



Rep. Robert F. Flider

**Filed: 4/12/2005**

09400HB1463ham002

LRB094 08453 DRH 44863 a

1 AMENDMENT TO HOUSE BILL 1463

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1463, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The School Code is amended by changing Section  
6 26-3a as follows:

7 (105 ILCS 5/26-3a) (from Ch. 122, par. 26-3a)

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

9 The clerk or secretary of the school board of all school  
10 districts shall furnish quarterly on the first school day of  
11 October, January, April and July to the regional superintendent  
12 and to the Secretary of State a list of pupils, excluding  
13 transferees, who have been expelled or have withdrawn or who  
14 have left school and have been removed from the regular  
15 attendance rolls during the period of time school was in  
16 regular session from the time of the previous quarterly report.  
17 Such list shall include the names and addresses of pupils  
18 formerly in attendance, the names and addresses of persons  
19 having custody or control of such pupils, the reason, if known,  
20 such pupils are no longer in attendance and the date of removal  
21 from the attendance rolls. The list shall also include the  
22 names of pupils with extraordinary circumstances, including  
23 but not limited to economic or medical necessity or family  
24 hardship, as determined by the criteria established by the

1 school district, and pupils who have re-enrolled in school  
2 after their names were removed from the attendance rolls. The  
3 regional superintendent shall inform the county or district  
4 truant officer who shall investigate to see that such pupils  
5 are in compliance with the requirements of this Article.

6 Each local school district shall establish, in writing, a  
7 set of criteria for use by the local superintendent of schools  
8 in determining whether a pupil's failure to attend school is  
9 the result of extraordinary circumstances, including but not  
10 limited to economic or medical necessity or family hardship. If  
11 a pupil re-enrolls in school after his or her name was removed  
12 from the attendance rolls, the pupil must obtain and forward to  
13 the Secretary of State, on a form designated by the Secretary  
14 of State, verification of his or her re-enrollment. The  
15 verification may be in the form of a signature or seal or in  
16 any other form determined by the school board.

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

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

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

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

2 Sec. 6-107. Graduated license.

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

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

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

12 (3) sanctioning driving privileges of drivers under  
13 age 21 who have committed serious traffic violations or  
14 other specified offenses; and

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

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

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

27 (1) Held a valid instruction permit for a minimum of 3  
28 months.

29 (2) Passed an approved driver education course and  
30 submits proof of having passed the course as may be  
31 required.

32 (3) certification by the parent, legal guardian, or  
33 responsible adult that the applicant has had a minimum of

1 25 hours of behind-the-wheel practice time and is  
2 sufficiently prepared and able to safely operate a motor  
3 vehicle.

4 (b-1) No graduated driver's license shall be issued to any  
5 applicant who is under 18 years of age and not legally  
6 emancipated by marriage, unless the applicant has graduated  
7 from a secondary school of this State or any other state, is  
8 enrolled in a course leading to a general educational  
9 development (GED) certificate, has obtained a GED certificate,  
10 is enrolled in an elementary or secondary school or college or  
11 university of this State or any other state, or is receiving  
12 home instruction and submits proof of meeting any of those  
13 requirements at the time of application.

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

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

1 Any person found guilty of this offense, while in actual  
2 physical control of a motor vehicle, shall have an entry made  
3 in the court record by the judge that this offense did occur  
4 while the person was in actual physical control of a motor  
5 vehicle and order the clerk of the court to report the  
6 violation to the Secretary of State as such.

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

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

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

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

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

30 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

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

32 (a) The Secretary of State shall cancel the license or  
33 permit of any minor under the age of 18 years in any of the

1 following events:

2 1. Upon the verified written request of the person who  
3 consented to the application of the minor that the license  
4 or permit be cancelled;

5 2. Upon receipt of satisfactory evidence of the death  
6 of the person who consented to the application of the  
7 minor;

8 3. Upon receipt of satisfactory evidence that the  
9 person who consented to the application of a minor no  
10 longer has legal custody of the minor; and

11 4. Upon receipt of information, submitted on a form  
12 prescribed by the Secretary of State under Section 26-3a of  
13 the School Code and provided voluntarily by nonpublic  
14 schools, that a license-holding minor no longer meets the  
15 school attendance requirements defined in Section 6-107 of  
16 this Code.

17 A minor who provides proof acceptable to the Secretary  
18 that the minor has resumed school attendance or home  
19 instruction or that his or her license or permit was  
20 cancelled in error shall have his or her license  
21 reinstated. The Secretary shall adopt rules for  
22 implementing this subdivision (a) 4.

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

26 (b) The Secretary of State shall cancel the license or  
27 permit of any person under the age of 18 years if he or she is  
28 convicted of violating the Cannabis Control Act or the Illinois  
29 Controlled Substances Act while that person was in actual  
30 physical control of a motor vehicle. For purposes of this  
31 Section, any person placed on probation under Section 10 of the  
32 Cannabis Control Act or Section 410 of the Illinois Controlled  
33 Substances Act shall not be considered convicted. Any person  
34 found guilty of this offense, while in actual physical control

1 of a motor vehicle, shall have an entry made in the court  
2 record by the judge that this offense did occur while the  
3 person was in actual physical control of a motor vehicle and  
4 order the clerk of the court to report the violation to the  
5 Secretary of State as such. After the cancellation, the  
6 Secretary of State shall not issue a new license or permit for  
7 a period of one year after the date of cancellation or until  
8 the minor attains the age of 18 years, whichever is longer.  
9 However, upon application, the Secretary of State may, if  
10 satisfied that the person applying will not endanger the public  
11 safety, or welfare, issue a restricted driving permit granting  
12 the privilege of driving a motor vehicle between the person's  
13 residence and person's place of employment or within the scope  
14 of the person's employment related duties, or to allow  
15 transportation for the person or a household member of the  
16 person's family for the receipt of necessary medical care or,  
17 if the professional evaluation indicates, provide  
18 transportation for the petitioner for alcohol remedial or  
19 rehabilitative activity, or for the person to attend classes,  
20 as a student, in an accredited educational institution; if the  
21 person is able to demonstrate that no alternative means of  
22 transportation is reasonably available; provided that the  
23 Secretary's discretion shall be limited to cases where undue  
24 hardship would result from a failure to issue such restricted  
25 driving permit. In each case the Secretary of State may issue a  
26 restricted driving permit for a period as he deems appropriate,  
27 except that the permit shall expire within one year from the  
28 date of issuance. A restricted driving permit issued hereunder  
29 shall be subject to cancellation, revocation, and suspension by  
30 the Secretary of State in like manner and for like cause as a  
31 driver's license issued hereunder may be cancelled, revoked, or  
32 suspended; except that a conviction upon one or more offenses  
33 against laws or ordinances regulating the movement of traffic  
34 shall be deemed sufficient cause for the revocation,

1 suspension, or cancellation of a restricted driving permit. The  
2 Secretary of State may, as a condition to the issuance of a  
3 restricted driving permit, require the applicant to  
4 participate in a driver remedial or rehabilitative program.  
5 Thereafter, upon reapplication for a license as provided in  
6 Section 6-106 of this Code or a permit as provided in Section  
7 6-105 of this Code and upon payment of the appropriate  
8 application fee, the Secretary of State shall issue the  
9 applicant a license as provided in Section 6-106 of this Code  
10 or shall issue the applicant a permit as provided in Section  
11 6-105.

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

13 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

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

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

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

18 or

19 2. failed to give the required or correct information  
20 in his application; or

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

24 4. committed any fraud in the making of such  
25 application; or

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

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

31 or

32 7. has been convicted of violating the Cannabis Control  
33 Act, the Illinois Controlled Substances Act, or the Use of



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

1 the date of issuance. A restricted driving permit issued  
2 hereunder shall be subject to cancellation, revocation and  
3 suspension by the Secretary of State in like manner and for  
4 like cause as a driver's license issued hereunder may be  
5 cancelled, revoked or suspended; except that a conviction  
6 upon one or more offenses against laws or ordinances  
7 regulating the movement of traffic shall be deemed  
8 sufficient cause for the revocation, suspension or  
9 cancellation of a restricted driving permit. The Secretary  
10 of State may, as a condition to the issuance of a  
11 restricted driving permit, require the applicant to  
12 participate in a driver remedial or rehabilitative  
13 program; or

14 8. failed to submit a report as required by Section  
15 6-116.5 of this Code; or =

16 9. is ineligible for a license or permit under Section  
17 6-107 or 6-108 of this Code.

18 (b) Upon such cancellation the licensee or permittee must  
19 surrender the license or permit so cancelled to the Secretary  
20 of State.

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

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

27 Section 99. Effective date. This Act takes effect July 1,  
28 2007."