuance of a traffic ticket as defined in

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Section 6-306.3 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

6) ~~"Financial Responsibility Suspension" – a suspension~~ Suspension in accordance with Section 7-304 and ~~/or~~ Section 7-305 ~~of the Illinois Safety Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-304 and /or 7-305].

7) ~~"Like Period of Time" – an equal~~ Equal amount of time as the original suspension specified.

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

8) ~~"Miscellaneous Suspensions" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.~~ Suspensions for safety responsibility, financial responsibility, warrant parking/traffic ticket, auto emissions, failure to appear, curfew or unsatisfied judgment.

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

9) ~~"Parking/Traffic Suspension" – Suspension for failure to pay fines for traffic or parking violations as described in Section 6-306.5 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-306.5].~~

10) ~~"Revocation" – the~~ The termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public

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~~highways, highway~~ which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation~~the latest projected eligibility date has passed~~ as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

~~11)~~ "Safety Responsibility Suspension" – ~~a suspension~~Suspension in accordance with Section 7-205 and/or Section 7-208 ~~of the Illinois Safety Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-205 and or 7-208].

~~12)~~ "Suspension" – ~~the temporary~~Temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

~~13)~~ "Suspension or Revocation in Effect" – ~~suspension~~Suspension or revocation that has not terminated.

~~14)~~ "Terminated Revocation" – ~~Revocation that is no longer in effect.~~

~~15)~~ "Terminated Suspension" – ~~Suspension that is no longer in effect.~~

"Terminated Suspension" or "Terminated Revocation" – a suspension or revocation that is no longer in effect.

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

~~16)~~ "Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].~~Suspension in accordance with Article III of the Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/Ch.7, Art. III].~~

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in

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[accordance with Section 6-306.5 of the Illinois Vehicle Code \[625 ILCS 5/6-306.5\].](#)

- b) A person who has been convicted of fleeing or attempting to elude a peace officer in a motor vehicle shall have his/her driving privileges suspended or revoked by this Department.
- c) If the driving record contains no suspensions or revocations, the Department shall take the following action:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> <del>Conviction</del> conviction	6 month <del>Suspensions</del> suspension
2 <sup>nd</sup> <del>Conviction</del> conviction	12 month <del>Suspensions</del> suspension
3 <sup>rd</sup> or subsequent <del>Conviction</del> conviction	Revocation

- d) If the driving record contains one or more suspensions and/or cleared revocations excluding miscellaneous suspensions, the Department shall take the following action:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> <del>Conviction</del> conviction	6 month <del>Suspensions</del> suspension
2 <sup>nd</sup> <del>Conviction</del> conviction	12 month <del>Suspensions</del> suspension
3 <sup>rd</sup> or subsequent <del>Conviction</del> conviction	Revocation

- e) If the driving record contains one or more open or pending revocation excluding miscellaneous suspensions, and the arrest date of the incoming conviction falls occurred prior to commencement of the period of revocation, the Department shall take the following action:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> <del>Conviction</del> conviction	No Action
2 <sup>nd</sup> <del>Conviction</del> conviction	No Action
3 <sup>rd</sup> or subsequent <del>Conviction</del> conviction	Revocation

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- f) If the driving record contains one or more open revocations one of which may be concurrent with one or more open or pending suspensions excluding miscellaneous suspensions and the arrest date of the incoming conviction falls during the revocation, then the Department shall extend the projected eligibility date of the revocation one year from the conviction date or to the latest projected eligibility date on record. If the arrest date of the incoming conviction falls outside the period of revocation but within the period of an open suspension, then the Department shall extend the suspension for an additional like period of time.
- g) Only prior suspensions or revocations terminating within 7 years prior to the forthcoming suspension's effective date shall be considered.
- h) When considering prior convictions, only convictions for fleeing or attempting to elude a peace officer with conviction dates within 7 years prior to the forthcoming suspension's effective date shall be used.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.43 Illegal Transportation**

- a) For purposes of this Section, the following definitions shall apply:

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code for failure to satisfy fines or penalties for 5 or more automated traffic law violations [625 ILCS 5/6-306.5].

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)]. ~~final adjudication of guilty by a court of competent jurisdiction either after a bench trial, trial by jury, plea of guilty, order of forfeiture or default as defined in Section 6-100(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].~~

"Department" – Department of Driver Services within the Office of the Secretary or State.

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"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous ~~Suspension~~Suspensions" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment. ~~suspensions for safety responsibility, financial responsibility, unsatisfied judgment, warrant parking/traffic ticket, auto emissions, failure to appear, or curfew.~~

~~"Open or Pending Revocation" – revocation which has not terminated.~~

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

*"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highway which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of the revocation as provided in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].*

*"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].*

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay

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fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

- b) If a person who is under 21 years of age at the time of arrest is convicted of illegal transportation of alcohol by a driver, the Department shall suspend his/her driving privileges for ~~twelve~~(12) months. Only arrests which occur on or after January 1, 1994 shall be considered.
- c) An individual who has two ~~(2)~~ or more convictions, regardless of age at the time of arrest, and whose arrest dates fall within any ~~twelve~~(12) month period, for illegal transportation of alcohol as a driver, shall have his/her driving privileges suspended or revoked by the Department.
- 1) In reviewing an individual's driving record for illegal transportation convictions, only those illegal transportation convictions with arrest dates on or after January 1, 1986, shall be considered.
  - 2) If a person's record contains no prior suspensions or revocations and two ~~(2)~~ convictions whose arrest dates fall within any ~~twelve~~(12) month period for illegal transportation, regardless of age at the time of arrest, the Department shall suspend his/her driving privileges for ~~twelve~~(12) months. A third conviction or subsequent conviction within the same ~~twelve~~(12) month period shall result in the person's driving privileges being revoked by the Department.
  - 3) If a person's record contains one ~~(1)~~ or more prior suspensions or revocations (excluding miscellaneous suspensions or suspensions as a result of subsection (b) ~~above~~) within seven ~~(7)~~ years from the effective date of the suspension or revocation in addition to two ~~(2)~~ convictions for illegal transportation, regardless of age at the time of arrest, and the arrest dates fall within any ~~twelve~~(12) month period, the Department shall revoke his/her driving privileges.
- d) Excluding a suspension under subsection (b), only convictions for arrests that which occur on or after January 1986 will be considered. For the purpose of imposing a sanction pursuant to subsection (b), only convictions for arrests that which occur on or after January 1, 1994 shall be considered.

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(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.46 Fatal Accident and Personal Injury Suspensions or Revocations**

a) For purposes of this Section, the following definitions shall apply:

"Alcohol Related Suspension" – a suspension in accordance with Sections 6-206(a)(6), 6-206(a)(17), 6-206(a)(23) and 6-206(a)(33) of the Illinois Driver's Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(6), 6-206(a)(17), 6-206(a)(23), 6-206(a)(33)] and Sections 11-501.1 and 11-501.8 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1 and 11-501.8].

"Auto Emissions Suspension" – a suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B]~~suspension for failure to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 13A].~~

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)]~~suspension of a minor for operating a vehicle on a highway after a prescribed hour without an adult as otherwise provided in Section 1 of the Child Curfew Act, "AN ACT relating to a curfew for certain children" [720 ILCS 555/1].~~

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" – a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3]~~suspension for failing to appear in court or pay fine after being issued a traffic ticket.~~

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 or 7-309 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-309].

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~~"Hospital"—an institution that provides medical or surgical care and treatment for the sick and injured.~~

"Miscellaneous Suspension" - a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Reckless Driving" – driving a motor vehicle with a willful or wanton disregard for the safety of persons or property or knowingly driving a vehicle using an incline in a roadway, such as a railroad crossing, bridge approach or hill to cause the vehicle to become airborne, as defined in Section 11-503 of ~~the~~ The Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].

"Safety Responsibility Suspension" – suspension for violation of Section 7-205 or 7-208 ~~of the Illinois Safety Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-205 and 7-208].

"Type A Injury" – severely bleeding wounds, distorted extremities and injuries that require the injured party to be carried from the member, or had to be carried away from scene.

"Unsatisfied Judgment Suspension" – a suspension in accordance with Sections 7-303(a) and 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303(a) and 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5]~~suspension for arrest warrants issued for failure to pay fines for traffic and parking violations described in Section 6-306.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-306.1].~~

- b) The Department shall review accidents in which a fatality or personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20 of this Part. No action shall be taken by the Department

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unless the traffic accident report completed by a law enforcement officer indicates a fatality or a personal injury ~~that~~<sup>which</sup> has been designated as a type A injury and the injured party was transported to a hospital. ~~(an institution that provides medical or surgical care and treatment for the sick and injured)~~<sup>The code for injury on the traffic accident report defines a type A injury as a bleeding wound, distorted member or an injury for which the victim had to be carried from the scene.</sup> No action shall be taken in a personal injury case if the only type A injury indicated was for the individual convicted of the traffic violation.

- c) Suspensions and revocations under these provisions shall be based on the number of points a person has accumulated and upon review of the individual's prior driving record, unless the conviction is an immediate action violation wherein no points are assigned. The points shall be assigned in the following manner:
- 1) Five ~~(5)~~ points shall be added to a person's point total for a type A injury to a maximum of four persons. Five additional points shall be assigned for each type A injury for the fifth and each subsequent type A injury. Fifteen ~~(15)~~ points shall be added to a person's total for each fatality arising from the accident.
  - 2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 of this Part shall be added to the person's point total.
  - 3) Ten ~~(10)~~ points shall be added to the person's point total for each previous two-month suspension entered in accordance with Section 6-206(a)(2) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-206(a)(2)]~~. Fifteen points shall be added to the person's point total for any other previous nonalcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any revocation within two ~~(2)~~ years prior to or one ~~(1)~~ year subsequent to the accident. ~~Miscellaneous suspensions~~<sup>Suspensions for failure to appear, safety responsibility, financial responsibility, auto emissions, unsatisfied judgments, warrant parking/traffic violations, or curfew violations</sup> shall not be counted as prior or subsequent suspensions.
  - 4) Ten ~~(10)~~ points shall also be added to the person's point total for each conviction of reckless driving in violation of Section 11-503 ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code [625 ILCS 5/11-503],

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speeding in excess of ~~twenty-five (25)~~ miles per hour over the speed limit in violation of Section 11-601(b) ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code [625 ILCS 5/11-601(b)], or operating a motorcycle on one wheel in violation of Section 11-1403.2 ~~of The Illinois Rules of the Road~~ of the Illinois Vehicle Code [625 ILCS 5/11-1403.2] issued within two ~~(2)~~ years prior to or one ~~(1)~~ year subsequent to the accident.

- 5) Five ~~(5)~~ points shall be added to the person's point total for any traffic-related conviction issued within two ~~(2)~~ years prior to or one ~~(1)~~ year subsequent to the accident with the following exceptions:
- A) No conviction associated with a previous suspension or revocation shall be used.
  - B) Only the most serious conviction resulting from the accident under review shall be used.
- d) For accidents involving no fatality, if a person accumulates zero ~~(0)~~ to 39 points the Department shall take no action. Forty ~~(40)~~ to 49 points shall result in a three ~~(3)~~ month suspension. Fifty ~~(50)~~ to 59 points shall result in a ~~six (6)~~ month suspension and 60 to 74 points shall result in a 12 month suspension. Seventy-five ~~(75)~~ or more points shall result in a revocation.
- e) For accidents involving a fatality, if a person accumulates zero ~~(0)~~ to 29 points, the Department shall take no action. Thirty ~~(30)~~ to 39 points shall result in a six ~~(6)~~ month suspension and 40 to 49 points shall result in a nine ~~(9)~~ month suspension. Fifty ~~(50)~~ to 59 points shall result in a 12 month suspension. If a person accumulates 60 or more points, that person's driving privileges shall be revoked.
- f) Any person whose driving privileges were suspended, revoked or cancelled at the time of the fatal or personal injury accident shall have his/her driving privileges revoked. Any person who as a result of a fatal or personal injury accident is convicted of passing a stopped school bus in violation of Section 11-1414 ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code [625 ILCS 5/11-1414] shall have his/her driving privileges revoked.
- g) In accordance with Section ~~6-206(a)(4)~~ ~~6-206(4)~~ ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [~~625 ILCS 6-206(a)(4)~~ ~~625 ILCS 6-206(4)~~], any

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suspension or revocation imposed shall start no later than six ~~(6)~~ months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one ~~(1)~~ year subsequent to the date of the accident involving a fatality or personal injury, whichever date occurs later.

- h) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 of this Part shall have his/her driving privileges revoked under the applicable Section of the Illinois Vehicle Code.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.50 Occupational Driving Permit**

- a) For purposes of this Section, the following definitions shall apply:

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to that license in accordance with ~~Sections~~ Section 1-110, ~~of the Illinois Vehicle Code and Sections 6-201 and 6-206(c)(3) of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/1-110, 6-201 and 6-206(c)(3)].

"Commercial Driver's License" or "CDL" - a license issued by a state or other jurisdiction, in accordance with the standards contained in 49 CFR 383, to an individual that authorizes the individual to operate a class of a commercial motor vehicle.

"Commercial Motor Vehicle" or "CMV" – a motor vehicle, used in commerce, except those referred to in Section 6-500(6)(B) of the Illinois Vehicle Code, designed to transport passengers or property if:

the vehicle has a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations (49 CFR 383); or

any combination of vehicles with a Gross Combination Weight Rating (GCWR) of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

~~the~~ a vehicle designed to transport 16 or more persons; or

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~~thea~~ vehicle ~~is~~ transporting hazardous materials and ~~that~~ is required to be placarded in accordance with 49 CFR 172, subpart F.

"Commercial Vehicle" – any vehicle operated for the transportation of persons or property in the furtherance of any commercial or industrial enterprise, for-hire or not-for-hire, but not including a commuter van, a vehicle used in a ridesharing arrangement when being used for that purpose, or a recreational vehicle not being used commercially, as defined in Section 1-111.8 of the Illinois Vehicle Code [625 ILCS 5/1-111.8].

"Disqualification" – the suspension, revocation, or cancellation of a CDL by the state or jurisdiction of issuance; any withdrawal of a person's privileges to drive a commercial motor vehicle by a state or other jurisdiction as a result of a violation of state or local law relating to motor vehicle traffic control (other than parking, vehicle weight or vehicle defect violations); a determination by the Federal Motor Carrier Safety Administration that a person is not qualified to operate a commercial vehicle under 49 CFR 391, as defined in Section 1-115.3 of the Illinois Vehicle Code [625 ILCS 5/1-115.3].

"Driver Improvement Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended drivers. This course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or a total of 9 hours of instruction.

"Farm Vehicle" – every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry that is self-propelled, excluding all-terrain vehicles and off-highway motorcycles, as defined in Section 1-120 of the Illinois Vehicle Code [625 ILCS 5/1-120].

"Hearing Officer" – any person designated by the Secretary of State to preside at any hearing conducted pursuant to the rules established by the Office of the Secretary of State (92 Ill. Adm. Code 1001).

"Implement of Husbandry" – every vehicle designed and adapted exclusively for agricultural, horticultural, or livestock raising operations, including farm wagons, wagon trailers or like vehicles used in connection therewith, or for lifting or carrying an implement of husbandry, provided that no farm wagon, wagon trailer

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or like vehicle having a gross weight of more than 36,000 pounds shall be included hereunder, as defined in Section 1-130 of the Illinois Vehicle Code [625 ILCS 5/1-130].

"Occupational Driving Permit" – the document that grants and specifies limited privileges to drivers of commercial vehicles as an occupation who have had their full driving privileges suspended. The occupational driving permit is valid only when in the immediate possession of the driver to whom it is issued.

"Open Cancellation" or "Open Disqualification" – a cancellation or disqualification that appears on the driving record that is in effect.

"Open Suspension" or "Open Revocation" – a suspension or revocation that appears on the driving record that is in effect.

"Pending Cancellation" or "Pending Disqualification" – a cancellation or disqualification that appears on the driving record that is not yet in effect.

"Pending Suspension" or "Pending Revocation" – a suspension or revocation that appears on the driving record that is not yet in effect.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least 1 year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Secretary of State" – the Secretary of State of Illinois.

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204]~~the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on public highways, for a period specifically designated by the Secretary.~~

- b) If the Secretary of State suspends the driver's license of a person under Section 6-206(a)(2) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(2)] and the person

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drives a commercial vehicle in connection with his/her regular occupation, ~~the person he/she~~ may qualify for an occupational driving permit ~~if based on the following requirements:~~

- 1) ~~the individual is at least~~ 18 years of age; ~~and~~
- 2) the individual ~~has must have~~ been issued or ~~has have~~ qualified for a valid Illinois driver's license prior to issuance of the occupational driving permit; ~~and~~
- 3) ~~there are~~ no outstanding reinstatement fees or failure to pay ~~notations requirements are effective~~ on the Illinois driving record; ~~and~~
- 4) ~~there are no open no effective~~ or pending suspensions, revocations, cancellations or disqualifications on the individual's Illinois driving record; ~~and~~
- 5) the suspension period does not exceed 12 months; ~~and~~
- 6) the suspension was the result of 3, 4 or 5 offenses that were committed within a 12 month period. If 5 offenses were committed, at least 2 of ~~which that~~ occurred while operating a commercial vehicle in connection with the driver's regular occupation, the driver would not qualify for an occupational driving permit; ~~and~~
- 7) the individual's occupation ~~is must be~~ full time, and one that involves driving a commercial vehicle on a regular basis. Part-time employment or a person renting a commercial vehicle under a short term lease shall not qualify; ~~and~~
- 8) the individual ~~must~~ successfully ~~completes complete~~ a Driver Improvement Course prior to the issuance of the occupational driving permit; ~~and~~
- 9) the individual ~~completes shall complete~~ and ~~signs sign~~ an affidavit prescribed by the Secretary of State setting forth his/her eligibility as a driver of a commercial vehicle and such other information as required by the Secretary of State. The affidavit shall also be notarized by a Notary Public or signed by a Secretary of State Hearing Officer; ~~and~~

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- 10) the individual ~~submits~~submit a notarized letter from the employer, on the employer's letterhead, verifying employment; and
  - 11) the individual submits~~submit~~ appropriate fee; and
  - 12) the individual surrenders his/hersurrender current ~~valid~~-Illinois driver's license.
- c) Operation of the following vehicles shall not be deemed to be the operation of a commercial vehicle:
- 1) farm vehicle;
  - 2) implements of husbandry;
  - 3) road machinery temporarily on the highway;
  - 4) a farm tractor being operated between the home farm and adjacent or nearby farm.
- d) If the permit holder's regular occupation changes, or if the original permit is lost or stolen, the driver is required to apply for a corrected or duplicate permit in order to continue driving. The driver must qualify by meeting the requirements outlined in subsection (b) of this Section and shall submit an affidavit verifying the lost or stolen permit in order to be issued a duplicate permit, or surrender the original permit to obtain a corrected permit.
- e) Upon receipt by this Office of the 5<sup>th</sup> conviction within a 12 month period, if at least 2 of the convictions were issued for violations committed in his/her commercial vehicle, or a 6<sup>th</sup> conviction within a 12 month period was received and the permit was still valid, an Order of Cancellation shall be entered pursuant to Section 6-206(c)(3) of the Illinois Vehicle Code [625 ILCS 5/6-206(c)(3)].
- f) An occupational driving permit shall be cancelled if the Secretary of State receives reliable written evidence that the individual does not qualify for the permit as outlined in subsection (b) of this Section.
- g) Any driver required to obtain a commercial driver's license under Section 6-507

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[625 ILCS 5/6-507] may not be issued an occupational driving permit to operate a commercial motor vehicle while the individual's CDL is cancelled, revoked, suspended or disqualified under Sections 6-507(b) and 6-514 [625 ILCS 5/6-507(b) and 6-514].

- h) Any person who falsely states any fact in the affidavit required by subsection (b)(9) shall be guilty of perjury under Section 6-302 of the Vehicle Code [625 ILCS 5/6-302] and upon conviction shall have all driving privileges revoked without further rights.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.52 Driver Remedial Education Course**

- a) For purposes of this Section the following definition shall apply:

"Driver Remedial Education Course" – an organized remedial activity approved by the Driver Services Department for improving the driving habits of certain suspended minor drivers. The course shall consist of individual counseling and/or group sessions of instruction and shall not exceed 2 sessions or 9 hours of instruction.

- b) The Secretary of State shall require a driver under the age of 18, whose driving privileges have been suspended pursuant to Section 6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36), (43) and/or 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36), (43) and/or 11-501.8] to successfully complete a driver remedial education course prior to the reinstatement of his/her driving privileges.
- e) ~~The Secretary of State upon the termination of a suspension period of a driver under the age of 18, whose driving privileges have been suspended pursuant to Section 6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36) and/or 11-501.8 of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(4), (11), (16), (21), (31), (33), (34 prior to 7/30/98), (36) and/or 11-501.8] shall invalidate a driver's license in accordance with 92 Ill. Adm. Code 1030.97, of a driver who has failed to successfully complete a driver remedial education course.~~

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

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**Section 1040.55 Suspension or Revocation for Driver's License Classification Violations**

- a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" a suspension for failing to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].—suspension for failing to have a vehicle tested in accordance with Section 13A-101 et. seq. of the Illinois Vehicle Emission Inspection Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 13A-101 et. seq.).

"Automated Traffic Law Violation Suspension" - a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Cleared Suspension or Revocation" – a suspension or revocation of driving privileges which has terminated.

"Conviction" - a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)]. adjudication of guilty as defined in Section 6-100 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-100).

"Curfew Violation Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].-suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 2371 of the Illinois Public Aid Code (Ill. Rev. Stat. 1987, ch. 23, par. 2371) in accordance with Section 6-206(a)(13) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 6-206(a)(13)).

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" - a suspension for failing to pay fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the

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Illinois Vehicle Code [625 ILCS 5/6-306.3], ~~suspension for failing to pay fine or appear in court following the issuance of a traffic ticket.~~

"Family Financial Responsibility Suspension" - a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305] ~~(Ill. Rev. Stat. 1987, ch. 95½, pars. 7-304 or 7-305).~~

"License Classification" – notation on a identification on driver's license or permit indicating the type of vehicle a person is allowed to operate.

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension" - a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment. ~~suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, or unsatisfied judgment.~~

"Night Time Driving Restriction" – the hours during which a driver's privileges are not valid pursuant to Section 6-107.1(b), 6-110(a-1) or 6-110(a-3) [625 ILCS 5/6-107.1(b), 6-110(a-1) or 6-110(a-3)].

"Night Time Driving Restriction Suspension" - a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in accordance with Sections 6-107.1(b) and 6-110(a-1) of the Illinois Vehicle Code [625 ILCS 5/6-107.1(b) and 6-110(a-1)].

"Prior Suspension or Revocation" – a suspension or revocation or extension of a suspension or revocation that which appears on the driving record.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an

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application for a new license may be presented and acted upon by the Secretary after ~~the~~ expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code ~~[625 ILCS 5/1-176](Ill. Rev. Stat. 1987, ch. 95½, par. 1-176).~~

"Safety Responsibility Suspension" – ~~a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208]. suspension in accordance with Section 7-205 or Section 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, pars. 7-205 or 7-208).~~

"Suspension" – the temporary withdrawal by formal action by the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code ~~[625 ILCS 5/1-204](Ill. Rev. Stat. 1987, ch. 95½, par. 1-204).~~

~~"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].~~

"Unsatisfied Judgment Suspension" – ~~a suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313](Ill. Rev. Stat. 1987, ch. 95½, pars. 7-303 or 7-313).~~

~~"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5]. suspension for arrest warrants issued for failure to pay fines for traffic or parking violations.~~

- b) A person who is convicted of operating a motor vehicle without the proper license classification shall have his/her driving privileges suspended or revoked by the Department. If a new upgraded license ~~that~~<sup>which</sup> authorizes the operation of the vehicle ~~that~~<sup>which</sup> was being operated at the time of the arrest is issued on or prior to the conviction date ~~of the incoming conviction~~ for a first offense of a license

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classification violation, no action shall be taken against the individual by the Department.

- c) Miscellaneous suspensions shall not be considered prior suspensions for the purpose of this Section.
- d) When considering prior convictions, only convictions for operating a motor vehicle without the proper license classification within seven ~~(7)~~ years prior to the arrest date of the incoming conviction shall be considered.
- e) Only those suspensions or revocations cleared within seven ~~(7)~~ years prior to the effective date of the forthcoming suspensions or revocations' ~~effective date~~ shall be considered as prior suspensions or revocations.
- f) If a person has no prior suspension(s) or revocation(s) of any kind and a conviction for operating a motor vehicle in violation of driver's license ~~or permit~~ classification, the Department shall take action as follows:

TABLE

Convictions	Action
1 <sup>st</sup> <del>Conviction</del> conviction	2 month <del>Suspension</del> suspension
2 <sup>nd</sup> <del>Conviction</del> conviction	4 month <del>Suspension</del> suspension
3 <sup>rd</sup> <del>Conviction</del> conviction	6 month <del>Suspension</del> suspension
4 <sup>th</sup> <del>Conviction</del> conviction	12 month <del>Suspension</del> suspension
5 <sup>th</sup> or more <del>Convictions</del> convictions	Revocation

- g) If a person has one ~~(1)~~ prior suspension or revocation and a conviction for operating a motor vehicle in violation of driver's license ~~or permit~~ classification, the Department shall take action as follows:

TABLE

Convictions	Action
1 <sup>st</sup> <del>Conviction</del> conviction	4 month <del>Suspension</del> suspension
2 <sup>nd</sup> <del>Conviction</del> conviction	6 month <del>Suspension</del> suspension

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3 <sup>rd</sup> <del>Conviction</del> conviction	12 month <del>Suspensions</del> suspension
4 <sup>th</sup> or more <del>Convictions</del> convictions	Revocation

h) If a person has two (2) prior suspensions or revocations or any combination thereof and a conviction for operating a motor vehicle in violation of driver's license or permit classification, the Department shall take action as follows:

TABLE

Convictions	Action
1 <sup>st</sup> <del>Conviction</del> conviction	6 month <del>Suspensions</del> suspension
2 <sup>nd</sup> <del>Conviction</del> conviction	12 month <del>Suspensions</del> suspension
3 <sup>rd</sup> <del>Conviction</del> conviction	Revocation

i) If a person has three (3) prior suspensions or revocations or any combination thereof and a conviction for operating a motor vehicle in violation of driver's license or permit classification, the Department shall take action as follows:

TABLE

Convictions	Action
1 <sup>st</sup> <del>Conviction</del> conviction	12 month <del>Suspensions</del> suspension
2 <sup>nd</sup> or more <del>Convictions</del> convictions	Revocation

j) If a person has four (4) or more prior suspensions or revocations or any combination thereof and a conviction for operating a motor vehicle in violation of driver's license or permit classification, the Department shall take action as follows:

TABLE

Convictions	Action
1 <sup>st</sup> or more <del>Convictions</del> convictions	Revocation

k) If a conviction for operating a motor vehicle in violation of driver's license classification or permit shows an arrest date during a period of revocation which is

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in effect, the revocation shall be extended for one ~~(1)~~ year from the date of the conviction or the latest projected eligibility date on record whichever is the greater period of time. If a conviction for operating a motor vehicle in violation of license ~~classification or permit~~ shows an arrest date during a period of suspension (including curfew and night time driving restriction suspensions) ~~that which~~ is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension, in accordance with Section 6-303 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-303]~~(Ill. Rev. Stat. 1987, Ch. 95½, par. 6-303).~~

- 1) If a person has a suspension in effect pursuant to Section 6-206(a)(20) or Section 6-206(a)(6) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(20) and 6-206(a)(6)]~~(Ill. Rev. Stat. 1987, ch. 95½, pars. 6-206(a)(20) and 6-206(a)(6))~~ and receives a subsequent conviction for operating a motor vehicle in violation of ~~driver's license or permit~~ classification, the suspension shall be amended in accordance with the guidelines of subsections (g) through (j).

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.65 Offenses Occurring on Military Bases**

- a) Reports of Conviction
  - 1) All convictions for traffic offenses committed on a military base in the State of Illinois, by an Illinois driver shall be reported to the Office of the Secretary of State by the office of the Judge Advocate or other similar office from each base located in the State of Illinois on a form provided and prescribed by the Office of the Secretary of State.
  - 2) All convictions for traffic offenses committed on a military base in the State of Illinois by an Illinois driver who is a civilian or military dependent ~~that and which~~ are adjudicated in a federal district court or by the U.S. Magistrate shall be reported by the federal district court clerk to the Office of the Secretary of State on a form provided and prescribed by the Office of the Secretary of State.
  - 3) Reports of convictions received by the Office of the Secretary of State shall be entered upon the driver's record. Conviction shall mean that the

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case was disposed of or adjudicated by the U.S. District Court, the U.S. Magistrate, court-martial conviction, or non-judicial punishment pursuant to Article 15 of the Uniform Code of Military Justice (10 USCU.S.C. 810).

- b) Revocation or Suspension Action to be Imposed
- 1) A person, military or civilian, who has been convicted of an offense on a military base, which if committed in this State would be grounds for mandatory revocation, under Section 6-205 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-205]~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-205)~~ shall have his/her driving privileges revoked. However, the period of the sanction shall not be lessened by the return of driving privileges by the Armed Forces.
  - 2) A person, military or civilian, who has been convicted of an offense on a military base, which if committed in this State would be grounds for suspension or revocation under Section 6-206 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-206]~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-206)~~, shall have his/her driving privileges reviewed and shall be subject to the same action as if the offenses had occurred within this State. However, the period of the sanction shall not be lessened by the return of driving privileges by the Armed Forces.
  - 3) A military person who has been convicted under the Uniform Code of Military Justice of an offense similar to those listed under Section 6-205 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-205]~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-205)~~ shall have his/her driving privileges reviewed in accordance with Section 6-206(a)(24) ~~of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(24)] of the Illinois Driver Licensing Law~~ and driving privileges may be suspended or revoked if the requirements of Section 6-206(a)(24) ~~(Ill. Rev. Stat. 1987, ch. 95½, par. 6-206(a)(24))~~ are met.
  - 4) A civilian person who has been convicted in a federal district court for an offense listed under SectionSections 6-205 or 6-206 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-205 or 6-206] ~~that (Ill. Rev. Stat. 1987, ch. 95½, par. 6-205 or 6-206)~~ which would require suspension or revocation if committed in this State, shall have the

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same sanction imposed as if the offenses had been reported by a ~~State~~ ~~state~~ court. This action shall be taken in accordance with Section 6-206(a)(6) ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code ~~[625 ILCS 5/6-206(a)(6)](Ill. Rev. Stat. 1987, ch. 95½, par. 6-206(a)(6)).~~

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.66 Invalidation of a Restricted Driving Permit**

- a) For purposes of this Section, the following definitions shall apply:

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Invalidate" – to render no longer valid for the purpose for which it was issued.

"Law Enforcement Sworn Report" – a confirmation of correctness and truth by an affidavit, oath, deposition or a verification by certification executed by a law enforcement officer as specified in Section 11-501.1(d) ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code ~~[625 ILCS 5/11-501.1(d)](Ill. Rev. Stat. 1987, ch. 95½, par. 11-501.1(d))~~ and Section 1-109 of the Code of Civil Procedure ~~[735 ILCS 5/1-109](Ill. Rev. Stat., 1987, ch. 110, par. 1-109).~~

"Restricted Driving Permit ~~" or "RDP(R.D.P.)"~~" - ~~a document issued to drivers of motor vehicles who have had their full driving privileges suspended, revoked, or cancelled as defined in Section 1-173.1 of the Illinois Vehicle Code [625 ILCS 5/1-173.1]~~ ~~document issued to persons who have had their full driving privileges suspended, revoked, or cancelled which grants and specifies limited driving privileges as specified in Section 1-173.1 of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 1-173.1).~~

- b) Upon receipt of one or more of the following documents from a Circuit Clerk's office or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a ~~RDP R.D.P.~~:
- 1) the ~~RDP R.D.P.~~ ~~when~~, accompanied by evidence of a violation of any restrictions on the ~~RDP R.D.P.~~; ~~or~~
  - 2) a copy of a charging document for manslaughter or reckless homicide

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resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code of 1961 [[720 ILCS 5/9-3](#)](~~Ill. Rev. Stat. 1987, ch. 38, par. 9-3~~), driving under the influence of alcohol and/or other drugs in violation of Section 11-501-~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code (~~Ill. Rev. Stat. 1987, ch. 95½, par. 11-501~~), or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of Section 11-401 ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code (~~Ill. Rev. Stat. 1987, ch. 95½, par. 11-401~~), ~~or~~ drag racing in violation of Section 11-504 ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code, or street racing in violation of Section 11-506 of the Illinois Vehicle Code [625 ILCS 5/11-501, 11-401, 11-504 and 11-506]~~of the Illinois Rules of the Road of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95½, par. 11-504)~~; or

- 3) a law Enforcement Officer's Sworn Report; or
- 4) a report of any disposition of court supervision or convictions for driving under the influence of alcohol and/or other drugs in violation of Section 11-501-~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code, or a similar provision of a local ordinance, leaving the scene of a motor vehicle accident involving death or personal injury in violation of Section 11-401 ~~of the Illinois Rules of the Road~~ of the Illinois Vehicle Code, ~~or~~ drag racing in violation of Section 11-504 of the Illinois Vehicle Code, or street racing in violation of Section 11-506 of the Illinois Vehicle Code [625 ILCS 5/11-501, 11-401, 11-504 and 11-506]~~of the Illinois Rules of the Road of the Illinois Vehicle Code~~.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.70 Problem Driver Pointer System**

- a) For purposes of this Section, the following definitions shall apply:

"Applicant" – a person applying for an Illinois driver's license.

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license since his/her driving privileges are withdrawn in another state, as provided for in Section 1040.20 of this Part, and as defined in Section 1-110 of the Illinois

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~~Vehicle Code [625 ILCS 5/1-110].~~

"Clean File" – [an electronica](#) file that a state submits to the National Driver Register (NDR) containing all appropriate records from the state as of a given date, which will replace all prior records on the NDR database.

"Clearance Letter" – any document received from another state dated within 30 days of the current process date, and verifying that an individual has had his/her driving privileges restored in that state.

"Commercial Driver License Information System" or "CDLIS" - the information system established, pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 USC 2701), to serve as a clearinghouse for locating information related to the licensing and identification of commercial motor vehicle drivers, [as defined in Section 1-111.7 of the Illinois Vehicle Code \[625 ILCS 5/1-111.7\]](#).

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction ~~either~~ after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the ~~Illinois Driver Licensing Law of the~~ Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Delayed Search" – the planned, repeated checking of inquiries submitted to the NDR for a period of 104 days against any possible data changes that may affect the original inquiry.

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Driver History Record" – a standardized form of limited information obtained from the SOR when an SOI makes a history request.

"Driver Status" – the current [status standing](#) of a driver's license in the SOR, indicating whether the license is currently valid, revoked, suspended or withdrawn, that is supplied via computer automation when an SOI makes an inquiry to an SOR.

"National Driver Register" or "NDR" – a computerized database of files on drivers maintained by the U.S. Department of Transportation National Highway

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Safety Administration.

"Open ~~Revocation or Pending Revocation(s)~~" – a revocation that appears on the driving record that is in effect~~revocation(s) which is still in effect or which has been entered on the record to become effective on a specified future date.~~

"Pending Revocation" – a revocation that appears on the driving record that is not yet in effect.

"Problem Driver Pointer System" or "PDPS" – a pointer file consisting of an index of problem drivers (as determined by adverse driver's license actions) that is maintained by a driver's home state (SOR) and is accessed by other states (SOI) to determine a person's eligibility to apply for a driver's license.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, ~~as provided for in Section 1040.20 of this Part, and~~ as defined in Section 1-176 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Secretary" – Illinois Secretary of State.

"State of Inquiry" or "SOI" – a licensing jurisdiction that originated the inquiry.

"State of Record" or "SOR" – a licensing jurisdiction that originally took action against a problem driver and reported that driver to the NDR.

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, ~~as provided for in Section 1040.20 of this Part, and~~ as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Withdrawal" – The negating of valid driving privileges in a state as the result of sanctions taken against driving privileges~~the absence of valid driving privileges in a state due to sanctions taken against those privileges.~~

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- b) Before issuing or renewing a license for every non-CDL applicant, the Department shall make a request through PDPS and CDLIS to determine the applicant's eligibility. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (SOI) to the licensing jurisdiction that recorded the adverse action against the driver in question (SOR).
- c) Before issuing a commercial driver's license (CDL), the Department shall make a request through both PDPS and CDLIS for driving records from every state in which the applicant has been licensed in the last 10 years. The Secretary shall perform the record checks no earlier than 24 hours prior to issuance if the license is to be issued to a driver who does not currently possess a valid CDL from the State of Illinois and no earlier than 10 days prior to issuance for all other drivers. When a probable match is a result of an inquiry search, the system points the inquiring licensing jurisdiction (SOI) to the licensing jurisdiction that recorded the adverse action against the driver in question (SOR).
- d) If the applicant has been denied issuance of an Illinois license, certain information shall be required from the other state and/or applicant, and upon review of the information, a determination of the applicant's eligibility for licensing in the State of Illinois will be made.
- e) The Department will receive a daily report ~~that~~which will identify selected applicants issued an Illinois license to determine if the new applicant is eligible to retain his/her Illinois license ~~and~~or privilege. The Department shall then verify the validity of the applicant's driving status by contacting the SOR/NDR.
- f) If it is determined from the review that the applicant is not eligible for an Illinois license due to his/her driving privileges being withdrawn in another state, the Department shall cancel the driving privileges pursuant to Section 6-201(a)(5) of the Illinois Vehicle Code [625 ILCS 5/6-201(a)(5)].
- g) If an applicant has falsified information on ~~an~~his/her application for a driver's license, ~~the applicant~~he/she shall be suspended pursuant to Section 6-206(a)(9) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)] for 12 months if it is ~~the~~his/her first offense. If it is ~~the~~his/her second offense or if the driving record contains an open or pending ~~revocation~~revocation(s), ~~his/her~~ driving privileges shall be revoked pursuant to Section 6-206(a)(9) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(9)].

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- h) After cancellation, full driving privileges shall not be restored until after restoration in the other state and a clearance letter or verification from that state is received and processed by the Department.
- i) If a person's driving privileges have been suspended, his/her driving privileges shall be restored at the termination of the suspension and upon acceptance of the required reinstatement fee as provided for in Section 6-118 ~~of the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-118]. ~~A person whose~~~~If a person's~~ driving privileges have been revoked, ~~he/she~~ is eligible to be considered for reinstatement of ~~his/her~~ driving privileges after the successful completion of all necessary requirements of the Department pursuant to Section 2-110 of the Illinois Vehicle Code [625 ILCS 5/2-110].
- j) Upon receipt of a request from the driver licensing authority of another state for the driving record of a person applying for a CDL who is currently or previously licensed by Illinois, the Department shall provide the information to the requesting state within 30 days.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.100 Rescissions**

- a) For purposes of this Section, the following definitions shall apply:

"Cancellation" – the annulment or termination by formal action of the Secretary of a person's driver's license because of some error or defect in the license or because the licensee is no longer entitled to such license, but the cancellation of a license is without prejudice and application for a new license may be made at any time after such cancellation as defined in Section 1-110 of the Illinois Vehicle Code [625 ILCS 5/1-110].

"Denial of Driver's License" – to prohibit or disallow the privilege to obtain a driver's license while allowing the privilege to obtain an ~~instruction~~~~instructional~~ permit and limiting privileges to that of an ~~instruction~~~~instructional~~ permit, if a driver's license has ~~been~~ previously ~~been~~ issued in accordance with Sections 6-107(c) and 6-107(d) of the Illinois Vehicle Code [625 ILCS 5/6-107(c) and 6-107(d)].

"Denial of Driving Privilege" – to prohibit or disallow the privilege to obtain a

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driver's license or permit and/or the privilege to operate a motor vehicle in accordance with Section 6-107(c) of the Illinois Vehicle Code [625 ILCS 5/6-107(c)].

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

~~"Rescind~~Rescission" – to annul or void a suspension, revocation, cancellation or denial.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Statutory Summary Suspension" – a withdrawal of a person's license or privilege to operate a motor vehicle on the public highways due to refusal to submit to or failure to complete or pass a chemical test or tests following an arrest for driving under the influence of ~~drugs and/or~~ alcohol, other drugs, or intoxicating compounds, or any combination thereof, as provided in Section 1-197.5 of the Illinois Vehicle Code [625 ILCS 5/1-197.5].

"Stricken on Leave" – stricken off call with leave to reinstate.

"Supervision" – a disposition of conditional and revocable release without probationary supervision, but under such conditions and reporting requirements as are imposed by the court, at the successful conclusion of which disposition the defendant is discharged and a judgment dismissing the charges is entered as defined in Section 5-1-21 of the Unified Code of Corrections [730 ILCS 5/5-1-21].

"Suspension" – the temporary withdrawal, by formal action of the Secretary, of a person's license or privilege to operate a motor vehicle on the public highways,

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for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"~~Vacate~~~~Vacated~~" – to set aside, annul, rescind, render void, or cancel an order.

"Warrant Parking/Traffic Suspensions" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5]~~suspensions for arrest warrants issued for failure to pay fines for traffic and/or parking violations.~~

- b) The Department shall rescind the following orders when the specified criteria are met:
- 1) Suspensions, revocations and denials of driver's license and/or /driving privileges~~privilege~~, except warrant parking/traffic suspensions, ~~and~~ failure to appear suspensions (as applied to residents and non-residents) and statutory summary suspensions, upon receipt of certified court evidence reporting non-conviction, supervision, stricken on leave (S.O.L.), or a correction or an amendment stating there was an error ~~that~~which formed the basis of the suspension, the revocation, or the denial of driver's license/driving privilege and/or it has been vacated or that a previously submitted judgment has been reversed.
  - 2) Cancellation of driver's license and/or driving privileges upon receipt by the Department of one of the following:
    - A) evidence from an instructor of a Driver Education Program indicating the driver has re-enrolled in the program; or
    - B) favorable physical or psychiatric report from a licensed medical specialist prior to the effective date of the cancellation or receipt of a second report completed by the licensed medical specialist showing the original report submitted was incorrect; or
    - C) evidence from a licensed medical specialist indicating that he/she failed to submit a favorable medical report for the driver within 90

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days; or

- D) evidence reversing a decision made by the Department that 2 driver's license records are the same person; or
  - E) court evidence changing the disposition of a conviction previously reported upon which the cancellation was based; or
  - F) documentation from another state licensing agency ~~that~~which reverses an original report upon which the cancellation was based.
- 3) Failure to Appear Suspensions upon receipt of certified court evidence vacating the Failure to Appear or when the Department receives a compliance notice or court receipt prior to the effective date of the suspension indicating that the charges have been satisfied.
  - 4) Statutory Summary Suspensions upon receipt of a Certified Hearing Disposition Notice or court order from the court of venue to rescind the suspension.
  - 5) Warrant/Parking Traffic Suspensions upon receipt of certified evidence from the court indicating ~~that~~ the original report was in error or ~~that~~ the person identified in the original report was the wrong defendant or the Department receives notice of final disposition prior to the effective date of the suspension.
- c) The Department shall rescind a suspension, revocation, or cancellation pursuant to a decision rendered by the Department of Administrative Hearings within the Office of the Secretary of State as provided in Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118] and 92 Ill. Adm. Code 1001.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.101 Reinstatement Fees**

- a) For purposes of this Section, the following definitions shall apply:

"Concurrent Actions Requiring Reinstatement Fees" – a situation in which a driver has either 2 or more suspensions, except miscellaneous suspensions ~~and~~

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~~family financial responsibility suspensions~~, or 2 or more revocations or a combination thereof, on the driving record ~~that which~~ were in effect at the same time.

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous ~~SuspensionSuspensions~~" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment suspensions for safety responsibility, unsatisfied judgment, financial responsibility and auto emissions violations.

"Reinstatement Fees" – the fees required to restore a person's driving privileges after driving privileges have a person has been suspended or revoked pursuant to any provision of the Illinois Driver Licensing Law of the Illinois Vehicle Code, or Sections 11-501.1 and 11-501.8 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1, 11-501.8 and Ch. 6] as provided for in Section 6-118(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].

"Tollway Suspension" - a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

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- b) The fee collected by the Department for reinstatement of a driver's license following a suspension or revocation shall be as prescribed by Section 6-118(b) of ~~the Illinois Driver Licensing Law~~ of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].
- c) The fee collected by the Department for concurrent actions requiring reinstatement fees shall be for the action requiring the highest ~~fee~~rate that would be charged for a single action if each action were considered separately.
- d) ~~The fee collected by the Department for reinstatement of a driver's license following a suspension or revocation for a second or subsequent violation of Section 11-501.1, Section 11-501 (including local ordinances), or Section 9-3 of the Criminal Code, or any combination thereof shall be as prescribed by Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-118].~~
- de) If a suspension or revocation is rescinded, the Department shall not collect a reinstatement fee for that specific action.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.105 Suspension for 5 or More Tollway Violations and/or Evasions**

- a) For purposes of this Section, the following definitions shall apply:

"Authority" – Illinois State Toll Highway Authority.

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Department of Administrative Hearings" – Department of Administrative Hearings within the Office of the Secretary of State.

"Rescind" – ~~to annul or void a suspension to make void, repeal or annul.~~

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, as defined in Section 1-204 of

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[the Illinois Vehicle Code \[625 ILCS 5/1-204\]](#).

"Tollway Suspension" – [a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code \[625 ILCS 5/6-306.7\]](#)~~suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in subsection (a-5) of Section 10 of the Toll Highway Act [605 ILCS 10/10(a-5)]~~.

- b) The Department shall suspend the driver's license and/or driving privileges of any person named on a certified report from the Authority notifying the Department of 5 or more unsatisfied tollway violations, tollway evasions or any combination thereof.
- c) The Department shall terminate the suspension upon receipt of a certified report from the Authority indicating that the fines and penalties have been satisfied. Prior to the return of a driver's license or reissuance of a driver's license the person is required to pay a reinstatement fee pursuant to Section 6-118(b) of the Illinois Vehicle Code [625 ILCS 5/6-118(b)].
- d) The Department shall rescind the suspension:
  - 1) upon receipt of certified evidence from the Authority indicating the certified report was in error; or
  - 2) [upon receipt of](#)~~the Department received~~ certified evidence indicating that the fines and penalties were satisfied prior to the effective date of the suspension; or
  - 3) upon receipt of a formal order from the Department of Administrative Hearings directing the Department to rescind the suspension.
- e) The Authority shall reimburse the Department in the amount of \$20 per certification from the Authority to suspend the driver's license and/or driving privileges, in order to cover reasonable costs incurred by the Secretary.
- f) The Authority shall reimburse the Department in the amount of \$5 per certification from the Authority to suspend the vehicle registration, in order to

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cover reasonable costs incurred by the Secretary.

- g) The Authority shall reimburse the Department in the amount of \$50 dollars for each administrative hearing conducted by the Secretary in connection with the suspension of the driver's license and/or driving privileges or vehicle registration, in order to cover reasonable costs incurred by the Secretary.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.107 Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle**

- a) Defined Terms - For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction" - a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" – Department of Driver Services within the Office of the Secretary of State.

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"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Open Suspension" or "Open Revocation" – a suspension or revocation that appears on the driving record that is in effect.

"Pending Suspension" or "Pending Revocation" – a suspension or revocation that appears on the driving record that is not yet in effect.

"Prior Suspension" or "Prior Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date

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of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

- a) ~~Defined Terms—For purposes of this Section, the following terms have the meanings ascribed in this subsection (a):-~~

~~"Conviction"—adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

~~"Department"—Department of Driver Services within Section 1040.107 Suspension for Violation of 625 ILCS 5/11-907, Approaching a Stationary Emergency Vehicle.~~

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~~"Miscellaneous Suspension"—a suspension with no provisional termination date. Miscellaneous Suspensions include the following:~~

~~"Auto Emissions Suspension"—suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].~~

~~"Curfew Violation Suspension"—suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

~~"Failure to Appear Suspension"—suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket [625 ILCS 5/6-306.3].~~

~~"Family Financial Responsibility Suspension"—a suspension in accordance with Section 7-702 and/or Section 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/6-702 and 7-704].~~

~~"Financial Responsibility Suspension"—a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].~~

~~"Safety Responsibility Suspension"—a suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~

~~"Tollway Suspension"—suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in Section 10(a-5) of the Toll Highway Act [605 ILCS 10/10(a-5)].~~

~~"Unsatisfied Judgment Suspension"—suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].~~

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~~"Warrant Parking/Traffic Suspension"—suspension for arrest warrants issued for failure to pay fines for traffic or parking violations [625 ILCS 5/6-306.5].~~

~~"Open Revocation"—a revocation that appears on the driving record that is in effect.~~

~~"Open Suspension"—a suspension that appears on the driving record that is in effect.~~

~~"Pending Suspension"—a suspension that appears on the driving record that is not in effect.~~

~~"Pending Revocation"—a revocation that appears on the driving record that is not in effect.~~

~~"Prior Suspension or Revocation"—a suspension or revocation or extension of a suspension or revocation that appears on the driving record.~~

~~"Record of Judgment"—an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.~~

~~"Revocation"—the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least 1 year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

~~"Suspension"—the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

- b) If a person has no prior, open or pending suspensions or revocations and a conviction for Section 11-907(c) of the Illinois Vehicle Code [625 ILCS 5/11-

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[907\(c\)](#) is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

- c) If a person has one<sup>+</sup> or more open or pending revocations and a conviction for Section 11-907(c) of the Illinois Vehicle Code [\[625 ILCS 5/11-907\(c\)\]](#) is received, the Department shall enter a 3-month suspension for a first or subsequent conviction, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.
- d) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for Section 11-907(c) of the Illinois Vehicle Code [\[625 ILCS 5/11-907\(c\)\]](#) is received, the Department shall enter a 3-month suspension, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court ~~for~~ which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- e) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for Section 11-907(c) of the Illinois Vehicle Code [\[625 ILCS 5/11-907\(c\)\]](#) is received, the Department shall enter a 3-month suspension for the first or subsequent conviction, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court ~~for~~ which the suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- f) If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction, or if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.108 Suspension for Failure to Make Report of Vehicle Accident Violations**

- a) For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – [a suspension for failing to have a vehicle tested](#)

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~~pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 13B] a suspension for failing to have a vehicle tested or failing a vehicle inspection as required pursuant to Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].~~

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)]~~an adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

"Department" – ~~the~~ Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as ~~defined~~provided in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703]~~a suspension in accordance with Section 7-702 and 7-704 of the Illinois Safety and Family Financial Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and 7-704].~~

"Financial Responsibility Suspension" – a suspension in accordance with Sections 7-304 and 7-305 ~~of the Illinois Safety and Family Financial Responsibility Law of~~ the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-305].

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous ~~Suspension~~Suspensions" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment suspensions for safety responsibility, family financial responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, unsatisfied judgment or tollway.

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"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176]~~the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways; the termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least 1 year after the date of revocation as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 ~~of the Illinois Safety and Family Financial Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action by the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7]~~a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in Section 10(a-5) of the Toll Highway Act [605 ILCS 10/10(a-5)].~~

"Unsatisfied Judgment Suspension" – a suspension in accordance with Sections 7-303 and 7-313 ~~of the Illinois Safety and Family Financial Responsibility Law~~ of the Illinois Vehicle Code [625 ILCS 5/7-303 and 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-

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~~306.5]a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.5 of the Illinois Vehicle [625 ILCS 5/6-306.5].~~

- b) A person who is convicted of violating Section 11-406 of the Illinois Vehicle Code ~~[625 ILCS 5/11-406]~~ for failure to make a report of a vehicle accident shall have his/her driving privileges suspended by the Department.
- c) When considering prior convictions, only those convictions for failure to make a report of a vehicle accident ~~that have an arrest date within 7 years prior to within 7 years after~~ the arrest date of the incoming conviction shall be considered.
- d) Upon receipt of a report of conviction for failure to make a report of a vehicle accident, the Department shall take action as follows:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> <del>Convictionconviction</del>	2 month <del>Suspensionsuspension</del>
2 <sup>nd</sup> <del>Convictionconviction</del>	4 month <del>Suspensionsuspension</del>
3 <sup>rd</sup> or subsequent <del>Convictionconviction</del>	6 month <del>Suspensionsuspension</del>

- e) If a conviction for failure to make a report of a vehicle accident shows an arrest date during a period of revocation that is in effect, the revocation shall be extended for one+ year from the date of the conviction or the latest projected eligibility date on record, whichever is the greater period of time. If a conviction for failure to make a report of a vehicle accident shows an arrest date during a period of suspension (excluding miscellaneous suspensions) that is still in effect, the suspension shall be extended for the same amount of time as the originally imposed suspension in accordance with Section 6-303 of the Illinois Vehicle Code [625 ILCS 5/6-303].

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.109 Two or More Convictions for Railroad Crossing Violations**

- a) For purposes of this Section, the following definitions shall apply:

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"Conviction" – A final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)] ~~Adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Suspension" – The temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways for a period specifically designated by the Secretary, as provided for in Section 1040.20 of this Part, and ~~as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~

- b) An individual who has 2 or more convictions for violating Section 11-1201 of the Illinois Vehicle Code [625 ILCS 5/11-1201] shall have his/her driving privileges suspended by the Department in accordance with Section 6-206(a)(39) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(39)].
- 1) In reviewing an individual's driving record for convictions of violating Section 11-1201 [625 ILCS 5/11-1201], only those convictions ~~for violating Section 11-1201~~ with arrest dates on or after January 1, 2003 shall be considered.
  - 2) If the driving record contains 2 or more convictions for violating Section 11-1201 of the Illinois Vehicle Code [625 ILCS 5/11-1201], the following action shall be taken:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
2 <sup>nd</sup> <del>Conviction conviction</del>	6 month Suspension
3rd or subsequent <del>Conviction conviction</del>	12 month Suspension

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

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**Section 1040.111 Suspension for Violation of 625 ILCS 5/11-908(a-1) for Failure to Yield upon Entering a Construction or Maintenance Zone when Workers Are Present**

- a) Defined Terms – For purposes of this Section, the following definitions shall apply:

"Auto Emissions Suspension" – a suspension for failing to have a vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch.13B].

"Automated Traffic Law Violation Suspension" – a suspension in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5] for failure to satisfy fines or penalties for 5 or more automated traffic law violations.

"Conviction" - a final adjudication of guilty by a court of competent jurisdiction after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

"Curfew Violation Suspension" – a suspension when a minor operates a vehicle on a highway during the prescribed hours without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].

"Department" – Department of Driver Services within the Office of the Secretary of State.

"Failure to Appear Suspension" – a suspension for failing to pay a fine or appear in court following the issuance of a traffic ticket, as defined in Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].

"Family Financial Responsibility Suspension" – a suspension in accordance with Section 7-702 or 7-703 of the Illinois Vehicle Code [625 ILCS 5/7-702 or 7-703].

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"Financial Responsibility Suspension" – a suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].

"Mandatory Conviction Suspension" – a suspension in accordance with Section 3-707 of the Illinois Vehicle Code [625 ILCS 5/3-707].

"Miscellaneous Suspension" – a suspension for safety responsibility, financial responsibility, warrant parking/traffic, auto emissions, failure to appear, curfew, mandatory conviction, tollway, family financial responsibility, automated traffic law violation, night time driving restriction, or unsatisfied judgment.

"Open Suspension" or "Open Revocation" – a suspension or revocation that appears on the driving record that is in effect.

"Pending Suspension" or "Pending Revocation" – a suspension or revocation that appears on the driving record that is not in effect.

"Prior Suspension" or "Prior Revocation" – a suspension or revocation or extension of a suspension or revocation that appears on the driving record.

"Record of Judgment" – an adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.

"Revocation" – the termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, which termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after the expiration of at least one year after the date of revocation, as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].

"Safety Responsibility Suspension" – a suspension in accordance with Section 7-205 or 7-208 of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].

"Suspension" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on

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the public highways for a period specifically designated by the Secretary, as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].

"Tollway Suspension" – a suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, in accordance with Section 6-306.7 of the Illinois Vehicle Code [625 ILCS 5/6-306.7].

"Unsatisfied Judgment Suspension" – a suspension in accordance with Section 7-303 or 7-313 of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].

"Warrant Parking/Traffic Suspension" – a suspension for arrest warrants issued for failure to pay fines for traffic or parking violations in accordance with Section 6-306.1 of the Illinois Vehicle Code [625 ILCS 5/6-306.1] or for failure to pay fine or penalty for 10 or more standing, parking, or compliance regulations in accordance with Section 6-306.5 of the Illinois Vehicle Code [625 ILCS 5/6-306.5].

- a) ~~Defined Terms—For purposes of this Section, the following terms have the meanings ascribed in this subsection (a):~~
- 1) ~~"Conviction"—An adjudication of guilty as defined in Section 6-100 of the Illinois Vehicle Code [625 ILCS 5/6-100].~~
  - 2) ~~"Department"—Department of Driver Services within the Office of the Secretary of State.~~
  - 3) ~~"Miscellaneous Suspension"—A suspension with no provisional termination date. Miscellaneous suspensions include the following:~~
    - A) ~~"Auto Emissions Suspension"—Suspension for failing to have a vehicle tested in accordance with Section 13A-101 of the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/13A-101].~~
    - B) ~~"Curfew Violation Suspension"—Suspension when a minor operates a vehicle on a highway during the prescribed hours~~

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~~without an adult or as otherwise provided for in Section 1 of the Child Curfew Act [720 ILCS 555/1] in accordance with Section 6-206(a)(13) of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(13)].~~

- ~~C) "Failure to Appear Suspension"—Suspension for failing to pay fine or appear in court following the issuance of a traffic ticket in accordance with Section 6-306.3 of the Illinois Vehicle Code [625 ILCS 5/6-306.3].~~
- ~~D) "Family Financial Responsibility Suspension"—A suspension in accordance with Section 7-702 and/or Section 7-704 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-702 and/or 7-704].~~
- ~~E) "Financial Responsibility Suspension"—A suspension in accordance with Section 7-304 and/or Section 7-305 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and/or 7-305].~~
- ~~F) "Safety Responsibility Suspension"—Suspension in accordance with Section 7-205 or 7-208 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 or 7-208].~~
- ~~G) "Tollway Suspension"—Suspension of a driver's license and/or driving privileges for failure to satisfy fines or penalties for 5 or more tollway violations, tollway evasions or any combination thereof, as outlined in Section 10(a-5) of the Toll Highway Act [605 ILCS 10/10(a-5)].~~
- 4) ~~"Unsatisfied Judgment Suspension"—Suspension in accordance with Section 7-303 or 7-313 of the Illinois Safety and Family Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303 or 7-313].~~
- 5) ~~"Parking/Traffic Warrant Suspension"—Suspension for arrest warrants issued for failure to pay fines for traffic or parking violations [625 ILCS 5/6-306.5].~~

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- 6) ~~"Open Revocation"—A revocation that appears on the driving record that is in effect.~~
  - 7) ~~"Open Suspension"—A suspension that appears on the driving record that is in effect.~~
  - 8) ~~"Pending Revocation"—A revocation that appears on the driving record that is not in effect.~~
  - 9) ~~"Pending Suspension"—A suspension that appears on the driving record that is not in effect.~~
  - 10) ~~"Record of Judgment"—An adjudication by the court that the defendant is guilty, including the sentence pronounced by the court.~~
  - 11) ~~"Revocation"—The termination by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways. The termination shall not be subject to renewal or restoration, except that an application for a new license may be presented and acted upon by the Secretary after expiration of at least one year after the date of revocation as provided for in Section 1040.20 of this Part, and as defined in Section 1-176 of the Illinois Vehicle Code [625 ILCS 5/1-176].~~
  - 12) ~~"Suspension"—The temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary as provided for in Section 1040.20 of this Part, and as defined in Section 1-204 of the Illinois Vehicle Code [625 ILCS 5/1-204].~~
- b) If a person has no open or pending suspensions or revocations and a conviction for violation of Section 11-908(a-1) of the Illinois Vehicle Code [\[625 ILCS 5/11-908\(a-1\)\]](#) is received, the Department shall enter a 3-month suspension for a first or subsequent conviction or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.
- c) If a person has one or more open or pending revocations and a conviction for violation of Section 11-908(a-1) of the Illinois Vehicle Code [\[625 ILCS 5/11-908\(a-1\)\]](#) is received, the Department shall enter a 3-month suspension for a first

## SECRETARY OF STATE

## NOTICE OF ADOPTED AMENDMENTS

or subsequent conviction or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

- d) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and a conviction for a violation of Section 11-908(a-1) of the Illinois Vehicle Code [\[625 ILCS 5/11-908\(a-1\)\]](#) is received, the Department shall enter a 3-month suspension or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court. The suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- e) If a person has one or more open or pending suspensions (excluding miscellaneous suspensions) and an open or pending revocation and a conviction for a violation of Section 11-908(a-1) of the Illinois Vehicle Code [\[625 ILCS 5/11-908\(a-1\)\]](#) is received, the Department shall enter a 3-month suspension for the first or subsequent conviction or, if a record of judgment is received, the length of suspension shall be entered for the period specified by the court. The suspension would become effective upon the latest provisional or projected termination date of the suspension on record.
- f) If the provisional termination date of an open suspension is in the past, the Department shall enter a 3-month suspension for the first or subsequent conviction or, if a record of judgment is received, the length of the suspension shall be entered for the period specified by the court.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

**Section 1040.115 Suspension for Theft of Motor Fuel**

- a) ~~For purposes of this Section, the following definitions shall apply~~Defined Terms—  
~~For purposes of this Section, the following terms have the meanings ascribed in this subsection (a):~~

"Conviction" – a final adjudication of guilty by a court of competent jurisdiction ~~either~~ after a bench trial, trial by jury, plea of guilty, order of forfeiture, or default, as defined in Section 6-100(b) of the Illinois Vehicle Code [625 ILCS 5/6-100(b)].

SECRETARY OF STATE

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"Department" – Department of Driver Services within the Office of the Secretary of State.

"Open Suspension" – a suspension that appears on the driving record ~~and~~ that is in effect.

"Pending Suspension" – a suspension that appears on the driving record ~~but~~ that is not yet in effect.

"~~Suspension of Driver's License~~" – the temporary withdrawal by formal action of the Secretary of a person's license or privilege to operate a motor vehicle on the public highways, for a period specifically designated by the Secretary, ~~as defined in Section 1-204 of the Illinois Vehicle Code~~ [625 ILCS 5/1-204].

"Terminated Suspension" – a suspension that is no longer in effect.

b) A person who has been convicted of theft of motor fuel as defined in Section 5/16J-15 of the Criminal Code of 1961 [720 ILCS 5/16J-15] shall have his/her driving privileges suspended by the Department.

c) Upon notice of conviction, the Department shall take the following action:

ACTION TABLE

<u>Convictions</u>	<u>Action</u>
1 <sup>st</sup> <del>Conviction</del> conviction	6 month <del>Suspensions</del> suspension
2 <sup>nd</sup> or subsequent <del>Conviction</del> conviction	12 month <del>Suspensions</del> suspension

d) A conviction for theft of motor fuel may be considered with prior convictions only if the arrest date falls within 7 years ~~after~~ any previous conviction for theft of motor fuel.

(Source: Amended at 31 Ill. Reg. 16880, effective January 1, 2008)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF RECOMMENDATION  
TO PROPOSED RULEMAKING

## SECRETARY OF STATE

Heading of the Part: Uniform Partnership Act (1997)

Code Citation: 14 Ill. Adm. Code 166

Section Numbers: 166.10            166.50  
166.15            166.55  
166.20            166.60  
166.25            166.65  
166.30            166.70  
166.35            166.75  
166.40            166.80  
166.45

Date Originally Published in the Illinois Register: 9/7/07  
31 Ill. Reg. 12690

At its meeting on December 11, 2007, the Joint Committee on Administrative Rules considered the above cited rulemaking and recommended that the SOS Business Services Department take care in the future to be more complete in its rulemaking efforts. In this instance, the Department has been long aware that the Uniform Partnership Act expires 1/1/08. While the Department will be able to adopt these new rules in time, it has not yet repealed the current regulations (14 Ill. Adm. Code 165). The existence of similar rules governing the same subject matter is likely to confuse the public.

The agency should respond to this Recommendation in writing within 90 days after receipt of this Statement. Failure to respond will constitute refusal to accede to the Committee's Recommendation. The agency's response will be placed on the JCAR agenda for further consideration.



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION  
TO PROPOSED RULEMAKING

STATE BOARD OF ELECTIONS

Heading of the Part: Miscellaneous

Code Citation: 26 Ill. Adm. Code 207

Section Numbers: 207.170

Date Originally Published in the Illinois Register: 8/31/07  
31 Ill. Reg. 12576

At its meeting on 12/11/07, the Joint Committee on Administrative Rules objected to the State Board of Elections' rulemaking titled Miscellaneous (26 Ill. Adm. Code 207; 31 Ill. Reg. 12576) because the Board lacks statutory authority to permit amended statements of returns and abstracts of votes after the transmission of canvass results by the Board and proclamation of the Governor following an election. Sections 7-56 and 22-1 of the Election Code prescribe specific canvass procedures, but do not mention amendments. The Board has not cited any statutory basis for allowing amended results. If the Board wishes to establish a mechanism for correcting reported election results, it should seek statutory authority to do so.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall constitute withdrawal of this proposed rulemaking. The agency's response will be placed on the JCAR agenda for further consideration.

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of December 11, 2007 through December 17, 2007 and have been scheduled for review by the Committee at its January 9, 2008 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rulemaking should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start Of First Notice</u>	<u>JCAR Meeting</u>
1/27/08	<u>Department of Revenue</u> , Non-Home Rule Municipal Service Occupation Tax (86 Ill. Adm. Code 694)	10/5/07 31 Ill. Reg. 13720	1/9/08
1/27/08	<u>Department of Revenue</u> , Non-Home Rule Municipal Retailers' Occupation Tax (86 Ill. Adm. Code 693)	10/5/07 31 Ill. Reg. 13715	1/9/08
1/27/08	<u>Illinois Gaming Board</u> , Riverboat Gambling (86 Ill. Adm. Code 3000)	7/13/07 31 Ill. Reg. 9719	1/9/08
1/27/08	<u>State Fire Marshal</u> , Storage, Transportation, Sale and Use of Petroleum and Other Regulated Substances (41 Ill. Adm. Code 170)	9/28/07 31 Ill. Reg. 13377	1/9/08
1/27/08	<u>Law Enforcement Training and Standards Board</u> , Mandatory Firearms Training for Peace Officers (20 Ill. Adm. Code 1730)	9/28/07 31 Ill. Reg. 13429	1/9/08
1/30/08	<u>Department of Financial and Professional Regulation – Division of Financial Institutions</u> , Illinois Credit Union Act (38 Ill. Adm. Code 190)	3/16/07 31 Ill. Reg. 4298	1/9/08

## DEPARTMENT OF AGRICULTURE

NOTICE OF AGENCY RESPONSE TO THE RECOMMENDATION OF  
THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

- 1) Heading of the Part: Halal Food Disclosure
- 2) Code Citation: 8 Ill. Adm. Code 190
- 3) 

<u>Section Numbers</u> :	<u>Proposed Action</u> :
190.10	New Section
190.20	New Section
190.30	New Section
190.40	New Section
190.50	New Section
190.60	New Section
190.70	New Section
190.80	New Section
190.90	New Section
190.100	New Section
190.APPENDIX A	New Section
190.APPENDIX B	New Section
190.APPENDIX C	New Section
190.APPENDIX D	New Section
190.APPENDIX E	New Section
- 4) Date Originally Published in the Illinois Register: February 2, 2007; 31 Ill. Reg. 2053
- 5) JCAR Statement of Recommendation Published in the Illinois Register: November 30, 2007; 31 Ill. Reg. 16059
- 6) Summary of Action Taken by the Agency: On November 13, 2007, the Joint Committee on Administrative Rules considered the above-cited rulemaking and issued a Recommendation that the Agency initiate rulemaking to implement Public Acts in a more timely manner. The Agency agreed with the Recommendation and will strive to be more timely in updating its rules to implement Public Acts.

## BOARD OF HIGHER EDUCATION

## JANUARY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Program Review (Private Colleges and Universities) (23 Ill. Adm. Code 1030)
- 1) Rulemaking:
- A) Description: The Board has established a working group to review policies for approval and review of new institutions and new program proposals. Findings of this review may necessitate proposed amendments to the rules.
- B) Statutory Authority: Implementing and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:
- Karen Helland, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, IL 62701-1404  
217/557-7352
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Approval of New Units of Instruction, Research, and Public Service at Public Institutions (23 Ill. Adm. Code 1050)
- 1) Rulemaking:
- A) Description: The Board has established a working group to review policies for approval and review of new institutions and new program

## BOARD OF HIGHER EDUCATION

## JANUARY 2008 REGULATORY AGENDA

proposals. Findings of this review may necessitate proposed amendments to the rules.

- B) Statutory Authority: Implementing Section 7 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/7 and 9.05]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined
- F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, IL 62701-1404  
217/557-7352

- G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): A Master Plan for Postsecondary Education in Illinois (23 Ill. Adm. Code 1070)

1) Rulemaking:

- A) Description: The Board is reviewing this Part to ensure the current rules are accurate and up-to-date.
- B) Statutory Authority: Implementing Section 6 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/6 and 9.05]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled at this time.
- D) Date agency anticipates First Notice: Undetermined

## BOARD OF HIGHER EDUCATION

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E) Effect on small businesses, small municipalities or not for profit corporations: Undetermined

F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, IL 62701-1404  
217/557-7352

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): A Master Plan for Postsecondary Education in Illinois (23 Ill. Adm. Code 1070)

1) Rulemaking:

A) Description: The Board will review recommendations of the Task Force on Higher Education and the Economy which may result in review of this Part and potential changes in the future.

B) Statutory Authority: Implementing Section 6 and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/6 and 9.05]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor

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## JANUARY 2008 REGULATORY AGENDA

Springfield, IL 62701-1404  
217/557-7352

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Health Services Education Grants Act (23 Ill. Adm. Code 1020)

1) Rulemaking:

A) Description: The Board may review this Part to explore opportunities for aligning grants with the critical workforce needs of the State and to align with diminishing resources.

B) Statutory Authority: Implementing the Health Services Grants Act [110 ILCS 215] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05]

C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.

D) Date agency anticipates First Notice: Undetermined

E) Effect on small businesses, small municipalities or not for profit corporations: Private institutions (colleges, universities, and hospitals) offering health education programs.

F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, IL 62701-1404  
217/557-7352

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Nurse Educator Fellowship Program (23 Ill. Adm. Code 1105)

## BOARD OF HIGHER EDUCATION

## JANUARY 2008 REGULATORY AGENDA

- 1) Rulemaking:
  - A) Description: The Board may review this Part to align with critical workforce needs of the state and diminishing resources.
  - B) Statutory Authority: Implementing Section 9.32 of the Board of Higher Education Act [110 ILCS 205/9.32] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05]
  - C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
  - D) Date agency anticipates First Notice: Undetermined
  - E) Effect on small businesses, small municipalities or not for profit corporations: Private institutions (colleges and universities) offering health education programs.
  - F) Agency contact person for information:

Karen Helland, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, IL 62701-1404  
217/557-7352
  - G) Related rulemakings and other pertinent information: None
- g) Part(s) (Heading and Code Citation): Nursing School Grant Program (23 Ill. Adm. Code 1100)
  - 1) Rulemaking:
    - A) Description: The Board may review this Part to align with critical workforce needs of the state and diminishing resources.

## BOARD OF HIGHER EDUCATION

## JANUARY 2008 REGULATORY AGENDA

- B) Statutory Authority: Implementing Section 9.31 of the Board of Higher Education Act [110 ILCS 205/9.32] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Undetermined
- E) Effect on small businesses, small municipalities or not for profit corporations: Private institutions (colleges and universities) offering health education programs.
- F) Agency contact person for information:
- Karen Helland, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, IL 62701-1404  
217/557-7352
- G) Related rulemakings and other pertinent information: None
- h) Part(s) (Heading and Code Citation): Public Information, Rulemaking, and Organization (2 Ill. Adm. Code 5050)
- 1) Rulemaking:
- A) Description: The Board is reviewing this Part to implement statutory changes contained in PA 94-905.
- B) Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 9.05 of the Board of Higher Education Act [110 ILCS 205/9.05]
- C) Schedule meeting/hearing date: No meetings or hearings have been scheduled.
- D) Date agency anticipates First Notice: Undetermined

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BOARD OF HIGHER EDUCATION

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- E) Effect on small businesses, small municipalities or not for profit corporations: None
  
- F) Agency contact person for information:  
  
Karen Helland, Administrative Rules Coordinator  
Illinois Board of Higher Education  
431 East Adams Street, Second Floor  
Springfield, IL 62701-1404  
217/557-7352
  
- G) Related rulemakings and other pertinent information: None

## ILLINOIS DEAF AND HARD OF HEARING COMMISSION

## JANUARY 2008 REGULATORY AGENDA

a) Part(s) (Heading and Code Citations): Interpreter for the Deaf Licensure Act of 2007, 68 Ill. Adm. Code 1515

1) Rulemaking:

A) Description: Development of the rules to implement the Interpreters for the Deaf Act of 2007 (225 ILCS 443)

B) Statutory Authority: Implementing and authorized by the Interpreters for the Deaf Act of 2007 (225 ILCS 443)

C) Scheduled meeting/hearing dates: No meetings or hearings have been scheduled at this time.

D) Date agency anticipates First Notice: Late March or early April 2008

E) Effect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Tonia R. Bogener, Legal Counsel  
Illinois Deaf and Hard of Hearing Commission  
1630 South Sixth Street  
Springfield, IL 62703

217/557-4495

G) Related rulemakings and other pertinent information: None

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 2008 REGULATORY AGENDA

- a) Part (Headings and Code Citations): Procedures And Criteria For Reviewing Applications For Provisional Variances; 35 Ill. Adm. Code 180
- 1) Rulemaking:
- A) Description: The proposal will amend 35 Ill. Adm. Code 180 to reflect the amendments to Sections 35(b), 36, and 37 of the Environmental Protection Act. Amendments to Sections 35(b), 36, and 37 of the Act give authority to the Agency to grant provisional variances rather than the Pollution Control Board. The proposed amendments may also update the Part and correct typographical errors.
- B) Statutory Authority: Implementing and authorized by Sections 35(b) of the Environmental Protection Act [415 ILCS 5/35(b)]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities, or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that file a petition for a provisional variance pursuant to Section 35(b) of the Act will be affected by the proposed amendments.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Annet Godiksen  
Division of Legal Counsel  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 2008 REGULATORY AGENDA

- b) Part (Heading and Code Citation): Procedures for Review of Petitions for Mercury Product Exemptions; 35 Ill. Adm. Code 182
- 1) Rulemaking:
- A) Description: Recently adopted Section 27 of the Mercury-added Product Prohibition Act [410 ILCS 46/27] prohibits the sale and distribution of certain mercury-added products on and after July 1, 2008. Manufacturers of products subject to the prohibition may petition the Illinois EPA for an exemption for one or more uses of their products. See 410 ILCS 46/27(c). This rulemaking will update the Illinois EPA's rules for reviewing petitions for mercury product exemptions to include petitions for these newly prohibited products.
- B) Statutory Authority: Implementing and authorized by Section 27 of the Mercury-added Product Prohibition Act [410 ILCS 46/27]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: The rules will set forth how manufacturers of prohibited mercury-added products petition the Illinois EPA for an exemption for one or more uses of a product, and how the Illinois EPA reviews such petitions.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Kyle Rominger  
Division of Legal Counsel  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 2008 REGULATORY AGENDA

- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Environmental Laboratory Certification Fee Rules; 35 Ill. Adm. Code 185
- 1) Rulemaking:
- A) Description: This rulemaking will set forth the procedures the Agency will use to determine environmental laboratory assessments under Section 17.8 of the Environmental Protection Act.
- B) Statutory Authority: Implementing and authorized by Section 17.8 of the Environmental Protection Act [415 ILCS 5/17.8]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that requests certification for its laboratories.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers  
Division of Legal Counsel  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Construction Permit Application Fees For Air Pollution Sources; 35 Ill. Adm. Code 250

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 2008 REGULATORY AGENDA

- 1) Rulemaking:
  - A) Description: The proposed new rule will set forth the procedures the Agency will use to collect construction permit application fees for air pollution sources under Section 9.12 of the Environmental Protection Act.
  - B) Statutory Authority: Authorized by Section 9.12 of the Environmental Protection Act [415 ILCS 5/9.12]
  - C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
  - D) Date agency anticipates First Notice: Winter or Spring 2008
  - E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that submit construction permit applications that trigger the fee provisions would be subject to the procedures set forth in this new rule.
  - F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Gina Roccaforte  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544
  - G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Procedures For Collection Of Air Pollution Site Fees; 35 Ill. Adm. Code 251
  - 1) Rulemaking:

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 2008 REGULATORY AGENDA

- A) Description: The proposed rule will modify the current rule to address recent amendments made to Section 9.6 of the Environmental Protection Act. In addition, the proposed rule will make miscellaneous changes.
- B) Statutory Authority: Authorized by Section 9.6 of the Environmental Protection Act [415 ILCS 5/9.6]
- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must pay site fees would be subject to the modified applicability provisions.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Charles E. Matoesian  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None
- f) Part (Heading and Code Citation): Procedures For Collection Of Asbestos Fees; 35 Ill. Adm. Code 269
- 1) Rulemaking:
- A) Description: The proposed new rule will set forth the procedures the Agency will use to collect asbestos fees under Section 9.13 of the Environmental Protection Act.

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- B) Statutory Authority: Authorized by Section 9.13 of the Environmental Protection Act [415 ILCS 5/9.13]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that must file an original 10-day notice of intent to renovate or demolish pursuant to 40 CFR 61.145(b) (part of the federal asbestos National Emission Standard for Hazardous Air Pollutants or NESHAP), would be subject to the procedures to set forth in this new rule.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Charles E. Matoesian  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None
- g) Part (Heading and Code Citation): Clean Air Act Permit Program Procedures; 35 Ill. Adm. Code 270
- 1) Rulemaking:
- A) Description: The proposed rule will modify the current rule to address recent amendments to the Clean Air Act Permit Program (CAAPP) fee schedule. In addition, the proposed rule will make miscellaneous changes.
- B) Statutory Authority: Authorized by Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5]

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- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that are subject to CAAPP fees would be subject to the proposed rule.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Charles Matoesian  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None
- h) Part (Headings and Code Citations): Clean Air Set-Aside (CASA) Procedures ; 35 Ill. Adm. Code 274
- 1) Rulemaking:
- A) Description: The proposed new rule will set forth the procedures the Agency will use to process applications for Clean Air Interstate Rule (CAIR) CASA nitrogen oxide (NOx) allowances.
- B) Statutory Authority: Authorized by Sections 4 and 9.1 of the Environmental Protection Act [415 ILCS 5/4, 9.1]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.

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- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities, or not-for-profit corporation: Any small business, small municipality, or not-for-profit that meets that applicable criteria pursuant to 35 Ill. Adm. Code Sections 225.455 through 225.475, Sections 225.555 through 225.575, may use the procedures to apply for CASA allowances.
- F) Agency contact person for information:
- Rachel L. Doctors  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794
- G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Alternative Fuels Program; 35 Ill. Adm. Code 275.
- 1) Rulemaking:
- A) Description: The proposed amendments will expand the renewable fuels grants and rebate program to allow for a rebate for use of B20 (20% biodiesel). The proposed amendments will also update and clarify provisions in the rule.
- B) Statutory Authority: Authorized by Sections 15 and 30 of the Alternate Fuels Act [415 ILCS 120/15 and 120/30]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that use or may potentially use B20 as fuel.

## ENVIRONMENTAL PROTECTION AGENCY

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- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Annet Godiksen  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

- G) Related rulemakings and other pertinent information: None

- j) Part (Headings and Code Citations): Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions; 35 Ill. Adm. Code 276

1) Rulemaking:

- A) Description: The regulations will be revised to reflect changes in relevant law and operational aspects of the underlying vehicle inspection and maintenance testing program.
- B) Statutory Authority: Implementing and authorized by the Vehicle Emissions Inspection Law [625 ILCS 5/ch. 13B] and Section 27 of the Environmental Protection Act [415 ILCS 5/27]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities, or not-for-profit corporation: This rulemaking may affect any small business, small municipality, or not-for-profit corporation that owns or operates a motor vehicle that is subject to enhanced I/M testing regulations.
- F) Agency contact person for information:

John J. Kim, Managing Attorney

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Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, IL 62794

G) Related rulemakings and other pertinent information: None

k) Part (Heading and Code Citation): Permit Fees for Installing or Extending Sewers; 35 Ill. Adm. Code 320

1) Rulemaking:

- A) Description: This rulemaking will update the procedures the Agency uses to collect permit fees under Part 320 and the amounts of those fees in response to changes to Section 12.2 of the Environmental Protection Act [415 ILCS 5/12.2].
- B) Statutory Authority: Implementing and authorized by Section 12.2 of the Environmental Protection Act [415 ILCS 5/12.2]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality or not-for-profit corporation that is required to obtain a permit from the Agency pursuant to Section 12(b) of the Environmental Protection Act [415 ILCS 5/12(b)] may be impacted by this rulemaking.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Deborah J. Williams  
Division of Legal Counsel  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276

## ENVIRONMENTAL PROTECTION AGENCY

## JANUARY 2008 REGULATORY AGENDA

217/782-5544

- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to update or add new Parts to address changes and additions made to the permit fees charged by the Agency's Bureau of Water.
- l) Part (Heading and Code Citation): Permit Fees for National Pollutant Discharge Elimination System Permits and Domestic Sewage Sludge Generator or User Permits; 35 Ill. Adm. Code 325
- 1) Rulemaking:
- A) Description: This rulemaking will set forth the procedures the Agency will use to collect fees under Section 12.5 of the Environmental Protection Act [415 ILCS 5/12.5].
- B) Statutory Authority: Implementing and authorized by Section 12.5 of the Environmental Protection Act [415 ILCS 5/12.5]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small business, small municipality, or not-for-profit corporation that is required to obtain a National Pollutant Discharge Elimination System [NPDES] permit or sludge generator or user permit from the Agency may be impacted by this rulemaking.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Deborah J. Williams  
Division of Legal Counsel  
Environmental Protection Agency  
1021 North Grand Avenue East

## ENVIRONMENTAL PROTECTION AGENCY

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P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to update or add new Parts to address changes and additions made to the permit fees charged by the Agency's Bureau of Water.
- m) Part (Heading and Code Citation): Procedures For Issuing Loans From The Water Pollution Control Revolving Loan Fund; 35 Ill. Adm. Code 366
- 1) Rulemaking:
- A) Description: The Agency will propose amendments to revise procedures for the allocation of funds. Funds in the Water Pollution Control Revolving Fund are subject to an equal division between the service area of the Metropolitan Water Reclamation District of Greater Chicago and the area consisting of the rest of the State. Currently, new funds that are not allocated during the fiscal year are carried over and may be used only for projects in the particular geographical area for which the funds were initially allocated. These amendments would allow funds not obligated in a given fiscal year to be treated as new funds when carried over to the following fiscal year. As new funds, they would once again be subject to the equal division between the two major geographic areas for the purpose of developing an Intended Use Plan only. These amendments also specify at what point these funds lose their geographic identity when utilized for the funding of projects not included in the Intended Use Plan.
- B) Statutory Authority: The amended rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 5/19.8]
- C) Scheduled meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008

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- E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will simplify the procedures for obtaining loans from the wastewater treatment loan program.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None
- n) Part (Heading and Code Citation): Amendment to Procedure for the Certification of Operators of Wastewater Treatment Works; 35 Ill. Adm. Code 380
- 1) Rulemaking:
- A) Description: Proposed amendments will modify the groupings of industrial wastewater treatment works and qualifications needed by Wastewater Operators.
- B) Statutory Authority: Implementing and authorized by Section 11 and 27 of the Environmental Protection Act [415 ILCS 5/11 and 5/27]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit

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corporations operating wastewater treatment works may be affected by the proposed amendments.

- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers  
Division of Legal Counsel  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544

- G) Related rulemakings and other pertinent information: None

- o) Parts (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Technical Policy Statements; 35 Ill. Adm. Code 651 through 654

- 1) Rulemaking:

- A) Description: The amendments to these Agency rules will update definitions and explanations of administrative procedures and provide current information to owners, operators, and official custodians of public water supplies. More recent design and operational criteria will be incorporated to provide information necessary for the design, operation, and maintenance of public water supplies and to facilitate the permitting process. In addition, the amendments will exempt from restricted status certain public water supplies that exceed the combined radium standard, provided the supplies meet certain conditions.

The amendments to these Agency rules will also incorporate technical, financial, and managerial requirements for new public water supplies. The proposed amendments are required by the 1996 amendments to the federal Safe Drinking Water Act (SDWA). On May 22, 1998, the Illinois General Assembly passed SB 545 which, inter alia, amends Sections 15 and 18 of the Environmental Protection Act to require that new public water supplies have the technical, financial, and managerial capacity to meet federal and

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State drinking water regulations. The Governor signed this bill into law on August 14, 1998, as P.A. 90-0773.

- B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will generally benefit small businesses, small municipalities, and not-for-profit entities by clarifying the requirements for operations and permits. There may be some additional reporting requirements. These amendments may also affect new small businesses, new small municipalities, and not-for-profit corporations in Illinois to the extent the affected entities own or operate a "public water supply" as defined by Section 3.28 of the Act, i.e., it has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year, or it is assisting a public water supply to demonstrate compliance.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: The Agency is preparing a rulemaking proposal to establish the requirements that must be met by public water supplies that exceed the combined radium standard or

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the gross alpha particle activity standard, to avoid being placed on restrictive status.

p) Parts (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Procedures For Issuing Loans From The Public Water Supply Loan Program; 35 Ill. Adm. Code 662 and 663

1) Rulemaking:

- A) Description: The Agency has issued tax-exempt bonds to increase funding for the Public Water Supply Loan Program. The Agency will review Parts 662 and 663 to determine how these parts may be amended to accommodate future leveraging of the program.
- B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: These rules apply only to public entities, such as municipalities, sanitary districts, etc. The amendments will clarify the requirements of the Public Water Supply Loan Program that relate to the issuance of tax-exempt bonds.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

## ENVIRONMENTAL PROTECTION AGENCY

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- G) Related rulemakings and other pertinent information: None
- q) Part (Headings and Code Citations): Illinois Environmental Protection Agency Public Water Supplies, Permit Fees For Installing or Extending Water Main; 35 Ill. Adm. Code 690
- 1) Rulemaking:
- A) Description: In June 2003, the Governor signed into law P.A. 93-0032, which established a new fee structure for installing and extending water mains. The amendments to this rule will formally incorporate the new fee. The collection of fees in the amendments reflect the increases mandated by the new law for construction permits, emergency construction permits, or as-built plans to install or extend water mains.
- B) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 5/19]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: These amendments will affect small businesses, small municipalities, and not-for-profit entities to the extent that these entities design, operate, or maintain a public water supply, or engage in the permitting process. The Agency anticipates that the amendments will generally benefit these entities by clarifying the requirements for facility operations and permits. The amendments do not impose additional reporting requirements.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:

Stefanie Diers  
Division of Legal Counsel

## ENVIRONMENTAL PROTECTION AGENCY

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Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544

- G) Related rulemakings and other pertinent information: None
- r) Part (Heading and Code Citation): Annual Testing Fees for Analytical Services; 35 Ill. Adm. Code 691
- 1) Rulemaking:
- A) Description: This rulemaking will update a citation in Section 691.102.
- B) Statutory Authority: Implementing and authorized by Section 17.7 of the Environmental Protection Act [415 ILCS 5/17.7]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: None
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stefanie Diers  
Division of Legal Counsel  
Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None

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- s) Part (Heading and Code Citation): Procedures for Operation of the Potentially Infectious Medical Waste Transporter Fee System; 35 Ill. Adm. Code 1450
- 1) Rulemaking:
- A) Description: The proposed amendments remove the reference to a specific fee amount in Section 1450.300 and replace with a generic reference to the fee required by Section 56.6(a) of the Act to avoid updates whenever fee amounts change. Also, at Sections 1450.202 and 1450.301, the address for payment has been updated.
- B) Statutory Authority: Implementing and authorized by Section 56.6 of the Act
- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: Any small businesses, small municipalities, or not-for-profit corporations that pay fees pursuant to Section 56.6 of the Act.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Stephanie Flowers  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: This rulemaking is related to several other rulemakings listed in this Regulatory Agenda that are being developed to update and address changes to the rules regarding Agency permit fees.

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- t) Part (Heading and Code Citation): Access to Public Records of the Illinois Environmental Protection Agency; 2 Ill. Adm. Code 1828
- 1) Rulemaking:
- A) Description: The Agency is preparing a rulemaking to amend its access to public records regulations to reflect changes made to the Freedom of Information Act [5 ILCS 140] and to update Illinois EPA procedures in receiving and processing Freedom of Information Act requests.
- B) Statutory Authority: Authorized by Section 3(g) of the Freedom of Information Act [5 ILCS 140/3(g)]
- C) Scheduled meeting/hearing dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities, or not-for-profit corporation: There may be an effect on any small business, small municipality, or not-for-profit corporation that engages in making a Freedom of Information Act request.
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Annet Godiksen  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None
- u) Part (Heading and Code Citation): Procedures For Issuing Loans From The Water Pollution Control Program for Non-Point Pollution Control Projects; New Part

## ENVIRONMENTAL PROTECTION AGENCY

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- 1) Rulemaking:
- A) Description: This rulemaking will create procedures for eligible local government units, other governmental entities, non-governmental entities or any combination thereof, to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.
  - B) Statutory Authority: The proposed rules implement Title IV-A: Water Pollution Control of the Illinois Environmental Protection Act [415 ILCS 5/19.1 through 5/19.8]
  - C) Scheduled meeting/hearing date: The Agency has not yet scheduled meetings or hearings on this proposal.
  - D) Date agency anticipates First Notice: Winter or Spring 2008
  - E) Effect on small businesses, small municipalities or not-for-profit corporations: These rules will benefit these entities by creating procedures to enable these and other entities to obtain loans from the Water Pollution Control Loan Program for projects to control non-point sources of pollution.
  - F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:  

Stefanie Diers  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, Illinois 62794-9276  
217/782-5544
  - G) Related rulemakings and other pertinent information: None
- v) Part (Heading and Code Citation): Procedures for the Agency's expedited review of RCRA corrective action plans and reports; New Part

## ENVIRONMENTAL PROTECTION AGENCY

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- 1) Rulemaking:
- A) Description: The proposed new rule will set forth the procedures the Agency will use to perform an expedited review of RCRA corrective action plans and reports.
- B) Statutory Authority: Authorized by Section 22.3a of the Environmental Protection Act [415 ILCS 5/22.3a]
- C) Scheduled meeting/hearings dates: The Agency has not yet scheduled meetings or hearings on this proposal.
- D) Date agency anticipates First Notice: Winter or Spring 2008
- E) Effect on small business, small municipalities or not-for-profit corporations: None known
- F) Agency contact person for information: Address written comments concerning the substance of the rulemaking as follows:
- Kim Geving  
Division of Legal Counsel  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
P.O. Box 19276  
Springfield, IL 62794-9276  
217/782-5544
- G) Related rulemakings and other pertinent information: None

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 2008 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Affordable Housing Program, 47 Ill. Adm. Code 360
- 1) Rulemaking:
- A) Description: Amend various sections to conform with updated guidelines.
- B) Statutory Authority: Section 4 and 7(e) of the Illinois Affordable Housing Act 310 ILCS 65/4 and Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25]
- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Kristi S. Poskus, esq.  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 700  
Chicago, IL 60611  
312/836-7416
- G) Related rulemakings and other pertinent information: None
- b) Part(s) (Heading and Code Citation): Single Family Mortgage Purchase Program, 47 Ill. Adm. Code 220
- 1) Rulemaking:
- A) Description: Repeal the rule.
- B) Statutory Authority: Mortgage Subsidy Bond Tax Act of 1980 (26 U.S.C. 103A) and authorized by Sections 7.19 and 7.23 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.23]

## ILLINOIS HOUSING DEVELOPMENT AUTHORITY

## JANUARY 2008 REGULATORY AGENDA

- C) Scheduled meeting/hearing dates: None
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: None
- F) Agency contact person for information:
- Kristi S. Poskus, esq.  
Illinois Housing Development Authority  
401 N. Michigan Ave., Ste. 700  
Chicago, IL 60611  
312/836-7416
- G) Related rulemakings and other pertinent information: None

## DEPARTMENT OF STATE POLICE

## JANUARY 2008 REGULATORY AGENDA

- a) Part (Heading and Code Citation): Intergovernmental Drug Enforcement Act; 20 Ill. Adm. Code 1220
- 1) Rulemaking:
- A) Description: The rule will be amended in order to revise and update the auditing procedures associated with the Department's Metropolitan Enforcement Groups.
- B) Statutory Authority: 20 ILCS 2605/2605-135
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The rule will have no affect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seventh Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None
- b) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230
- 1) Rulemaking:

## DEPARTMENT OF STATE POLICE

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- A) Description: The rule will be amended to revise and update procedures associated with granting, denying, and revoking the Firearm Owner's Identification Card and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/11
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no affect on small businesses, small municipalities or not for profit corporations.
- F) Agency contact person for information:
- Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seven Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None
- c) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 430 ILCS 65/3.1

## DEPARTMENT OF STATE POLICE

## JANUARY 2008 REGULATORY AGENDA

- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:
- Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seventh Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None
- d) Part (Heading and Code Citation): Sex Offender Registration Act; 20 Ill. Adm. Code 1280
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Registration Act.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 150/4
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.

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- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:
- Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seventh Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: 217/782-7658
- G) Related rulemakings and other pertinent information: None
- e) Part (Heading and Code Citation): Sex Offender and Child Murderer Community Notification Law; 20 Ill. Adm. Code 1282
- 1) Rulemaking:
- A) Description: The rule will be amended to revise and update procedures and policies relating to the implementation of the Sex Offender Community Notification Law.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 152
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been determined at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
- F) Agency contact person for information:

## DEPARTMENT OF STATE POLICE

## JANUARY 2008 REGULATORY AGENDA

Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
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Springfield, Illinois 62794-9461  
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: None

f) Part (Heading and Code Citation): Child Murderer and Violent Offender Against Youth Registration Act; 20 Ill. Adm. Code 1283

1) Rulemaking:

A) Description: The rule will establish policies and procedures for the implementation of the Child Murderer and Violent Offender Against Youth Registration Act.

B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 154

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The rule may affect small businesses, small municipalities and/or not for profit corporations.

F) Agency contact person for information:

Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seventh Street, Suite 1000-S  
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## DEPARTMENT OF STATE POLICE

## JANUARY 2008 REGULATORY AGENDA

Springfield, Illinois 62794-9461

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G) Related rulemakings and other pertinent information: Noneg) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 12851) Rulemaking:A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 5/5-4-3C) Schedule of meeting/hearing date: No schedule has been established at this time.D) Date agency anticipates First Notice: No date has been determined at this time.E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.F) Agency contact person for information:

Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seventh Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: 217/782-7658

G) Related rulemakings and other pertinent information: Noneh) Part (Heading and Code Citation): Testing of Breath, Blood and Urine for Alcohol, Other Drugs, and Intoxicating Compounds; 20 Ill. Adm. Code 1286

## DEPARTMENT OF STATE POLICE

## JANUARY 2008 REGULATORY AGENDA

- 1) Rulemaking:
  - A) Description: The rule will be amended to revise and update procedures and policies relating to the testing of breath, blood and urine for alcohol, drugs, and intoxicating compounds.
  - B) Statutory Authority: 20 ILCS 2605/2605-15, 625 ILCS 5/6-106.1A, 625 ILCS 5/11-501.2, 625 ILCS 5/11-501.5, 625 ILCS 5/11-501.6, 625 ILCS 5/11-501.8, 625 ILCS 40/5-7.5, 625 ILCS 45/5-16b, and 625 ILCS 45/6-1
  - C) Schedule of meeting/hearing date: No schedule has been established at this time.
  - D) Date agency anticipates First Notice: No date has been determined at this time.
  - E) Effect on small businesses, small municipalities or not for profit corporations: The amendment may affect small businesses, small municipalities and/or not for profit corporations.
  - F) Agency contact person for information:

Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seven Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: 217/782-7658
  - G) Related rulemakings and other pertinent information: None
- i) Part (Heading and Code Citation): Exempt Conversation Procedures; 20 Ill. Adm. Code 1296
  - 1) Rulemaking:

## DEPARTMENT OF STATE POLICE

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- A) Description: The proposed amendments will implement SB 97 which provides for an exemption to Illinois eavesdropping statute for bait cars. The amendments will delineate regulations concerning the use of devices in the recording of transmissions from a microphone placed by a person under the authority of a law enforcement agency inside a bait car surveillance vehicle and to adopt measures regarding the retention of any such recorded evidence.
- B) Statutory Authority: 20 ILCS 2605/2605-15 and 720 ILCS 5/14-3(g)
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: January 2008
- E) Effect on small businesses, small municipalities or not for profit corporations: Municipal police agencies may be affected.
- F) Agency contact person for information:

Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seventh Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: 217/782-7658

- G) Related rulemakings and other pertinent information: None

j) Part (Heading and Code Citation): Arsonist Registration Act

1) Rulemaking:

- A) Description: The rules will be established in order to establish procedures to extend for 10 years the registration period of any arsonist who fails to comply with the provisions of 730 ILCS 148 and to establish procedures regarding the administration of the Arsonist Registration Fund.

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- B) Statutory Authority: 20 ILCS 2605/2605-15 and 730 ILCS 148
- C) Schedule of meeting/hearing date: No schedule has been established at this time.
- D) Date agency anticipates First Notice: No date has been set at this time.
- E) Effect on small businesses, small municipalities or not for profit corporations: Small municipalities may be affected.
- F) Agency contact person for information:
- Mr. John Hosteny  
Interim Chief Legal Counsel  
Illinois State Police  
801 South Seventh Street, Suite 1000-S  
Post Office Box 19461  
Springfield, Illinois 62794-9461  
Telephone: 217/782-7658
- H) Related rulemakings and other pertinent information: None

## PROCLAMATIONS

**2007-418**  
**Human Rights Week**

WHEREAS, on December 10, 1948, the United Nations General Assembly adopted the Universal Declaration of Human Rights, and the international community commemorates the anniversary as Human Rights Day; and

WHEREAS, the Universal Declaration of Human Rights has been translated into more than 200 languages and remains one of the best known and most often cited human rights documents in the world. Over the years, the Universal Declaration has been used in the defense and advancement of people's rights. Its principles have been enshrined in and continue to inspire national legislation and the constitutions of many newly independent states; and

WHEREAS, today, equality is one of the basic principles that we use to guide and improve understanding of and respect for one another. Although our nation's history is wrought with shameful acts and deeds, it is also filled with wonderful moments of hope and triumph such as the abolition of slavery, the 19<sup>th</sup> Amendment that guaranteed all women the right to vote, and the Civil Rights Acts of 1964 and 1965; and

WHEREAS, here in Illinois, we have progressively expanded human rights, and in 1979, we passed a comprehensive human rights act to prohibit discrimination in employment, housing, credit transactions, and public accommodations based on age, citizenship, ethnicity, gender, race, disability, and religion. In 2005, we took another important step forward by amending the Illinois Human Rights Act to include sexual orientation; and

WHEREAS, in commemoration of the Universal Declaration's anniversary, the Illinois Department of Human Rights will offer training sessions and seminars during the week of December 9<sup>th</sup> that focus on various topics, including Sexual Orientation and the Human Rights Act, Diversity Awareness Training, Americans with Disabilities Act Training, Race, Discrimination and Housing in Chicago, and Sexual Harassment Prevention Training:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim December 9-15, 2007 as **HUMAN RIGHTS WEEK** in Illinois to honor the remarkable heritage of human rights in America, and in recognition of all those who have contributed to the pursuit of equality in Illinois.

Issued by the Governor December 7, 2007

## PROCLAMATIONS

Filed by the Secretary of State December 14, 2007

**2007-419****National Blood Donor Month**

WHEREAS, approximately four million patients in the United States receive blood transfusions every year, and roughly 38,000 units of blood are required in hospitals and emergency treatment facilities throughout the nation on any given day; and

WHEREAS, unfortunately, even though a single donation of blood has the potential to save three lives, donations often fall short of demand. While approximately eight million volunteers donate blood every year, just one trauma patient can use more than 100 units of blood, and donated blood has a shelf life of only 42 days; and

WHEREAS, even if volunteers donate blood regularly, donors can give only one unit of blood every eight weeks. Consequently, there is a continual need to recruit more donors; and

WHEREAS, January is observed by the Illinois Coalition of Community Blood Centers and the American Red Cross of Illinois as National Blood Donor Month to promote blood donation. Community blood centers rely 100 percent on donations from volunteer donors in order to maintain a safe and viable blood supply, but less than 5 percent of the eligible population actually donates blood:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as **NATIONAL BLOOD DONOR MONTH** in Illinois, and encourage all eligible donors to step up to the challenge and donate blood.

Issued by the Governor December 11, 2007

Filed by the Secretary of State December 14, 2007

**2007-420****Private DeWayne L. White**

WHEREAS, on Tuesday, December 4, United States Army Private DeWayne L. White, 27, of Country Club Hills, Illinois died from a roadside bombing in Bayji, Iraq, about 130 miles north of Baghdad; and

WHEREAS, Private White joined the Army in November 2004 and was assigned to the 101<sup>st</sup> Airborne Division at Fort Campbell, Kentucky; and

## PROCLAMATIONS

WHEREAS, Private White was among nearly 11,000 soldiers in the 101<sup>st</sup> who have deployed to Iraq for a third yearlong tour that began in October; and

WHEREAS, including Private White's death, the 101<sup>st</sup> has lost 172 soldiers since the Iraq war began in 2003; and

WHEREAS, a funeral will be held on Saturday, December 15 for Private White, who is survived by his wife, Synaca, and parents, Chester and Sandra Miller:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby order all State facilities to fly their flags at half-staff from sunrise on December 13, 2007 until sunset on December 15, 2007 in honor and remembrance of United States Army Private DeWayne L. White, whose selfless service and sacrifice is an inspiration.

Issued by the Governor December 11, 2007

Filed by the Secretary of State December 14, 2007

**2007-421****Chicago Business Opportunity Days**

WHEREAS, the 41<sup>st</sup> Annual Chicago Business Opportunity Fair (CBOF), which is of special interest to Illinois-based businesses, will be held April 14-16, 2008; and

WHEREAS, the fair will provide minority suppliers and purchasing personnel from major buying organizations the opportunity to meet and exchange information about mutual buying and selling needs; and

WHEREAS, Frederick H. Waddell, President and Chief Executive Officer, Northern Trust Corporation, will serve as Chairperson of the fair's Planning Committee; and

WHEREAS, the 41<sup>st</sup> Anniversary of the Chicago Business Opportunity Fair assists in advancing the year-round efforts of the Chicago Minority Business Development Council, Inc. an organization devoted to stimulating minority business development and purchasing in Chicago and throughout the State of Illinois; and

WHEREAS, Mike Anguiano, Chief Executive Officer, CVM Solutions, based in Oak Brook, is the Chairman of the CBOF kick-off Minority Business Enterprise Input Committee (MBEIC) Awards Luncheon on April 14, 2008. This event will recognize the MBE's corporate and government buyers and organizations that have shown exceptional commitment to business development:

## PROCLAMATIONS

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim April 14-16, 2008 as **CHICAGO BUSINESS OPPORTUNITY DAYS** in Illinois in recognition of the 41<sup>st</sup> anniversary of the Chicago Business Opportunity Fair.

Issued by the Governor December 12, 2007

Filed by the Secretary of State December 14, 2007

**2007-422****Cervical Cancer Awareness Month**

WHEREAS, January is recognized as Cervical Cancer Awareness Month, an observance that promotes education about cervical cancer screenings, treatment, and causes; and

WHEREAS, in 2007, an estimated 590 Illinois women will be diagnosed with cervical cancer, and an estimated 210 Illinois women will die from the disease; and

WHEREAS, most deaths from cervical cancer could be avoided if women had regular checkups with the Pap test. Early detection significantly increases chances of survival. In fact, if detected early, cervical cancer is nearly 100 percent curable; and

WHEREAS, the women at highest risk are those who do not have access to regular screenings and treatment of pre-cancerous conditions. This is why we recently expanded the Illinois Breast and Cervical Cancer Program to include all uninsured women, making Illinois the first state in the nation to ensure that all women who need access to potentially life-saving cancer screenings and treatment can get it; and

WHEREAS, by working together and supporting events such as the Cervical Cancer Awareness Month, we can educate women about the importance of cervical cancer screening; and

WHEREAS, public and private organizations within the state of Illinois and local and state government agencies are encouraged to observe the month of January of 2008 as Cervical Cancer Awareness Month in Illinois, by emphasizing and supporting a public awareness program on the importance of women's health issues, specifically, cervical health:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim January 2008 as **CERVICAL CANCER AWARENESS MONTH** in Illinois, and encourage all citizens to join in the continued fight against this disease.

## PROCLAMATIONS

Issued by the Governor December 13, 2007

Filed by the Secretary of State December 14, 2007

**2007-423****Dr. Blondean Y. Davis, Superintendent of the Year**

WHEREAS, Dr. Blondean Davis has spent her life dedicated to the education and advancement of youth in the Chicago area; and

WHEREAS, Dr. Davis served as a teacher, counselor, assistant principal, principal, district superintendent, Deputy Chief Education Officer of Chicago Public Schools, and eventually assumed responsibility for the daily operation of over 600 Chicago schools; and

WHEREAS, since her appointment as Matteson School District 162 superintendent in 2002, Dr. Davis has realized her educational vision and guided the district with distinction and strong leadership; and

WHEREAS, as superintendent, Dr. Davis has markedly improved student achievement, improved standardized test scores by 45 percent, overseen significant capital improvements and expansions to match rising enrollment, and has implemented new technologies to tailor lessons to students' individual needs; and

WHEREAS, due to her successes as superintendent, Dr. Blondean Davis was recently selected as the 2008 Illinois Superintendent of the Year by the Illinois Association of School Administrators:

THEREFORE, I, Rod R. Blagojevich, Governor of the State of Illinois, do hereby proclaim **DR. BLONDEAN Y. DAVIS SUPERINTENDENT OF THE YEAR**, and I wish her continued success in the years to come.

Issued by the Governor December 13, 2007

Filed by the Secretary of State December 14, 2007

# ILLINOIS ADMINISTRATIVE CODE

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