



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2855

Introduced 1/19/2024, by Sen. Andrew S. Chesney

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-109	
625 ILCS 5/6-115	from Ch. 95 1/2, par. 6-115
15 ILCS 305/37 rep.	

Amends the Illinois Vehicle Code. Repeals a provision that disallows any persons, as a driver, who is 69 years of age or older, from obtaining a driver's license or permit. Removes language providing that examination of an applicant 75 years of age or older for a driver's license or permit shall include an actual demonstration of the applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle. Repeals a provision that requires the Secretary of State to provide that each original or renewal driver's license issued to a licensee 81 years of age through age 86 shall expire 2 years from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months. Repeals a provision that requires the Secretary to provide that each original or renewal driver's license issued to a licensee 87 years of age or older shall expire 12 months from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months. Amends the Secretary of State Act. Repeals a Section requiring the study on age-related changes that affect driving abilities. Effective immediately.

LRB103 36049 MXP 66136 b

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 Sections 6-103, 6-109, and 6-115 as follows:

6 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

7 Sec. 6-103. What persons shall not be licensed as drivers
8 or granted permits. The Secretary of State shall not issue,
9 renew, or allow the retention of any driver's license nor
10 issue any permit under this Code:

11 1. To any person, as a driver, who is under the age of
12 18 years except as provided in Section 6-107, and except
13 that an instruction permit may be issued under Section
14 6-107.1 to a child who is not less than 15 years of age if
15 the child is enrolled in an approved driver education
16 course as defined in Section 1-103 of this Code and
17 requires an instruction permit to participate therein,
18 except that an instruction permit may be issued under the
19 provisions of Section 6-107.1 to a child who is 17 years
20 and 3 months of age without the child having enrolled in an
21 approved driver education course and except that an
22 instruction permit may be issued to a child who is at least
23 15 years and 3 months of age, is enrolled in school, meets

1 the educational requirements of the Driver Education Act,
2 and has passed examinations the Secretary of State in his
3 or her discretion may prescribe;

4 1.5. To any person at least 18 years of age but less
5 than 21 years of age unless the person has, in addition to
6 any other requirements of this Code, successfully
7 completed an adult driver education course as provided in
8 Section 6-107.5 of this Code;

9 2. To any person who is under the age of 18 as an
10 operator of a motorcycle other than a motor driven cycle
11 unless the person has, in addition to meeting the
12 provisions of Section 6-107 of this Code, successfully
13 completed a motorcycle training course approved by the
14 Illinois Department of Transportation;

15 3. To any person, as a driver, whose driver's license
16 or permit has been suspended, during the suspension, nor
17 to any person whose driver's license or permit has been
18 revoked, except as provided in Sections 6-205, 6-206, and
19 6-208;

20 4. To any person, as a driver, who is a user of alcohol
21 or any other drug to a degree that renders the person
22 incapable of safely driving a motor vehicle;

23 5. To any person, as a driver, who has previously been
24 adjudged to be afflicted with or suffering from any mental
25 or physical disability or disease and who has not at the
26 time of application been restored to competency by the

1 methods provided by law;

2 6. To any person, as a driver, who is required by the
3 Secretary of State to submit an alcohol and drug
4 evaluation or take an examination provided for in this
5 Code unless the person has successfully passed the
6 examination and submitted any required evaluation;

7 7. To any person who is required under the provisions
8 of the laws of this State to deposit security or proof of
9 financial responsibility and who has not deposited the
10 security or proof;

11 8. To any person when the Secretary of State has good
12 cause to believe that the person by reason of physical or
13 mental disability would not be able to safely operate a
14 motor vehicle upon the highways, unless the person shall
15 furnish to the Secretary of State a verified written
16 statement, acceptable to the Secretary of State, from a
17 competent medical specialist, a licensed physician
18 assistant, or a licensed advanced practice registered
19 nurse, to the effect that the operation of a motor vehicle
20 by the person would not be inimical to the public safety;

21 9. (Blank) ~~To any person, as a driver, who is 69 years~~
22 ~~of age or older, unless the person has successfully~~
23 ~~complied with the provisions of Section 6-109;~~

24 10. To any person convicted, within 12 months of
25 application for a license, of any of the sexual offenses
26 enumerated in paragraph 2 of subsection (b) of Section

1 6-205;

2 11. To any person who is under the age of 21 years with
3 a classification prohibited in paragraph (b) of Section
4 6-104 and to any person who is under the age of 18 years
5 with a classification prohibited in paragraph (c) of
6 Section 6-104;

7 12. To any person who has been either convicted of or
8 adjudicated under the Juvenile Court Act of 1987 based
9 upon a violation of the Cannabis Control Act, the Illinois
10 Controlled Substances Act, or the Methamphetamine Control
11 and Community Protection Act while that person was in
12 actual physical control of a motor vehicle. For purposes
13 of this Section, any person placed on probation under
14 Section 10 of the Cannabis Control Act, Section 410 of the
15 Illinois Controlled Substances Act, or Section 70 of the
16 Methamphetamine Control and Community Protection Act shall
17 not be considered convicted. Any person found guilty of
18 this offense, while in actual physical control of a motor
19 vehicle, shall have an entry made in the court record by
20 the judge that this offense did occur while the person was
21 in actual physical control of a motor vehicle and order
22 the clerk of the court to report the violation to the
23 Secretary of State as such. The Secretary of State shall
24 not issue a new license or permit for a period of one year;

25 13. To any person who is under the age of 18 years and
26 who has committed the offense of operating a motor vehicle

1 without a valid license or permit in violation of Section
2 6-101 or a similar out-of-state ~~out-of-state~~ offense;

3 14. To any person who is 90 days or more delinquent in
4 court ordered child support payments or has been
5 adjudicated in arrears in an amount equal to 90 days'
6 obligation or more and who has been found in contempt of
7 court for failure to pay the support, subject to the
8 requirements and procedures of Article VII of Chapter 7 of
9 the Illinois Vehicle Code;

10 14.5. To any person certified by the Illinois
11 Department of Healthcare and Family Services as being 90
12 days or more delinquent in payment of support under an
13 order of support entered by a court or administrative body
14 of this or any other State, subject to the requirements
15 and procedures of Article VII of Chapter 7 of this Code
16 regarding those certifications;

17 15. To any person released from a term of imprisonment
18 for violating Section 9-3 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, or a similar provision of a law
20 of another state relating to reckless homicide or for
21 violating subparagraph (F) of paragraph (1) of subsection
22 (d) of Section 11-501 of this Code relating to aggravated
23 driving under the influence of alcohol, other drug or
24 drugs, intoxicating compound or compounds, or any
25 combination thereof, if the violation was the proximate
26 cause of a death, within 24 months of release from a term

1 of imprisonment;

2 16. To any person who, with intent to influence any
3 act related to the issuance of any driver's license or
4 permit, by an employee of the Secretary of State's Office,
5 or the owner or employee of any commercial driver training
6 school licensed by the Secretary of State, or any other
7 individual authorized by the laws of this State to give
8 driving instructions or administer all or part of a
9 driver's license examination, promises or tenders to that
10 person any property or personal advantage which that
11 person is not authorized by law to accept. Any persons
12 promising or tendering such property or personal advantage
13 shall be disqualified from holding any class of driver's
14 license or permit for 120 consecutive days. The Secretary
15 of State shall establish by rule the procedures for
16 implementing this period of disqualification and the
17 procedures by which persons so disqualified may obtain
18 administrative review of the decision to disqualify;

19 17. To any person for whom the Secretary of State
20 cannot verify the accuracy of any information or
21 documentation submitted in application for a driver's
22 license;

23 18. To any person who has been adjudicated under the
24 Juvenile Court Act of 1987 based upon an offense that is
25 determined by the court to have been committed in
26 furtherance of the criminal activities of an organized

1 gang, as provided in Section 5-710 of that Act, and that
2 involved the operation or use of a motor vehicle or the use
3 of a driver's license or permit. The person shall be
4 denied a license or permit for the period determined by
5 the court; or

6 19. To any person who holds a REAL ID compliant
7 identification card or REAL ID compliant Person with a
8 Disability Identification Card issued under the Illinois
9 Identification Card Act. Any such person may, at his or
10 her discretion, surrender the REAL ID compliant
11 identification card or REAL ID compliant Person with a
12 Disability Identification Card in order to become eligible
13 to obtain a REAL ID compliant driver's license.

14 The Secretary of State shall retain all conviction
15 information, if the information is required to be held
16 confidential under the Juvenile Court Act of 1987.

17 (Source: P.A. 103-162, eff. 1-1-24; revised 1-2-24.)

18 (625 ILCS 5/6-109)

19 Sec. 6-109. Examination of applicants.

20 (a) The Secretary of State shall examine every applicant
21 for a driver's license or permit who has not been previously
22 licensed as a driver under the laws of this State or any other
23 state or country, or any applicant for renewal of such
24 driver's license or permit when such license or permit has
25 been expired for more than one year. The Secretary of State

1 shall, subject to the provisions of paragraph (c), examine
2 every licensed driver at least every 8 years, and may examine
3 or re-examine any other applicant or licensed driver, provided
4 that during the years 1984 through 1991 those drivers issued a
5 license for 3 years may be re-examined not less than every 7
6 years or more than every 10 years.

7 The Secretary of State shall require the testing of the
8 eyesight of any driver's license or permit applicant who has
9 not been previously licensed as a driver under the laws of this
10 State and shall promulgate rules and regulations to provide
11 for the orderly administration of all the provisions of this
12 Section.

13 The Secretary of State shall include at least one test
14 question that concerns the provisions of the Pedestrians with
15 Disabilities Safety Act in the question pool used for the
16 written portion of the driver's license examination within one
17 year after July 22, 2010 (the effective date of Public Act
18 96-1167).

19 The Secretary of State shall include, in the question pool
20 used for the written portion of the driver's license
21 examination, test questions concerning safe driving in the
22 presence of bicycles, of which one may be concerning the Dutch
23 Reach method as described in Section 2-112.

24 The Secretary of State shall include, in the question pool
25 used for the written portion of the driver's license
26 examination, at least one test question concerning driver

1 responsibilities when approaching a stationary emergency
2 vehicle as described in Section 11-907.

3 (b) Except as provided for those applicants in paragraph
4 (c), such examination shall include a test of the applicant's
5 eyesight, his or her ability to read and understand official
6 traffic control devices, his or her knowledge of safe driving
7 practices and the traffic laws of this State, and may include
8 an actual demonstration of the applicant's ability to exercise
9 ordinary and reasonable control of the operation of a motor
10 vehicle, and such further physical and mental examination as
11 the Secretary of State finds necessary to determine the
12 applicant's fitness to operate a motor vehicle safely on the
13 highways, ~~except the examination of an applicant 75 years of~~
14 ~~age or older or, if the Secretary adopts rules under Section 37~~
15 ~~of the Secretary of State Act to raise the age requirement for~~
16 ~~actual demonstrations, the examination of an applicant who has~~
17 ~~attained that increased age or is older shall include an~~
18 ~~actual demonstration of the applicant's ability to exercise~~
19 ~~ordinary and reasonable control of the operation of a motor~~
20 ~~vehicle.~~ All portions of written and verbal examinations under
21 this Section, excepting where the English language appears on
22 facsimiles of road signs, may be given in the Spanish language
23 and, at the discretion of the Secretary of State, in any other
24 language as well as in English upon request of the examinee.
25 Deaf persons who are otherwise qualified are not prohibited
26 from being issued a license, other than a commercial driver's

1 license, under this Code.

2 (c) Re-examination for those applicants who at the time of
3 renewing their driver's license possess a driving record
4 devoid of any convictions of traffic violations or evidence of
5 committing an offense for which mandatory revocation would be
6 required upon conviction pursuant to Section 6-205 at the time
7 of renewal shall be in a manner prescribed by the Secretary in
8 order to determine an applicant's ability to safely operate a
9 motor vehicle, ~~except that every applicant for the renewal of~~
10 ~~a driver's license who is 75 years of age or older or, if the~~
11 ~~Secretary adopts rules under Section 37 of the Secretary of~~
12 ~~State Act to raise the age requirement for actual~~
13 ~~demonstrations, every applicant for the renewal of a driver's~~
14 ~~license who has attained that increased age or is older must~~
15 ~~prove, by an actual demonstration, the applicant's ability to~~
16 ~~exercise reasonable care in the safe operation of a motor~~
17 ~~vehicle.~~

18 (d) In the event the applicant is not ineligible under the
19 provisions of Section 6-103 to receive a driver's license, the
20 Secretary of State shall make provision for giving an
21 examination, either in the county where the applicant resides
22 or at a place adjacent thereto reasonably convenient to the
23 applicant, within not more than 30 days from the date said
24 application is received.

25 (e) The Secretary of State may adopt rules regarding the
26 use of foreign language interpreters during the application

1 and examination process.

2 (Source: P.A. 103-140, eff. 6-30-23.)

3 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

4 Sec. 6-115. Expiration of driver's license.

5 (a) Except as provided elsewhere in this Section, every
6 driver's license issued under the provisions of this Code
7 shall expire 4 years from the date of its issuance, or at such
8 later date, as the Secretary of State may by proper rule and
9 regulation designate, not to exceed 12 calendar months; in the
10 event that an applicant for renewal of a driver's license
11 fails to apply prior to the expiration date of the previous
12 driver's license, the renewal driver's license shall expire 4
13 years from the expiration date of the previous driver's
14 license, or at such later date as the Secretary of State may by
15 proper rule and regulation designate, not to exceed 12
16 calendar months.

17 The Secretary of State may, however, issue to a person not
18 previously licensed as a driver in Illinois a driver's license
19 which will expire not less than 4 years nor more than 5 years
20 from date of issuance, except as provided elsewhere in this
21 Section.

22 (a-5) Every driver's license issued under this Code to an
23 applicant who is not a United States citizen or permanent
24 resident, or an individual who has an approved application for
25 asylum in the United States or has entered the United States in

1 refugee status, shall expire on whichever is the earlier date
2 of the following:

3 (1) as provided under subsection (a), (f), (g), or (i)
4 of this Section;

5 (2) on the date the applicant's authorized stay in the
6 United States terminates; or

7 (3) if the applicant's authorized stay is indefinite
8 and the applicant is applying for a Limited Term REAL ID
9 compliant driver's license, one year from the date of
10 issuance of the license.

11 (a-10) Every REAL ID compliant driver's license issued
12 under this Code to an applicant who is not a United States
13 citizen or permanent resident, or an individual who has an
14 approved application for asylum in the United States or has
15 entered the United States in refugee status, shall be marked
16 "Limited Term".

17 (b) Before the expiration of a driver's license, except
18 those licenses expiring on the individual's 21st birthday, or
19 3 months after the individual's 21st birthday, the holder
20 thereof may apply for a renewal thereof, subject to all the
21 provisions of Section 6-103, and the Secretary of State may
22 require an examination of the applicant. A licensee whose
23 driver's license expires on his 21st birthday, or 3 months
24 after his 21st birthday, may not apply for a renewal of his
25 driving privileges until he reaches the age of 21.

26 (c) The Secretary of State shall, 30 days prior to the

1 expiration of a driver's license, forward to each person whose
2 license is to expire a notification of the expiration of said
3 license which may be presented at the time of renewal of said
4 license.

5 There may be included with such notification information
6 explaining the anatomical gift and Emergency Medical
7 Information Card provisions of Section 6-110. The format and
8 text of such information shall be prescribed by the Secretary.

9 There shall be included with such notification, for a
10 period of 4 years beginning January 1, 2000 information
11 regarding the Illinois Adoption Registry and Medical
12 Information Exchange established in Section 18.1 of the
13 Adoption Act.

14 (d) The Secretary may defer the expiration of the driver's
15 license of a licensee, spouse, and dependent children who are
16 living with such licensee while on active duty, serving in the
17 Armed Forces of the United States outside of the State of
18 Illinois, and 120 days thereafter, upon such terms and
19 conditions as the Secretary may prescribe.

20 (d-5) The Secretary may defer the expiration of the
21 driver's license of a licensee, or of a spouse or dependent
22 children living with the licensee, serving as a civilian
23 employee of the United States Armed Forces or the United
24 States Department of Defense, outside of the State of
25 Illinois, and 120 days thereafter, upon such terms and
26 conditions as the Secretary may prescribe.

1 (e) The Secretary of State may decline to process a
2 renewal of a driver's license of any person who has not paid
3 any fee or tax due under this Code and is not paid upon
4 reasonable notice and demand.

5 (f) The Secretary shall provide that each original or
6 renewal driver's license issued to a licensee under 21 years
7 of age shall expire 3 months after the licensee's 21st
8 birthday. Persons whose current driver's licenses expire on
9 their 21st birthday on or after January 1, 1986 shall not renew
10 their driver's license before their 21st birthday, and their
11 current driver's license will be extended for an additional
12 term of 3 months beyond their 21st birthday. Thereafter, the
13 expiration and term of the driver's license shall be governed
14 by subsection (a) hereof.

15 (g) (Blank). ~~The Secretary shall provide that each~~
16 ~~original or renewal driver's license issued to a licensee 81~~
17 ~~years of age through age 86 shall expire 2 years from the date~~
18 ~~of issuance, or at such later date as the Secretary may by rule~~
19 ~~and regulation designate, not to exceed an additional 12~~
20 ~~calendar months. The Secretary shall also provide that each~~
21 ~~original or renewal driver's license issued to a licensee 87~~
22 ~~years of age or older shall expire 12 months from the date of~~
23 ~~issuance, or at such later date as the Secretary may by rule~~
24 ~~and regulation designate, not to exceed an additional 12~~
25 ~~calendar months.~~

26 (h) The Secretary of State shall provide that each special

1 restricted driver's license issued under subsection (g) of
2 Section 6-113 of this Code shall expire 12 months from the date
3 of issuance. The Secretary shall adopt rules defining renewal
4 requirements.

5 (i) The Secretary of State shall provide that each
6 driver's license issued to a person convicted of a sex offense
7 as defined in Section 2 of the Sex Offender Registration Act
8 shall expire 12 months from the date of issuance or at such
9 date as the Secretary may by rule designate, not to exceed an
10 additional 12 calendar months. The Secretary may adopt rules
11 defining renewal requirements.

12 (Source: P.A. 101-185, eff. 1-1-20; 102-659, eff. 1-1-22.)

13 (15 ILCS 305/37 rep.)

14 Section 10. The Secretary of State Act is amended by
15 repealing Section 37.

16 Section 99. Effective date. This Act takes effect upon
17 becoming law.