



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1585

Introduced 2/9/2011, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-901	from Ch. 95 1/2, par. 6-901

Amends the Illinois Vehicle Code. Provides that the Secretary of State may accept written statements to the effect that the operation of a motor vehicle by the person would not be inimical to the public safety from certain licensed physician assistants and advanced practice nurses (in addition to competent medical specialists). Amends the definition of "medical examiner" or "medical practitioner" found in the Driver's License Medical Review Law of 1992 to include certain licensed physician assistants and advanced practice nurses. Effective immediately.

LRB097 05813 HEP 45882 b

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 Sections 6-103 and 6-901 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 except
13 that an instruction permit may be issued under Section
14 6-107.1 to a child who is not less than 15 years of age if
15 the child is enrolled in an approved driver education
16 course as defined in Section 1-103 of this Code and
17 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 3 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, a licensed physician
15 assistant who has been delegated the performance of medical
16 examinations by his or her supervising physician, or a
17 licensed advanced practice nurse who has a written
18 collaborative agreement with a collaborating physician
19 which authorizes him or her to perform medical
20 examinations, to the effect that the operation of a motor
21 vehicle by the person would not be inimical to the public
22 safety;

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

26 10. To any person convicted, within 12 months of

1 application for a license, of any of the sexual offenses
2 enumerated in paragraph 2 of subsection (b) of Section
3 6-205;

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

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

1 13. To any person who is under the age of 18 years and
2 who has committed the offense of operating a motor vehicle
3 without a valid license or permit in violation of Section
4 6-101 or a similar out of state offense;

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

12 14.5. To any person certified by the Illinois
13 Department of Healthcare and Family Services as being 90
14 days or more delinquent in payment of support under an
15 order of support entered by a court or administrative body
16 of this or any other State, subject to the requirements and
17 procedures of Article VII of Chapter 7 of this Code
18 regarding those certifications;

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

1 the proximate cause of a death, within 24 months of release
2 from a term of imprisonment;

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

20 17. To any person for whom the Secretary of State
21 cannot verify the accuracy of any information or
22 documentation submitted in application for a driver's
23 license; or

24 18. To any person who has been adjudicated under the
25 Juvenile Court Act of 1987 based upon an offense that is
26 determined by the court to have been committed in

1 furtherance of the criminal activities of an organized
2 gang, as provided in Section 5-710 of that Act, and that
3 involved the operation or use of a motor vehicle or the use
4 of a driver's license or permit. The person shall be denied
5 a license or permit for the period determined by the court.

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

9 (Source: P.A. 95-310, eff. 1-1-08; 95-337, eff. 6-1-08; 95-685,
10 eff. 6-23-07; 95-876, eff. 8-21-08; 96-607, eff. 8-24-09;
11 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 96-1000, eff.
12 7-2-10.)

13 (625 ILCS 5/6-901) (from Ch. 95 1/2, par. 6-901)
14 Sec. 6-901. Definitions. For the purposes of this Article:
15 "Board" means the Driver's License Medical Advisory Board.
16 "Medical examiner" or "medical practitioner" means:

17 (i) any person licensed to practice medicine in all its
18 branches in the State of Illinois or any other state; or

19 (ii) a licensed physician assistant who has been
20 delegated the performance of medical examinations by his or
21 her supervising physician; or

22 (iii) a licensed advanced practice nurse who has a
23 written collaborative agreement with a collaborating
24 physician which authorizes him or her to perform medical
25 examinations.

1 (Source: P.A. 96-962, eff. 7-2-10.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.