



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5255

by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27-24.2
625 ILCS 5/6-103

from Ch. 122, par. 27-24.2
from Ch. 95 1/2, par. 6-103

Amends the Illinois Vehicle Code. Lowers the minimum age for issuance of an instruction permit to 14 years if the child (i) is enrolled in an approved driver education course or (ii) is enrolled in school, meets the educational requirements of the Driver Education Act, and has passed examinations prescribed by the Secretary of State. Makes conforming changes in driver education provisions of the School Code.

LRB095 16896 LCT 42939 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning driving.

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 27-24.2 as follows:

6 (105 ILCS 5/27-24.2) (from Ch. 122, par. 27-24.2)

7 Sec. 27-24.2. Driver education course. Any school district
8 which maintains grades 9 through 12 shall offer a driver
9 education course in any such school which it operates. Both the
10 classroom instruction part and the practice driving part of
11 such driver education course shall be open to a resident or
12 non-resident pupil attending a non-public school in the
13 district wherein the course is offered and to each resident of
14 the district who acquires or holds a currently valid driver's
15 license during the term of the course and who is at least 14 ~~15~~
16 but has not reached 21 years of age, without regard to whether
17 any such person is enrolled in any other course offered in any
18 school that the district operates. Each student attending any
19 public or non-public high school in the district must receive a
20 passing grade in at least 8 courses during the previous 2
21 semesters prior to enrolling in a driver education course, or
22 the student shall not be permitted to enroll in the course;
23 provided that the local superintendent of schools (with respect

1 to a student attending a public high school in the district) or
2 chief school administrator (with respect to a student attending
3 a non-public high school in the district) may waive the
4 requirement if the superintendent or chief school
5 administrator, as the case may be, deems it to be in the best
6 interest of the student. Any school district required to offer
7 a driver education course or courses as provided in this
8 Section also is authorized to offer either the classroom
9 instruction part or the practice driving part or both such
10 parts of a driver education course to any resident of the
11 district who is over age 55; provided that any such school
12 district which elects to offer either or both parts of such
13 course to such residents shall be entitled to make either or
14 both parts of such course available to such residents at any
15 attendance center or centers within the district designated by
16 the school board; and provided further that no part of any such
17 driver education course shall be offered to any resident of the
18 district over age 55 unless space therein remains available
19 after all persons to whom such part of the driver education
20 course is required to be open as provided in this Section and
21 who have requested such course have registered therefor, and
22 unless such resident of the district over age 55 is a person
23 who has not previously been licensed as a driver under the laws
24 of this or any other state or country. ~~However, a student may~~
25 ~~be allowed to commence the classroom instruction part of such~~
26 ~~driver education course prior to reaching age 15 if such~~

1 ~~student then will be eligible to complete the entire course~~
2 ~~within 12 months after being allowed to commence such classroom~~
3 ~~instruction.~~

4 Such a driver education course shall include classroom
5 instruction on distracted driving as a major traffic safety
6 issue. Such a driver education course may include classroom
7 instruction on the safety rules and operation of motorcycles or
8 motor driven cycles.

9 Such a course may be commenced immediately after the
10 completion of a prior course. Teachers of such courses shall
11 meet the certification requirements of this Act and regulations
12 of the State Board as to qualifications.

13 (Source: P.A. 95-339, eff. 8-21-07.)

14 Section 10. The Illinois Vehicle Code is amended by
15 changing Section 6-103 as follows:

16 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

17 (Text of Section after amendment by P.A. 95-337)

18 Sec. 6-103. What persons shall not be licensed as drivers
19 or granted permits. The Secretary of State shall not issue,
20 renew, or allow the retention of any driver's license nor issue
21 any permit under this Code:

22 1. To any person, as a driver, who is under the age of
23 18 years except as provided in Section 6-107, and except
24 that an instruction permit may be issued under Section

1 6-107.1 to a child who is not less than 14 ~~15~~ years of age
2 if the child is enrolled in an approved driver education
3 course as defined in Section 1-103 of this Code and
4 requires an instruction permit to participate therein,
5 except that an instruction permit may be issued under the
6 provisions of Section 6-107.1 to a child who is 17 years
7 and 3 months of age without the child having enrolled in an
8 approved driver education course and except that an
9 instruction permit may be issued to a child who is at least
10 14 years ~~15 years and 6 months~~ of age, is enrolled in
11 school, meets the educational requirements of the Driver
12 Education Act, and has passed examinations the Secretary of
13 State in his or her discretion may prescribe;

14 2. To any person who is under the age of 18 as an
15 operator of a motorcycle other than a motor driven cycle
16 unless the person has, in addition to meeting the
17 provisions of Section 6-107 of this Code, successfully
18 completed a motorcycle training course approved by the
19 Illinois Department of Transportation and successfully
20 completes the required Secretary of State's motorcycle
21 driver's examination;

22 3. To any person, as a driver, whose driver's license
23 or permit has been suspended, during the suspension, nor to
24 any person whose driver's license or permit has been
25 revoked, except as provided in Sections 6-205, 6-206, and
26 6-208;

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

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

9 6. To any person, as a driver, who is required by the
10 Secretary of State to submit an alcohol and drug evaluation
11 or take an examination provided for in this Code unless the
12 person has successfully passed the examination and
13 submitted any required evaluation;

14 7. To any person who is required under the provisions
15 of the laws of this State to deposit security or proof of
16 financial responsibility and who has not deposited the
17 security or proof;

18 8. To any person when the Secretary of State has good
19 cause to believe that the person by reason of physical or
20 mental disability would not be able to safely operate a
21 motor vehicle upon the highways, unless the person shall
22 furnish to the Secretary of State a verified written
23 statement, acceptable to the Secretary of State, from a
24 competent medical specialist to the effect that the
25 operation of a motor vehicle by the person would not be
26 inimical to the public safety;

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

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

8 11. To any person who is under the age of 21 years with
9 a classification prohibited in paragraph (b) of Section
10 6-104 and to any person who is under the age of 18 years
11 with a classification prohibited in paragraph (c) of
12 Section 6-104;

13 12. To any person who has been either convicted of or
14 adjudicated under the Juvenile Court Act of 1987 based upon
15 a violation of the Cannabis Control Act, the Illinois
16 Controlled Substances Act, or the Methamphetamine Control
17 and Community Protection Act while that person was in
18 actual physical control of a motor vehicle. For purposes of
19 this Section, any person placed on probation under Section
20 10 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substances Act, or Section 70 of the
22 Methamphetamine Control and Community Protection Act shall
23 not be considered convicted. Any person found guilty of
24 this offense, while in actual physical control of a motor
25 vehicle, shall have an entry made in the court record by
26 the judge that this offense did occur while the person was

1 in actual physical control of a motor vehicle and order the
2 clerk of the court to report the violation to the Secretary
3 of State as such. The Secretary of State shall not issue a
4 new license or permit for a period of one year;

5 13. To any person who is under the age of 18 years and
6 who has committed the offense of operating a motor vehicle
7 without a valid license or permit in violation of Section
8 6-101;

9 14. To any person who is 90 days or more delinquent in
10 court ordered child support payments or has been
11 adjudicated in arrears in an amount equal to 90 days'
12 obligation or more and who has been found in contempt of
13 court for failure to pay the support, subject to the
14 requirements and procedures of Article VII of Chapter 7 of
15 the Illinois Vehicle Code;

16 14.5. To any person certified by the Illinois
17 Department of Healthcare and Family Services as being 90
18 days or more delinquent in payment of support under an
19 order of support entered by a court or administrative body
20 of this or any other State, subject to the requirements and
21 procedures of Article VII of Chapter 7 of this Code
22 regarding those certifications;

23 15. To any person released from a term of imprisonment
24 for violating Section 9-3 of the Criminal Code of 1961 or a
25 similar provision of a law of another state relating to
26 reckless homicide or for violating subparagraph (F) of

1 paragraph (1) of subsection (d) of Section 11-501 of this
2 Code relating to aggravated driving under the influence of
3 alcohol, other drug or drugs, intoxicating compound or
4 compounds, or any combination thereof, if the violation was
5 the proximate cause of a death, within 24 months of release
6 from a term of imprisonment;

7 16. To any person who, with intent to influence any act
8 related to the issuance of any driver's license or permit,
9 by an employee of the Secretary of State's Office, or the
10 owner or employee of any commercial driver training school
11 licensed by the Secretary of State, or any other individual
12 authorized by the laws of this State to give driving
13 instructions or administer all or part of a driver's
14 license examination, promises or tenders to that person any
15 property or personal advantage which that person is not
16 authorized by law to accept. Any persons promising or
17 tendering such property or personal advantage shall be
18 disqualified from holding any class of driver's license or
19 permit for 120 consecutive days. The Secretary of State
20 shall establish by rule the procedures for implementing
21 this period of disqualification and the procedures by which
22 persons so disqualified may obtain administrative review
23 of the decision to disqualify;

24 17. To any person for whom the Secretary of State
25 cannot verify the accuracy of any information or
26 documentation submitted in application for a driver's

1 license; or

2 18. To any person who has been adjudicated under the
3 Juvenile Court Act of 1987 based upon an offense that is
4 determined by the court to have been committed in
5 furtherance of the criminal activities of an organized
6 gang, as provided in Section 5-710 of that Act, and that
7 involved the operation or use of a motor vehicle or the use
8 of a driver's license or permit. The person shall be denied
9 a license or permit for the period determined by the court.

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

13 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;
14 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; revised 11-16-07.)