

1 AN ACT in relation to vehicles.

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, 6-105, 6-106, 6-107, and 6-107.1 as
6 follows:

7 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

8 Sec. 6-103. What persons shall not be licensed as drivers
9 or granted permits.

10 (a) The Secretary of State shall not issue, renew, or
11 allow the retention of any driver's license nor issue any
12 permit under this Code:

13 1. To any person, as a driver, who is under the age
14 of 18 years except as provided in Section 6-107, and
15 except that an instruction permit may be issued under
16 paragraphs (a) and (b) of Section 6-105 to a child who is
17 not less than 15 years of age if the child is enrolled in
18 an approved driver education course as defined in Section
19 1-103 of this Code and requires an instruction permit to
20 participate therein, except that an instruction permit
21 may be issued under the provisions of Section 6-107.1 to
22 a child who is 17 years and 9 months of age without the
23 child having enrolled in an approved driver education
24 course and except that an instruction permit may be
25 issued to a child who is at least 15 years and 6 months
26 of age, is enrolled in school, meets the educational
27 requirements of the Driver Education Act, and has passed
28 examinations the Secretary of State in his or her
29 discretion may prescribe;

30 2. To any person who is under the age of 18 as an
31 operator of a motorcycle other than a motor driven cycle

1 unless the person has, in addition to meeting the
2 provisions of Section 6-107 of this Code, completed a
3 motorcycle training course approved by the Illinois
4 Department of Transportation and successfully completes
5 the required Secretary of State's motorcycle driver's
6 examination;

7 3. To any person, as a driver, whose driver's
8 license or permit has been suspended, during the
9 suspension, nor to any person whose driver's license or
10 permit has been revoked, except as provided in Sections
11 6-205, 6-206, and 6-208;

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

15 5. To any person, as a driver, who has previously
16 been adjudged to be afflicted with or suffering from any
17 mental or physical disability or disease and who has not
18 at the time of application been restored to competency by
19 the methods provided by law;

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

25 7. To any person who is required under the
26 provisions of the laws of this State to deposit security
27 or proof of financial responsibility and who has not
28 deposited the security or proof;

29 8. To any person when the Secretary of State has
30 good cause to believe that the person by reason of
31 physical or mental disability would not be able to safely
32 operate a motor vehicle upon the highways, unless the
33 person shall furnish to the Secretary of State a verified
34 written statement, acceptable to the Secretary of State,

1 from a competent medical specialist to the effect that
2 the operation of a motor vehicle by the person would not
3 be inimical to the public safety;

4 9. To any person, as a driver, who is 69 years of
5 age or older, unless the person has successfully complied
6 with the provisions of Section 6-109;

7 10. To any person convicted, within 12 months of
8 application for a license, of any of the sexual offenses
9 enumerated in paragraph 2 of subsection (b) of Section
10 6-205;

11 11. To any person who is under the age of 21 years
12 with a classification prohibited in paragraph (b) of
13 Section 6-104 and to any person who is under the age of
14 18 years with a classification prohibited in paragraph
15 (c) of Section 6-104;

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

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

1 vehicle without a valid license or permit in violation of
2 Section 6-101;

3 14. To any person who is 90 days or more delinquent
4 in 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
9 of the Illinois Vehicle Code; or

10 15. To any person released from a term of
11 imprisonment for violating Section 9-3 of the Criminal
12 Code of 1961 relating to reckless homicide within 24
13 months of release from a term of imprisonment.

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 (b) The Secretary of State may not issue a driver's
18 license to a person who has not previously held a driver's
19 license if that person does not currently hold a valid
20 instruction permit.

21 (c) The Secretary of State may not:

22 (1) renew an instruction permit; or

23 (2) issue an instruction permit to a person who
24 previously held a permit under Section 6-105 or 6-107.1
25 if that permit has expired, unless a period of not less
26 than 6 months has passed since the date of the most
27 recent expiration.

28 (Source: P.A. 92-343, eff. 1-1-02.)

29 (625 ILCS 5/6-105) (from Ch. 95 1/2, par. 6-105)

30 Sec. 6-105. Instruction permits and temporary licenses
31 for persons 18 years of age or older.

32 (a) Except as provided in this Section, the Secretary of
33 State upon receiving proper application and payment of the

1 required fee may issue an instruction permit to any person 18
2 years of age or older who is not ineligible for a license
3 under paragraphs 1, 3, 4, 5, 7, or 8 of Section 6-103, after
4 the applicant has successfully passed such examination as the
5 Secretary of State in his discretion may prescribe.

6 1. An instruction permit entitles the holder while
7 having the permit in his immediate possession to drive a
8 motor vehicle, excluding a motor driven cycle or
9 motorcycle, upon the highways for a period of 12 months
10 after the date of its issuance when accompanied by a
11 licensed driver who is 21 years of age or older, who has
12 had a valid driver's license classification to operate
13 such vehicle for at least one year and has had one year
14 of driving experience with such classification and who is
15 occupying a seat beside the driver.

16 2. A 12 month instruction permit for a motor driven
17 cycle or motorcycle may be issued to a person 18 years of
18 age or more, and entitles the holder to drive upon the
19 highways during daylight under the direct supervision of
20 a licensed motor driven cycle operator or motorcycle
21 operator with the same or greater classification, who is
22 21 years of age or older and who has at least one year of
23 driving experience.

24 3. (Blank).

25 (b) (Blank).

26 (b-1) The Secretary of State may not:

27 (1) renew an instruction permit; or

28 (2) issue an instruction permit to a person who
29 previously held a permit under this Section or Section
30 6-107.1 if that permit has expired, unless a period of
31 not less than 6 months has passed since the date of the
32 most recent expiration.

33 (c) The Secretary of State may issue a temporary
34 driver's license to an applicant for a license permitting the

1 operation of a motor vehicle while the Secretary is
2 completing an investigation and determination of all facts
3 relative to such applicant's eligibility to receive such
4 license, or for any other reason prescribed by rule or
5 regulation promulgated by the Secretary of State. Such
6 permit must be in the applicant's immediate possession while
7 operating a motor vehicle, and it shall be invalid when the
8 applicant's driver's license has been issued or for good
9 cause has been refused. In each case the Secretary of State
10 may issue the temporary driver's license for such period as
11 appropriate but in no event for longer than 90 days.

12 (Source: P.A. 90-369, eff. 1-1-98.)

13 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

14 Sec. 6-106. Application for license or instruction
15 permit.

16 (a) Every application for any permit or license
17 authorized to be issued under this Act shall be made upon a
18 form furnished by the Secretary of State. Every application
19 shall be accompanied by the proper fee and payment of such
20 fee shall entitle the applicant to not more than 3 attempts
21 to pass the examination within a period of 1 year after the
22 date of application.

23 (b) Every application shall state the name, social
24 security number, zip code, date of birth, sex, and residence
25 address of the applicant; briefly describe the applicant;
26 state whether the applicant has theretofore been licensed as
27 a driver, and, if so, when and by what state or country, and
28 whether any such license has ever been cancelled, suspended,
29 revoked or refused, and, if so, the date and reason for such
30 cancellation, suspension, revocation or refusal; shall
31 include an affirmation by the applicant that all information
32 set forth is true and correct; and shall bear the applicant's
33 signature. The application form may also require the

1 statement of such additional relevant information as the
2 Secretary of State shall deem necessary to determine the
3 applicant's competency and eligibility. The Secretary of
4 State may in his discretion substitute a federal tax number
5 in lieu of a social security number, or he may instead assign
6 an additional distinctive number in lieu thereof, where an
7 applicant is prohibited by bona fide religious convictions
8 from applying or is exempt from applying for a social
9 security number. The Secretary of State shall, however,
10 determine which religious orders or sects have such bona fide
11 religious convictions. The Secretary of State may, in his
12 discretion, by rule or regulation, provide that an
13 application for a drivers license or permit may include a
14 suitable photograph of the applicant in the form prescribed
15 by the Secretary, and he may further provide that each
16 drivers license shall include a photograph of the driver. The
17 Secretary of State may utilize a photograph process or system
18 most suitable to deter alteration or improper reproduction of
19 a drivers license and to prevent substitution of another
20 photo thereon.

21 (b-1) Every application for a driver's license submitted
22 by a person who has not previously held a driver's license
23 must be accompanied by documentation that the person
24 currently holds a valid instruction permit.

25 (c) The application form shall include a notice to the
26 applicant of the registration obligations of sex offenders
27 under the Sex Offender Registration Act. The notice shall be
28 provided in a form and manner prescribed by the Secretary of
29 State. For purposes of this subsection (c), "sex offender"
30 has the meaning ascribed to it in Section 2 of the Sex
31 Offender Registration Act.

32 (d) Any male United States citizen or immigrant who
33 applies for any permit or license authorized to be issued
34 under this Act or for a renewal of any permit or license, and

1 who is at least 18 years of age but less than 26 years of
2 age, must be registered in compliance with the requirements
3 of the federal Military Selective Service Act. The Secretary
4 of State must forward in an electronic format the necessary
5 personal information regarding the applicants identified in
6 this subsection (d) to the Selective Service System. The
7 applicant's signature on the application serves as an
8 indication that the applicant either has already registered
9 with the Selective Service System or that he is authorizing
10 the Secretary to forward to the Selective Service System the
11 necessary information for registration. The Secretary must
12 notify the applicant at the time of application that his
13 signature constitutes consent to registration with the
14 Selective Service System, if he is not already registered.

15 (Source: P.A. 92-117, eff. 1-1-02.)

16 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

17 Sec. 6-107. Graduated license.

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

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

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

27 (3) sanctioning driving privileges of drivers under
28 age 21 who have committed serious traffic violations or
29 other specified offenses; and

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

32 (b) The application of any person under the age of 18
33 years, and not legally emancipated by marriage, for a 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 having custody of the applicant, or in the event
5 there is no parent or guardian, then by another responsible
6 adult.

7 No graduated driver's license shall be issued to any
8 applicant under 18 years of age, unless the applicant has:

9 (1) Held a valid instruction permit for a minimum
10 of 3 months and currently holds a valid instruction
11 permit.

12 (2) Passed an approved driver education course and
13 submits proof of having passed the course as may be
14 required.

15 (3) certification by the parent, legal guardian, or
16 responsible adult that the applicant has had a minimum of
17 25 hours of behind-the-wheel practice time and is
18 sufficiently prepared and able to safely operate a motor
19 vehicle.

20 (c) No graduated driver's license or permit shall be
21 issued to any applicant under 18 years of age who has
22 committed the offense of operating a motor vehicle without a
23 valid license or permit in violation of Section 6-101 of this
24 Code and no graduated driver's license or permit shall be
25 issued to any applicant under 18 years of age who has
26 committed an offense that would otherwise result in a
27 mandatory revocation of a license or permit as provided in
28 Section 6-205 of this Code or who has been either convicted
29 of or adjudicated a delinquent based upon a violation of the
30 Cannabis Control Act or the Illinois Controlled Substances
31 Act, while that individual was in actual physical control of
32 a motor vehicle. For purposes of this Section, any person
33 placed on probation under Section 10 of the Cannabis Control
34 Act or Section 410 of the Illinois Controlled Substances Act

1 shall not be considered convicted. Any person found guilty of
2 this offense, while in actual physical control of a motor
3 vehicle, shall have an entry made in the court record by the
4 judge that this offense did occur while the person was in
5 actual physical control of a motor vehicle and order the
6 clerk of the court to report the violation to the Secretary
7 of State as such.

8 (d) No graduated driver's license shall be issued for 6
9 months to any applicant under the age of 18 years who has
10 been convicted of any offense defined as a serious traffic
11 violation in this Code or a similar provision of a local
12 ordinance.

13 (e) No graduated driver's license holder under the age
14 of 18 years shall operate any motor vehicle, except a motor
15 driven cycle or motorcycle, with more than one passenger in
16 the front seat of the motor vehicle and no more passengers in
17 the back seats than the number of available seat safety belts
18 as set forth in Section 12-603 of this Code.

19 (f) No graduated driver's license holder under the age
20 of 18 shall operate a motor vehicle unless each driver and
21 front or back seat passenger under the age of 18 is wearing a
22 properly adjusted and fastened seat safety belt.

23 (Source: P.A. 90-369, eff. 1-1-98.)

24 (625 ILCS 5/6-107.1)

25 Sec. 6-107.1. Instruction permit for a minor.

26 (a) The Secretary of State, upon receiving proper
27 application and payment of the required fee, may issue an
28 instruction permit to any person under the age of 18 years
29 who is not ineligible for a license under paragraphs 1, 3, 4,
30 5, 7, or 8 of Section 6-103 and who is not ineligible for a
31 permit under subsection (a-1) of this Section, after the
32 applicant has successfully passed such examination as the
33 Secretary of State in his discretion may prescribe.

1 (1) An instruction permit issued under this Section
2 shall be valid for a period of 12 24 months after the
3 date of its issuance and shall be restricted, by the
4 Secretary of State, to the operation of a motor vehicle
5 by the minor only when accompanied by the adult
6 instructor of a driver education program during
7 enrollment in the program or when practicing with a
8 parent, legal guardian, family member, or a person in
9 loco parentis who is 21 years of age or more, has a
10 license classification to operate such vehicle and at
11 least one year of driving experience, and who is
12 occupying a seat beside the driver.

13 (2) A 12 24 month instruction permit for a motor
14 driven cycle may be issued to a person 16 or 17 years of
15 age and entitles the holder to drive upon the highways
16 during daylight under direct supervision of a licensed
17 motor driven cycle operator or motorcycle operator 21
18 years of age or older who has a license classification to
19 operate such motor driven cycle or motorcycle and at
20 least one year of driving experience.

21 (3) A 12 24 month instruction permit for a
22 motorcycle other than a motor driven cycle may be issued
23 to a person 16 or 17 years of age in accordance with the
24 provisions of paragraph 2 of Section 6-103 and entitles a
25 holder to drive upon the highways during daylight under
26 the direct supervision of a licensed motorcycle operator
27 21 years of age or older who has at least one year of
28 driving experience.

29 (a-1) The Secretary of State may not:

30 (1) renew an instruction permit; or

31 (2) issue an instruction permit to a person who
32 previously held a permit under this Section if that
33 permit has expired, unless a period of not less than 6
34 months has passed since the date of the most recent

1 expiration.

2 (b) An instruction permit issued under this Section when
3 issued to a person under the age of 17 years shall, as a
4 matter of law, be invalid for the operation of any motor
5 vehicle during the same time the child is prohibited from
6 being on any street or highway under the provisions of the
7 Child Curfew Act.

8 (c) Any person under the age of 16 years who possesses
9 an instruction permit and whose driving privileges have been
10 suspended or revoked under the provisions of this Code shall
11 not be granted a Family Financial Responsibility Driving
12 Permit or a Restricted Driving Permit.

13 (Source: P.A. 90-369, eff. 1-1-98.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.