

1 AN ACT concerning driver's licenses.

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

4 Section 5. The School Code is amended by changing Section
5 26-3a as follows:

6 (105 ILCS 5/26-3a) (from Ch. 122, par. 26-3a)

7 Sec. 26-3a. Report of pupils no longer enrolled in school.

8 The clerk or secretary of the school board of all school
9 districts shall furnish quarterly on the first school day of
10 October, January, April and July to the regional superintendent
11 and to the Secretary of State a list of pupils, excluding
12 transferees, who have been expelled or have withdrawn or who
13 have left school and have been removed from the regular
14 attendance rolls during the period of time school was in
15 regular session from the time of the previous quarterly report.
16 Such list shall include the names and addresses of pupils
17 formerly in attendance, the names and addresses of persons
18 having custody or control of such pupils, the reason, if known,
19 such pupils are no longer in attendance and the date of removal
20 from the attendance rolls. The list shall also include the
21 names of: pupils whose withdrawal is due to extraordinary
22 circumstances, including but not limited to economic or medical
23 necessity or family hardship, as determined by the criteria
24 established by the school district; pupils who have re-enrolled
25 in school since their names were removed from the attendance
26 rolls; any pupil certified to be a chronic or habitual truant,
27 as defined in Section 26-2a; and pupils previously certified as
28 chronic or habitual truants who have resumed regular school
29 attendance. The regional superintendent shall inform the
30 county or district truant officer who shall investigate to see
31 that such pupils are in compliance with the requirements of
32 this Article.

1 Each local school district shall establish, in writing, a
2 set of criteria for use by the local superintendent of schools
3 in determining whether a pupil's failure to attend school is
4 the result of extraordinary circumstances, including but not
5 limited to economic or medical necessity or family hardship.

6 If a pupil re-enrolls in school after his or her name was
7 removed from the attendance rolls or resumes regular attendance
8 after being certified a chronic or habitual truant, the pupil
9 must obtain and forward to the Secretary of State, on a form
10 designated by the Secretary of State, verification of his or
11 her re-enrollment. The verification may be in the form of a
12 signature or seal or in any other form determined by the school
13 board.

14 In addition, the regional superintendent of schools of each
15 educational service region shall report to the State Board of
16 Education, in January of 1992 and in January of each year
17 thereafter, the number and ages of dropouts, as defined in
18 Section 26-2a, in his educational service region during the
19 school year that ended in the immediately preceding calendar
20 year, together with any efforts, activities and programs
21 undertaken, established, implemented or coordinated by the
22 regional superintendent of schools that have been effective in
23 inducing dropouts to re-enroll in school. The State Board of
24 Education shall, if possible, make available to any person,
25 upon request, a comparison of drop out rates before and after
26 the effective date of this amendatory Act of the 94th General
27 Assembly.

28 (Source: P.A. 87-303.)

29 Section 10. The Illinois Vehicle Code is amended by
30 changing Sections 6-107, 6-107.1, 6-108, and 6-201 as follows:

31 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

32 Sec. 6-107. Graduated license.

33 (a) The purpose of the Graduated Licensing Program is to
34 develop safe and mature driving habits in young, inexperienced

1 drivers and reduce or prevent motor vehicle accidents,
2 fatalities, and injuries by:

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

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

8 (3) sanctioning driving privileges of drivers under
9 age 21 who have committed serious traffic violations or
10 other specified offenses; and

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

13 (b) The application of any person under the age of 18
14 years, and not legally emancipated by marriage, for a drivers
15 license or permit to operate a motor vehicle issued under the
16 laws of this State, shall be accompanied by the written consent
17 of either parent of the applicant; otherwise by the guardian
18 having custody of the applicant, or in the event there is no
19 parent or guardian, then by another responsible adult.

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

23 (1) Held a valid instruction permit for a minimum of 3
24 months.

25 (2) Passed an approved driver education course and
26 submits proof of having passed the course as may be
27 required.

28 (3) certification by the parent, legal guardian, or
29 responsible adult that the applicant has had a minimum of
30 25 hours of behind-the-wheel practice time and is
31 sufficiently prepared and able to safely operate a motor
32 vehicle.

33 (b-1) No graduated driver's license shall be issued to any
34 applicant who is under 18 years of age and not legally
35 emancipated by marriage, unless the applicant has graduated
36 from a secondary school of this State or any other state, is

1 enrolled in a course leading to a general educational
2 development (GED) certificate, has obtained a GED certificate,
3 is enrolled in an elementary or secondary school or college or
4 university of this State or any other state and is not a
5 chronic or habitual truant as provided in Section 26-2a of the
6 School Code, or is receiving home instruction and submits proof
7 of meeting any of those requirements at the time of
8 application.

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

16 (c) No graduated driver's license or permit shall be issued
17 to any applicant under 18 years of age who has committed the
18 offense of operating a motor vehicle without a valid license or
19 permit in violation of Section 6-101 of this Code and no
20 graduated driver's license or permit shall be issued to any
21 applicant under 18 years of age who has committed an offense
22 that would otherwise result in a mandatory revocation of a
23 license or permit as provided in Section 6-205 of this Code or
24 who has been either convicted of or adjudicated a delinquent
25 based upon a violation of the Cannabis Control Act or the
26 Illinois Controlled Substances Act, while that individual was
27 in actual physical control of a motor vehicle. For purposes of
28 this Section, any person placed on probation under Section 10
29 of the Cannabis Control Act or Section 410 of the Illinois
30 Controlled Substances Act shall not be considered convicted.
31 Any person found guilty of this offense, while in actual
32 physical control of a motor vehicle, shall have an entry made
33 in the court record by the judge that this offense did occur
34 while the person was in actual physical control of a motor
35 vehicle and order the clerk of the court to report the
36 violation to the Secretary of State as such.

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

5 (e) No graduated driver's license holder under the age of
6 18 years shall operate any motor vehicle, except a motor driven
7 cycle or motorcycle, with more than one passenger in the front
8 seat of the motor vehicle and no more passengers in the back
9 seats than the number of available seat safety belts as set
10 forth in Section 12-603 of this Code.

11 (f) No graduated driver's license holder under the age of
12 18 shall operate a motor vehicle unless each driver and front
13 or back seat passenger under the age of 18 is wearing a
14 properly adjusted and fastened seat safety belt.

15 (g) If a graduated driver's license holder is under the age
16 of 18 when he or she receives the license, for the first 6
17 months he or she holds the license or until he or she reaches
18 the age of 18, whichever occurs sooner, the graduated license
19 holder may not operate a motor vehicle with more than one
20 passenger in the vehicle who is under the age of 20, unless any
21 additional passenger or passengers are siblings,
22 step-siblings, children, or stepchildren of the driver.

23 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05.)

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 who
29 is not ineligible for a license under paragraphs 1, 3, 4, 5, 7,
30 or 8 of Section 6-103, after the applicant has successfully
31 passed such examination as the Secretary of State in his
32 discretion may prescribe.

33 (1) An instruction permit issued under this Section
34 shall be valid for a period of 24 months after the date of
35 its issuance and shall be restricted, by the Secretary of

1 State, to the operation of a motor vehicle by the minor
2 only when accompanied by the adult instructor of a driver
3 education program during enrollment in the program or when
4 practicing with a parent, legal guardian, family member, or
5 a person in loco parentis who is 21 years of age or more,
6 has a license classification to operate such vehicle and at
7 least one year of driving experience, and who is occupying
8 a seat beside the driver.

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

17 (3) A 24 month instruction permit for a motorcycle
18 other than a motor driven cycle may be issued to a person
19 16 or 17 years of age in accordance with the provisions of
20 paragraph 2 of Section 6-103 and entitles a holder to drive
21 upon the highways during daylight under the direct
22 supervision of a licensed motorcycle operator 21 years of
23 age or older who has at least one year of driving
24 experience.

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

30 (b-1) No instruction permit shall be issued to any
31 applicant who is under the age of 18 years and who has been
32 certified to be a chronic or habitual truant, as defined in
33 Section 26-2a of the School Code.

34 An applicant under the age of 18 years who provides proof
35 that he or she has resumed regular school attendance or that
36 his or her application was denied in error shall be eligible to

1 receive an instruction permit if other requirements are met.
2 The Secretary shall adopt rules for implementing this
3 subsection (b-1).

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

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

10 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

11 Sec. 6-108. Cancellation of license issued to minor.

12 (a) The Secretary of State shall cancel the license or
13 permit of any minor under the age of 18 years in any of the
14 following events:

15 1. Upon the verified written request of the person who
16 consented to the application of the minor that the license
17 or permit be cancelled;

18 2. Upon receipt of satisfactory evidence of the death
19 of the person who consented to the application of the
20 minor;

21 3. Upon receipt of satisfactory evidence that the
22 person who consented to the application of a minor no
23 longer has legal custody of the minor; ~~+~~

24 4. Upon receipt of information, submitted on a form
25 prescribed by the Secretary of State under Section 26-3a of
26 the School Code and provided voluntarily by nonpublic
27 schools, that a license-holding minor no longer meets the
28 school attendance requirements defined in Section 6-107 of
29 this Code.

30 A minor who provides proof acceptable to the Secretary
31 that the minor has resumed regular school attendance or
32 home instruction or that his or her license or permit was
33 cancelled in error shall have his or her license
34 reinstated. The Secretary shall adopt rules for
35 implementing this subdivision (a) 4.

1 After cancellation, the Secretary of State shall not issue
2 a new license or permit until the applicant meets the
3 provisions of Section 6-107 of this Code.

4 (b) The Secretary of State shall cancel the license or
5 permit of any person under the age of 18 years if he or she is
6 convicted of violating the Cannabis Control Act or the Illinois
7 Controlled Substances Act while that person was in actual
8 physical control of a motor vehicle. For purposes of this
9 Section, any person placed on probation under Section 10 of the
10 Cannabis Control Act or Section 410 of the Illinois Controlled
11 Substances Act shall not be considered convicted. Any person
12 found guilty of this offense, while in actual physical control
13 of a motor vehicle, shall have an entry made in the court
14 record by the judge that this offense did occur while the
15 person was in actual physical control of a motor vehicle and
16 order the clerk of the court to report the violation to the
17 Secretary of State as such. After the cancellation, the
18 Secretary of State shall not issue a new license or permit for
19 a period of one year after the date of cancellation or until
20 the minor attains the age of 18 years, whichever is longer.
21 However, upon application, the Secretary of State may, if
22 satisfied that the person applying will not endanger the public
23 safety, or welfare, issue a restricted driving permit granting
24 the privilege of driving a motor vehicle between the person's
25 residence and person's place of employment or within the scope
26 of the person's employment related duties, or to allow
27 transportation for the person or a household member of the
28 person's family for the receipt of necessary medical care or,
29 if the professional evaluation indicates, provide
30 transportation for the petitioner for alcohol remedial or
31 rehabilitative activity, or for the person to attend classes,
32 as a student, in an accredited educational institution; if the
33 person is able to demonstrate that no alternative means of
34 transportation is reasonably available; provided that the
35 Secretary's discretion shall be limited to cases where undue
36 hardship would result from a failure to issue such restricted

1 driving permit. In each case the Secretary of State may issue a
2 restricted driving permit for a period as he deems appropriate,
3 except that the permit shall expire within one year from the
4 date of issuance. A restricted driving permit issued hereunder
5 shall be subject to cancellation, revocation, and suspension by
6 the Secretary of State in like manner and for like cause as a
7 driver's license issued hereunder may be cancelled, revoked, or
8 suspended; except that a conviction upon one or more offenses
9 against laws or ordinances regulating the movement of traffic
10 shall be deemed sufficient cause for the revocation,
11 suspension, or cancellation of a restricted driving permit. The
12 Secretary of State may, as a condition to the issuance of a
13 restricted driving permit, require the applicant to
14 participate in a driver remedial or rehabilitative program.
15 Thereafter, upon reapplication for a license as provided in
16 Section 6-106 of this Code or a permit as provided in Section
17 6-105 of this Code and upon payment of the appropriate
18 application fee, the Secretary of State shall issue the
19 applicant a license as provided in Section 6-106 of this Code
20 or shall issue the applicant a permit as provided in Section
21 6-105.

22 (Source: P.A. 86-1450; 87-1114.)

23 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

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

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

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

28 or

29 2. failed to give the required or correct information
30 in his application; or

31 3. failed to pay any fees, civil penalties owed to the
32 Illinois Commerce Commission, or taxes due under this Act
33 and upon reasonable notice and demand; or

34 4. committed any fraud in the making of such
35 application; or

1 5. is ineligible therefor under the provisions of
2 Section 6-103 of this Act, as amended; or

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

7 7. has been convicted of violating the Cannabis Control
8 Act, the Illinois Controlled Substances Act, or the Use of
9 Intoxicating Compounds Act while that individual was in
10 actual physical control of a motor vehicle. For purposes of
11 this Section, any person placed on probation under Section
12 10 of the Cannabis Control Act or Section 410 of the
13 Illinois Controlled Substances Act shall not be considered
14 convicted. Any person found guilty of this offense, while
15 in actual physical control of a motor vehicle, shall have
16 an entry made in the court record by the judge that this
17 offense did occur while the person was in actual physical
18 control of a motor vehicle and order the clerk of the court
19 to report the violation to the Secretary of State as such.
20 After the cancellation, the Secretary of State shall not
21 issue a new license or permit for a period of one year
22 after the date of cancellation. However, upon application,
23 the Secretary of State may, if satisfied that the person
24 applying will not endanger the public safety, or welfare,
25 issue a restricted driving permit granting the privilege of
26 driving a motor vehicle between the person's residence and
27 person's place of employment or within the scope of the
28 person's employment related duties, or to allow
29 transportation for the person or a household member of the
30 person's family for the receipt of necessary medical care
31 or, if the professional evaluation indicates, provide
32 transportation for the petitioner for alcohol remedial or
33 rehabilitative activity, or for the person to attend
34 classes, as a student, in an accredited educational
35 institution; if the person is able to demonstrate that no
36 alternative means of transportation is reasonably

1 available; provided that the Secretary's discretion shall
2 be limited to cases where undue hardship would result from
3 a failure to issue such restricted driving permit. In each
4 case the Secretary of State may issue such restricted
5 driving permit for such period as he deems appropriate,
6 except that such permit shall expire within one year from
7 the date of issuance. A restricted driving permit issued
8 hereunder shall be subject to cancellation, revocation and
9 suspension by the Secretary of State in like manner and for
10 like cause as a driver's license issued hereunder may be
11 cancelled, revoked or suspended; except that a conviction
12 upon one or more offenses against laws or ordinances
13 regulating the movement of traffic shall be deemed
14 sufficient cause for the revocation, suspension or
15 cancellation of a restricted driving permit. The Secretary
16 of State may, as a condition to the issuance of a
17 restricted driving permit, require the applicant to
18 participate in a driver remedial or rehabilitative
19 program; or

20 8. failed to submit a report as required by Section
21 6-116.5 of this Code; or -

22 9. is ineligible for a license or permit under Section
23 6-107, 6-107.1, or 6-108 of this Code.

24 (b) Upon such cancellation the licensee or permittee must
25 surrender the license or permit so cancelled to the Secretary
26 of State.

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

31 (Source: P.A. 89-92, eff. 7-1-96; 89-584, eff. 7-31-96; 90-779,
32 eff. 1-1-99.)

33 Section 99. Effective date. This Act takes effect July 1,
34 2007.