

**SB0944**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB0944**

Introduced 2/6/2009, by Sen. John J. Cullerton

**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.

LRB096 07054 AJT 17140 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 3 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 14.5. To any person certified by the Illinois  
7 Department of Healthcare and Family Services as being 90  
8 days or more delinquent in payment of support under an  
9 order of support entered by a court or administrative body  
10 of this or any other State, subject to the requirements and  
11 procedures of Article VII of Chapter 7 of this Code  
12 regarding those certifications;

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

23 16. To any person who, with intent to influence any act  
24 related to the issuance of any driver's license or permit,  
25 by an employee of the Secretary of State's Office, or the  
26 owner or employee of any commercial driver training school

1 licensed by the Secretary of State, or any other individual  
2 authorized by the laws of this State to give driving  
3 instructions or administer all or part of a driver's  
4 license examination, promises or tenders to that person any  
5 property or personal advantage which that person is not  
6 authorized by law to accept. Any persons promising or  
7 tendering such property or personal advantage shall be  
8 disqualified from holding any class of driver's license or  
9 permit for 120 consecutive days. The Secretary of State  
10 shall establish by rule the procedures for implementing  
11 this period of disqualification and the procedures by which  
12 persons so disqualified may obtain administrative review  
13 of the decision to disqualify;

14 17. To any person for whom the Secretary of State  
15 cannot verify the accuracy of any information or  
16 documentation submitted in application for a driver's  
17 license; or

18 18. To any person who has been adjudicated under the  
19 Juvenile Court Act of 1987 based upon an offense that is  
20 determined by the court to have been committed in  
21 furtherance of the criminal activities of an organized  
22 gang, as provided in Section 5-710 of that Act, and that  
23 involved the operation or use of a motor vehicle or the use  
24 of a driver's license or permit. The person shall be denied  
25 a license or permit for the period determined by the court.  
26 The Secretary of State shall retain all conviction

1 information, if the information is required to be held  
2 confidential under the Juvenile Court Act of 1987.

3 (Source: P.A. 94-556, eff. 9-11-05; 95-310, eff. 1-1-08;  
4 95-337, eff. 6-1-08; 95-685, eff. 6-23-07; 95-876, eff.  
5 8-21-08.)