



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

**HB4561**

by Rep. John D'Amico

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-107	from Ch. 95 1/2, par. 6-107
625 ILCS 5/6-108	from Ch. 95 1/2, par. 6-108

Amends the Illinois Vehicle Code. Provides that a graduated driver's license shall not be issued to an applicant under 18 years of age if the applicant has been charged with a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance for which a disposition has not been rendered at the time of the application. Provides that the Secretary of State shall cancel the license or permit of a minor under 18 years of age upon determination that, at the time of license issuance, the minor had been charged with a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance for which a disposition had not been rendered. Provides that the Secretary of State shall cancel the graduated driver's license of a license holder that is 18 years of age or older upon determination that, at the time of license issuance when the license holder was under 18 years of age and held an instruction permit, he or she had been issued a traffic citation or charged with a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance for which a disposition had not been rendered.

LRB098 15243 MLW 50250 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 6-107 and 6-108 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, for a drivers license or

1 permit to operate a motor vehicle issued under the laws of this  
2 State, shall be accompanied by the written consent of either  
3 parent of the applicant; otherwise by the guardian having  
4 custody of the applicant, or in the event there is no parent or  
5 guardian, then by another responsible adult. The written  
6 consent must accompany any application for a driver's license  
7 under this subsection (b), regardless of whether or not the  
8 required written consent also accompanied the person's  
9 previous application for an instruction permit.

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

13 (1) Held a valid instruction permit for a minimum of 9  
14 months.

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

18 (3) Certification by the parent, legal guardian, or  
19 responsible adult that the applicant has had a minimum of  
20 50 hours of behind-the-wheel practice time, at least 10  
21 hours of which have been at night, and is sufficiently  
22 prepared and able to safely operate a motor vehicle.

23 (b-1) No graduated driver's license shall be issued to any  
24 applicant who is under 18 years of age and not legally  
25 emancipated, unless the applicant has graduated from a  
26 secondary school of this State or any other state, is enrolled

1 in a course leading to a general educational development (GED)  
2 certificate, has obtained a GED certificate, is enrolled in an  
3 elementary or secondary school or college or university of this  
4 State or any other state and is not a chronic or habitual  
5 truant as provided in Section 26-2a of the School Code, or is  
6 receiving home instruction and submits proof of meeting any of  
7 those requirements at the time of application.

8 An applicant under 18 years of age who provides proof  
9 acceptable to the Secretary that the applicant has resumed  
10 regular school attendance or home instruction or that his or  
11 her application was denied in error shall be eligible to  
12 receive a graduated license if other requirements are met. The  
13 Secretary shall adopt rules for implementing this subsection  
14 (b-1).

15 (c) No graduated driver's license or permit shall be issued  
16 to any applicant under 18 years of age who has committed the  
17 offense of operating a motor vehicle without a valid license or  
18 permit in violation of Section 6-101 of this Code or a similar  
19 out of state offense and no graduated driver's license or  
20 permit shall be issued to any applicant under 18 years of age  
21 who has committed an offense that would otherwise result in a  
22 mandatory revocation of a license or permit as provided in  
23 Section 6-205 of this Code or who has been either convicted of  
24 or adjudicated a delinquent based upon a violation of the  
25 Cannabis Control Act, the Illinois Controlled Substances Act,  
26 the Use of Intoxicating Compounds Act, or the Methamphetamine

1 Control and Community Protection Act while that individual was  
2 in actual physical control of a motor vehicle. For purposes of  
3 this Section, any person placed on probation under Section 10  
4 of the Cannabis Control Act, Section 410 of the Illinois  
5 Controlled Substances Act, or Section 70 of the Methamphetamine  
6 Control and Community Protection Act shall not be considered  
7 convicted. Any person found guilty of this offense, while in  
8 actual physical control of a motor vehicle, shall have an entry  
9 made in the court record by the judge that this offense did  
10 occur while the person was in actual physical control of a  
11 motor vehicle and order the clerk of the court to report the  
12 violation to the Secretary of State as such.

13 (d) No graduated driver's license shall be issued for 9  
14 months to any applicant under the age of 18 years who has  
15 committed and subsequently been convicted of an offense against  
16 traffic regulations governing the movement of vehicles, any  
17 violation of this Section or Section 12-603.1 of this Code, or  
18 who has received a disposition of court supervision for a  
19 violation of Section 6-20 of the Illinois Liquor Control Act of  
20 1934 or a similar provision of a local ordinance.

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

1 license holder over the age of 18 committed an offense against  
2 traffic regulations governing the movement of vehicles or any  
3 violation of this Section or Section 12-603.1 of this Code in  
4 the 6 months prior to the graduated driver's license holder's  
5 18th birthday, and was subsequently convicted of the violation,  
6 the provisions of this paragraph shall continue to apply until  
7 such time as a period of 6 consecutive months has elapsed  
8 without an additional violation and subsequent conviction of an  
9 offense against traffic regulations governing the movement of  
10 vehicles or any violation of this Section or Section 12-603.1  
11 of this Code.

12 (f) (Blank).

13 (g) If a graduated driver's license holder is under the age  
14 of 18 when he or she receives the license, for the first 12  
15 months he or she holds the license or until he or she reaches  
16 the age of 18, whichever occurs sooner, the graduated license  
17 holder may not operate a motor vehicle with more than one  
18 passenger in the vehicle who is under the age of 20, unless any  
19 additional passenger or passengers are siblings,  
20 step-siblings, children, or stepchildren of the driver. If a  
21 graduated driver's license holder committed an offense against  
22 traffic regulations governing the movement of vehicles or any  
23 violation of this Section or Section 12-603.1 of this Code  
24 during the first 12 months the license is held and subsequently  
25 is convicted of the violation, the provisions of this paragraph  
26 shall remain in effect until such time as a period of 6

1 consecutive months has elapsed without an additional violation  
2 and subsequent conviction of an offense against traffic  
3 regulations governing the movement of vehicles or any violation  
4 of this Section or Section 12-603.1 of this Code.

5 (h) It shall be an offense for a person that is age 15, but  
6 under age 20, to be a passenger in a vehicle operated by a  
7 driver holding a graduated driver's license during the first 12  
8 months the driver holds the license or until the driver reaches  
9 the age of 18, whichever occurs sooner, if another passenger  
10 under the age of 20 is present, excluding a sibling,  
11 step-sibling, child, or step-child of the driver.

12 (i) No graduated driver's license shall be issued to any  
13 applicant under the age of 18 years if the applicant has been  
14 issued a traffic citation or charged with a violation of  
15 Section 6-20 of the Liquor Control Act of 1934, or a similar  
16 provision of a local ordinance, for which a disposition has not  
17 been rendered at the time of application.

18 (Source: P.A. 97-229, eff. 7-28-11; 97-835, eff. 7-20-12;  
19 98-168, eff. 1-1-14.)

20 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

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

22 (a) The Secretary of State shall cancel the license or  
23 permit of any minor under the age of 18 years in any of the  
24 following events:

25 1. Upon the verified written request of the person who

1 consented to the application of the minor that the license  
2 or permit be cancelled;

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

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

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

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

21 5. Upon determination by the Secretary that at the time  
22 of license issuance, the minor held an instruction permit  
23 and had a traffic citation or was charged with a violation  
24 of Section 6-20 of the Liquor Control Act of 1934, or a  
25 similar provision of a local ordinance, for which a  
26 disposition had not been rendered.



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

4           (a-5) The Secretary of State shall cancel the license of  
5 any graduated driver's license holder 18 years of age or older  
6 upon the determination by the Secretary that at the time of  
7 license issuance, when the GDL holder was less than 18 years of  
8 age and held an instruction permit, the holder had a traffic  
9 citation or was charged with a violation of Section 6-20 of the  
10 Liquor Control Act of 1934, or a similar provision of a local  
11 ordinance, for which a disposition had not been rendered.

12           (b) The Secretary of State shall cancel the license or  
13 permit of any person under the age of 18 years if he or she is  
14 convicted of violating the Cannabis Control Act, the Illinois  
15 Controlled Substances Act, or the Methamphetamine Control and  
16 Community Protection Act while that person was in actual  
17 physical control of a motor vehicle. For purposes of this  
18 Section, any person placed on probation under Section 10 of the  
19 Cannabis Control Act, Section 410 of the Illinois Controlled  
20 Substances Act, or Section 70 of the Methamphetamine Control  
21 and Community Protection Act shall not be considered convicted.  
22 Any person found guilty of this offense, while in actual  
23 physical control of a motor vehicle, shall have an entry made  
24 in the court record by the judge that this offense did occur  
25 while the person was in actual physical control of a motor  
26 vehicle and order the clerk of the court to report the

1 violation to the Secretary of State as such. After the  
2 cancellation, the Secretary of State shall not issue a new  
3 license or permit for a period of one year after the date of  
4 cancellation or until the minor attains the age of 18 years,  
5 whichever is longer. However, upon application, the Secretary  
6 of State may, if satisfied that the person applying will not  
7 endanger the public safety, or welfare, issue a restricted  
8 driving permit granting the privilege of driving a motor  
9 vehicle between the person's residence and person's place of  
10 employment or within the scope of the person's employment  
11 related duties, or to allow transportation for the person or a  
12 household member of the person's family for the receipt of  
13 necessary medical care or, if the professional evaluation  
14 indicates, provide transportation for the petitioner for  
15 alcohol remedial or rehabilitative activity, or for the person  
16 to attend classes, as a student, in an accredited educational  
17 institution; if the person is able to demonstrate that no  
18 alternative means of transportation is reasonably available;  
19 provided that the Secretary's discretion shall be limited to  
20 cases where undue hardship would result from a failure to issue  
21 such restricted driving permit. In each case the Secretary of  
22 State may issue a restricted driving permit for a period as he  
23 deems appropriate, except that the permit shall expire within  
24 one year from the date of issuance. A restricted driving permit  
25 issued hereunder shall be subject to cancellation, revocation,  
26 and suspension by the Secretary of State in like manner and for

1 like cause as a driver's license issued hereunder may be  
2 cancelled, revoked, or suspended; except that a conviction upon  
3 one or more offenses against laws or ordinances regulating the  
4 movement of traffic shall be deemed sufficient cause for the  
5 revocation, suspension, or cancellation of a restricted  
6 driving permit. The Secretary of State may, as a condition to  
7 the issuance of a restricted driving permit, require the  
8 applicant to participate in a driver remedial or rehabilitative  
9 program. Thereafter, upon reapplication for a license as  
10 provided in Section 6-106 of this Code or a permit as provided  
11 in Section 6-105 of this Code and upon payment of the  
12 appropriate application fee, the Secretary of State shall issue  
13 the applicant a license as provided in Section 6-106 of this  
14 Code or shall issue the applicant a permit as provided in  
15 Section 6-105.

16 (Source: P.A. 98-168, eff. 1-1-14; revised 11-19-13.)