



Rep. Dave Winters

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LRB094 08453 DRH 45098 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13 transferees, who have been expelled or have withdrawn or who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 whose withdrawal is due to extraordinary
23 circumstances, including but not limited to economic or medical
24 necessity or family hardship, as determined by the criteria

1 established by the school district; pupils who have re-enrolled
2 in school since their names were removed from the attendance
3 rolls; any pupil certified to be a chronic or habitual truant,
4 as defined in Section 26-2a; and pupils previously certified as
5 chronic or habitual truants who have resumed regular school
6 attendance. The regional superintendent shall inform the
7 county or district truant officer who shall investigate to see
8 that such pupils are in compliance with the requirements of
9 this Article.

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

15 If a pupil re-enrolls in school after his or her name was
16 removed from the attendance rolls or resumes regular attendance
17 after being certified a chronic or habitual truant, the pupil
18 must obtain and forward to the Secretary of State, on a form
19 designated by the Secretary of State, verification of his or
20 her re-enrollment. The verification may be in the form of a
21 signature or seal or in any other form determined by the school
22 board.

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

1 the effective date of this amendatory Act of the 94th General
2 Assembly.

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

4 Section 10. The Illinois Vehicle Code is amended by
5 changing Sections 6-107, 6-107.1, 6-108, and 6-201 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 by marriage, for a drivers
24 license or permit to operate a motor vehicle issued under the
25 laws of this State, shall be accompanied by the written consent
26 of either parent of the applicant; otherwise by the guardian
27 having custody of the applicant, or in the event there is no
28 parent or guardian, then by another responsible adult.

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

32 (1) Held a valid instruction permit for a minimum of 3

1 months.

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

5 (3) certification by the parent, legal guardian, or
6 responsible adult that the applicant has had a minimum of
7 25 hours of behind-the-wheel practice time and is
8 sufficiently prepared and able to safely operate a motor
9 vehicle.

10 (b-1) No graduated driver's license shall be issued to any
11 applicant who is under 18 years of age and not legally
12 emancipated by marriage, unless the applicant has graduated
13 from a secondary school of this State or any other state, is
14 enrolled in a course leading to a general educational
15 development (GED) certificate, has obtained a GED certificate,
16 is enrolled in an elementary or secondary school or college or
17 university of this State or any other state and is not a
18 chronic or habitual truant as provided in Section 26-2a of the
19 School Code, or is receiving home instruction and submits proof
20 of meeting any of those requirements at the time of
21 application.

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

29 (c) No graduated driver's license or permit shall be issued
30 to any applicant under 18 years of age who has committed the
31 offense of operating a motor vehicle without a valid license or
32 permit in violation of Section 6-101 of this Code and no
33 graduated driver's license or permit shall be issued to any
34 applicant under 18 years of age who has committed an offense

1 that would otherwise result in a mandatory revocation of a
2 license or permit as provided in Section 6-205 of this Code or
3 who has been either convicted of or adjudicated a delinquent
4 based upon a violation of the Cannabis Control Act or the
5 Illinois Controlled Substances Act, while that individual was
6 in actual physical control of a motor vehicle. For purposes of
7 this Section, any person placed on probation under Section 10
8 of the Cannabis Control Act or Section 410 of the Illinois
9 Controlled Substances Act shall not be considered convicted.
10 Any person found guilty of this offense, while in actual
11 physical control of a motor vehicle, shall have an entry made
12 in the court record by the judge that this offense did occur
13 while the person was in actual physical control of a motor
14 vehicle and order the clerk of the court to report the
15 violation to the Secretary of State as such.

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

20 (e) No graduated driver's license holder under the age of
21 18 years shall operate any motor vehicle, except a motor driven
22 cycle or motorcycle, with more than one passenger in the front
23 seat of the motor vehicle and no more passengers in the back
24 seats than the number of available seat safety belts as set
25 forth in Section 12-603 of this Code.

26 (f) No graduated driver's license holder under the age of
27 18 shall operate a motor vehicle unless each driver and front
28 or back seat passenger under the age of 18 is wearing a
29 properly adjusted and fastened seat safety belt.

30 (g) If a graduated driver's license holder is under the age
31 of 18 when he or she receives the license, for the first 6
32 months he or she holds the license or until he or she reaches
33 the age of 18, whichever occurs sooner, the graduated license
34 holder may not operate a motor vehicle with more than one

1 passenger in the vehicle who is under the age of 20, unless any
2 additional passenger or passengers are siblings,
3 step-siblings, children, or stepchildren of the driver.

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

5 (625 ILCS 5/6-107.1)

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

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

14 (1) An instruction permit issued under this Section
15 shall be valid for a period of 24 months after the date of
16 its issuance and shall be restricted, by the Secretary of
17 State, to the operation of a motor vehicle by the minor
18 only when accompanied by the adult instructor of a driver
19 education program during enrollment in the program or when
20 practicing with a parent, legal guardian, family member, or
21 a person in loco parentis who is 21 years of age or more,
22 has a license classification to operate such vehicle and at
23 least one year of driving experience, and who is occupying
24 a seat beside the driver.

25 (2) A 24 month instruction permit for a motor driven
26 cycle may be issued to a person 16 or 17 years of age and
27 entitles the holder to drive upon the highways during
28 daylight under direct supervision of a licensed motor
29 driven cycle operator or motorcycle operator 21 years of
30 age or older who has a license classification to operate
31 such motor driven cycle or motorcycle and at least one year
32 of driving experience.

33 (3) A 24 month instruction permit for a motorcycle

1 other than a motor driven cycle may be issued to a person
2 16 or 17 years of age in accordance with the provisions of
3 paragraph 2 of Section 6-103 and entitles a holder to drive
4 upon the highways during daylight under the direct
5 supervision of a licensed motorcycle operator 21 years of
6 age or older who has at least one year of driving
7 experience.

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

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

17 An applicant under the age of 18 years who provides proof
18 that he or she has resumed regular school attendance or that
19 his or her application was denied in error shall be eligible to
20 receive an instruction permit if other requirements are met.
21 The Secretary shall adopt rules for implementing this
22 subsection (b-1).

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

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

29 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

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

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

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

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

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

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

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

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

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

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

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

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

12 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

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

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

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

17 or

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

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

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

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

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

31 7. has been convicted of violating the Cannabis Control
32 Act, the Illinois Controlled Substances Act, or the Use of
33 Intoxicating Compounds Act while that individual was in

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

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

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

15 9. is ineligible for a license or permit under Section
16 6-107, 6-107.1, or 6-108 of this Code.

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

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

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

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