

HB3449



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3449

Introduced 2/27/2007, by Rep. Milton Patterson

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103

from Ch. 95 1/2, par. 6-103

Amends the Illinois Vehicle Code. Makes a technical change to a Section concerning persons who may not be licensed as drivers.

LRB095 11391 DRH 32187 b

A BILL FOR

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 changing
5 Section 6-103 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 issue
10 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 ~~and~~
13 except that an instruction permit may be issued under
14 Section 6-107.1 to a child who is not less than 15 years of
15 age if the child is enrolled in an approved driver
16 education course as defined in Section 1-103 of this Code
17 and 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 9 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 6 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 2. To any person who is under the age of 18 as an
5 operator of a motorcycle other than a motor driven cycle
6 unless the person has, in addition to meeting the
7 provisions of Section 6-107 of this Code, successfully
8 completed a motorcycle training course approved by the
9 Illinois Department of Transportation and successfully
10 completes the required Secretary of State's motorcycle
11 driver's examination;

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

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

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

25 6. To any person, as a driver, who is required by the
26 Secretary of State to submit an alcohol and drug evaluation

1 or take an examination provided for in this Code unless the
2 person has successfully passed the examination and
3 submitted any required evaluation;

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

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

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

20 10. To any person convicted, within 12 months of
21 application for a license, of any of the sexual offenses
22 enumerated in paragraph 2 of subsection (b) of Section
23 6-205;

24 11. To any person who is under the age of 21 years with
25 a classification prohibited in paragraph (b) of Section
26 6-104 and to any person who is under the age of 18 years

1 with a classification prohibited in paragraph (c) of
2 Section 6-104;

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

21 13. To any person who is under the age of 18 years and
22 who has committed the offense of operating a motor vehicle
23 without a valid license or permit in violation of Section
24 6-101;

25 14. To any person who is 90 days or more delinquent in
26 court ordered child support payments or has been

1 adjudicated in arrears in an amount equal to 90 days'
2 obligation or more and who has been found in contempt of
3 court for failure to pay the support, subject to the
4 requirements and procedures of Article VII of Chapter 7 of
5 the Illinois Vehicle Code;

6 15. To any person released from a term of imprisonment
7 for violating Section 9-3 of the Criminal Code of 1961 or a
8 similar provision of a law of another state relating to
9 reckless homicide or for violating subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of this
11 Code relating to aggravated driving under the influence of
12 alcohol, other drug or drugs, intoxicating compound or
13 compounds, or any combination thereof, if the violation was
14 the proximate cause of a death, within 24 months of release
15 from a term of imprisonment;

16 16. To any person who, with intent to influence any act
17 related to the issuance of any driver's license or permit,
18 by an employee of the Secretary of State's Office, or the
19 owner or employee of any commercial driver training school
20 licensed by the Secretary of State, or any other individual
21 authorized by the laws of this State to give driving
22 instructions or administer all or part of a driver's
23 license examination, promises or tenders to that person any
24 property or personal advantage which that person is not
25 authorized by law to accept. Any persons promising or
26 tendering such property or personal advantage shall be

1 disqualified from holding any class of driver's license or
2 permit for 120 consecutive days. The Secretary of State
3 shall establish by rule the procedures for implementing
4 this period of disqualification and the procedures by which
5 persons so disqualified may obtain administrative review
6 of the decision to disqualify; or

7 17. To any person for whom the Secretary of State
8 cannot verify the accuracy of any information or
9 documentation submitted in application for a driver's
10 license.

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

14 (Source: P.A. 93-174, eff. 1-1-04; 93-712, eff. 1-1-05; 93-783,
15 eff. 1-1-05; 93-788, eff. 1-1-05; 93-895, eff. 1-1-05; 94-556,
16 eff. 9-11-05.)