

HB3371



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3371

Introduced 2/22/2021, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-107

from Ch. 95 1/2, par. 6-107

Amends the Illinois Vehicle Code. Provides that the foster parent of an applicant for a driver's license may provide the: (i) written consent required to accompany an application for a driver's license or permit by a person under the age of 18 years; and (ii) certification that the applicant has had a minimum of 50 hours behind-the-wheel practice time in order for an applicant under 18 years of age to be issued a driver's license.

LRB102 02667 HEP 12670 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-107 as follows:

6 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

7 Sec. 6-107. Graduated license.

8 (a) The purpose of the Graduated Licensing Program is to
9 develop safe and mature driving habits in young, inexperienced
10 drivers and reduce or prevent motor vehicle accidents,
11 fatalities, and injuries by:

12 (1) providing for an increase in the time of practice
13 period before granting permission to obtain a driver's
14 license;

15 (2) strengthening driver licensing and testing
16 standards for persons under the age of 21 years;

17 (3) sanctioning driving privileges of drivers under
18 age 21 who have committed serious traffic violations or
19 other specified offenses; and

20 (4) setting stricter standards to promote the public's
21 health and safety.

22 (b) The application of any person under the age of 18
23 years, and not legally emancipated, for a driver's ~~drivers~~

1 license or permit to operate a motor vehicle issued under the
2 laws of this State, shall be accompanied by the written
3 consent of either parent of the applicant; otherwise by the
4 guardian or foster parent having custody of the applicant, or
5 in the event there is no parent, ~~or~~ guardian, or foster parent,
6 then by another responsible adult. The written consent must
7 accompany any application for a driver's license under this
8 subsection (b), regardless of whether or not the required
9 written consent also accompanied the person's previous
10 application for an instruction permit.

11 No graduated driver's license shall be issued to any
12 applicant under 18 years of age, unless the applicant is at
13 least 16 years of age and has:

14 (1) Held a valid instruction permit for a minimum of 9
15 months.

16 (2) Passed an approved driver education course and
17 submits proof of having passed the course as may be
18 required.

19 (3) Certification by the parent, legal guardian,
20 foster parent, or responsible adult that the applicant has
21 had a minimum of 50 hours of behind-the-wheel practice
22 time, at least 10 hours of which have been at night, and is
23 sufficiently prepared and able to safely operate a motor
24 vehicle.

25 (b-1) No graduated driver's license shall be issued to any
26 applicant who is under 18 years of age and not legally

1 emancipated, unless the applicant has graduated from a
2 secondary school of this State or any other state, is enrolled
3 in a course leading to a high school equivalency certificate,
4 has obtained a high school equivalency certificate, is
5 enrolled in an elementary or secondary school or college or
6 university of this State or any other state and is not a
7 chronic or habitual truant as provided in Section 26-2a of the
8 School Code, or is receiving home instruction and submits
9 proof of meeting any of those requirements at the time of
10 application.

11 An applicant under 18 years of age who provides proof
12 acceptable to the Secretary that the applicant has resumed
13 regular school attendance or home instruction or that his or
14 her application was denied in error shall be eligible to
15 receive a graduated license if other requirements are met. The
16 Secretary shall adopt rules for implementing this subsection
17 (b-1).

18 (c) No graduated driver's license or permit shall be
19 issued to any applicant under 18 years of age who has committed
20 the offense of operating a motor vehicle without a valid
21 license or permit in violation of Section 6-101 of this Code or
22 a similar out of state offense and no graduated driver's
23 license or permit shall be issued to any applicant under 18
24 years of age who has committed an offense that would otherwise
25 result in a mandatory revocation of a license or permit as
26 provided in Section 6-205 of this Code or who has been either

1 convicted of or adjudicated a delinquent based upon a
2 violation of the Cannabis Control Act, the Illinois Controlled
3 Substances Act, the Use of Intoxicating Compounds Act, or the
4 Methamphetamine Control and Community Protection Act while
5 that individual was in actual physical control of a motor
6 vehicle. For purposes of this Section, any person placed on
7 probation under Section 10 of the Cannabis Control Act,
8 Section 410 of the Illinois Controlled Substances Act, or
9 Section 70 of the Methamphetamine Control and Community
10 Protection Act shall not be considered convicted. Any person
11 found guilty of this offense, while in actual physical control
12 of a motor vehicle, shall have an entry made in the court
13 record by the judge that this offense did occur while the
14 person was in actual physical control of a motor vehicle and
15 order the clerk of the court to report the violation to the
16 Secretary of State as such.

17 (d) No graduated driver's license shall be issued for 9
18 months to any applicant under the age of 18 years who has
19 committed and subsequently been convicted of an offense
20 against traffic regulations governing the movement of
21 vehicles, any violation of this Section or Section 12-603.1 of
22 this Code, or who has received a disposition of court
23 supervision for a violation of Section 6-20 of the Illinois
24 Liquor Control Act of 1934 or a similar provision of a local
25 ordinance.

26 (e) No graduated driver's license holder under the age of

1 18 years shall operate any motor vehicle, except a motor
2 driven cycle or motorcycle, with more than one passenger in
3 the front seat of the motor vehicle and no more passengers in
4 the back seats than the number of available seat safety belts
5 as set forth in Section 12-603 of this Code. If a graduated
6 driver's license holder over the age of 18 committed an
7 offense against traffic regulations governing the movement of
8 vehicles or any violation of this Section or Section 12-603.1
9 of this Code in the 6 months prior to the graduated driver's
10 license holder's 18th birthday, and was subsequently convicted
11 of the violation, the provisions of this paragraph shall
12 continue to apply until such time as a period of 6 consecutive
13 months has elapsed without an additional violation and
14 subsequent conviction of an offense against traffic
15 regulations governing the movement of vehicles or any
16 violation of this Section or Section 12-603.1 of this Code.

17 (f) (Blank).

18 (g) If a graduated driver's license holder is under the
19 age of 18 when he or she receives the license, for the first 12
20 months he or she holds the license or until he or she reaches
21 the age of 18, whichever occurs sooner, the graduated license
22 holder may not operate a motor vehicle with more than one
23 passenger in the vehicle who is under the age of 20, unless any
24 additional passenger or passengers are siblings,
25 step-siblings, children, or stepchildren of the driver. If a
26 graduated driver's license holder committed an offense against

1 traffic regulations governing the movement of vehicles or any
2 violation of this Section or Section 12-603.1 of this Code
3 during the first 12 months the license is held and
4 subsequently is convicted of the violation, the provisions of
5 this paragraph shall remain in effect until such time as a
6 period of 6 consecutive months has elapsed without an
7 additional violation and subsequent conviction of an offense
8 against traffic regulations governing the movement of vehicles
9 or any violation of this Section or Section 12-603.1 of this
10 Code.

11 (h) It shall be an offense for a person that is age 15, but
12 under age 20, to be a passenger in a vehicle operated by a
13 driver holding a graduated driver's license during the first
14 12 months the driver holds the license or until the driver
15 reaches the age of 18, whichever occurs sooner, if another
16 passenger under the age of 20 is present, excluding a sibling,
17 step-sibling, child, or step-child of the driver.

18 (i) No graduated driver's license shall be issued to any
19 applicant under the age of 18 years if the applicant has been
20 issued a traffic citation for which a disposition has not been
21 rendered at the time of application.

22 (Source: P.A. 97-229, eff. 7-28-11; 97-835, eff. 7-20-12;
23 98-168, eff. 1-1-14; 98-718, eff. 1-1-15.)