



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB4562

by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-107.5	
625 ILCS 5/6-401	from Ch. 95 1/2, par. 6-401

Amends the Illinois Vehicle Code. Provides that persons at least 18 years of age but less than 21 years of age do not have to complete an adult driver education course if they complete the classroom portion of an approved driver education course. Provides that persons who hold a driver's license prior to July 1, 2014 may retain that license without completing an adult driver education course. Provides that persons who hold an instruction permit prior to July 1, 2014 may retain the instruction permit and are eligible to receive a driver's license without completing an adult driver education course. Provides that on or after July 1, 2014, persons may receive and retain an instruction permit prior to completing an adult driver education course, but must complete the course before being issued a driver's license. Provides that the Secretary of State is not required to post the fees charged by approved adult driver education course providers on the Secretary's website, but that the Secretary shall include each course provider's website among that course provider's contact information. Requires adult driver education course providers to state all fees charged by the course provider on its website. Provides that entities providing adult driver education courses solely via the Internet do not need to acquire an instructor's license from the Secretary of State. Provides that any person found guilty of operating a driver training school without a license shall be guilty of a Class A misdemeanor with a minimum fine of \$1,000 for a first offense, and a Class 4 felony with a minimum fine of \$2,500 for a second offense. Effective July 1, 2014.

LRB098 15926 MLW 50973 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, 6-107.5, and 6-401 as follows:

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

7 (Text of Section before amendment by P.A. 98-167)

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

12 1. To any person, as a driver, who is under the age of
13 18 years except as provided in Section 6-107, and except
14 that an instruction permit may be issued under Section
15 6-107.1 to a child who is not less than 15 years of age if
16 the child is enrolled in an approved driver education
17 course as defined in Section 1-103 of this Code and
18 requires an instruction permit to participate therein,
19 except that an instruction permit may be issued under the
20 provisions of Section 6-107.1 to a child who is 17 years
21 and 3 months of age without the child having enrolled in an
22 approved driver education course and except that an
23 instruction permit may be issued to a child who is at least

1 15 years and 3 months of age, is enrolled in school, meets
2 the educational requirements of the Driver Education Act,
3 and has passed examinations the Secretary of State in his
4 or her discretion may prescribe;

5 2. To any person who is under the age of 18 as an
6 operator of a motorcycle other than a motor driven cycle
7 unless the person has, in addition to meeting the
8 provisions of Section 6-107 of this Code, successfully
9 completed a motorcycle training course approved by the
10 Illinois Department of Transportation and successfully
11 completes the required Secretary of State's motorcycle
12 driver's examination;

13 3. To any person, as a driver, whose driver's license
14 or permit has been suspended, during the suspension, nor to
15 any person whose driver's license or permit has been
16 revoked, except as provided in Sections 6-205, 6-206, and
17 6-208;

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

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

26 6. To any person, as a driver, who is required by the

1 Secretary of State to submit an alcohol and drug evaluation
2 or take an examination provided for in this Code unless the
3 person has successfully passed the examination and
4 submitted any required evaluation;

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

9 8. To any person when the Secretary of State has good
10 cause to believe that the person by reason of physical or
11 mental disability would not be able to safely operate a
12 motor vehicle upon the highways, unless the person shall
13 furnish to the Secretary of State a verified written
14 statement, acceptable to the Secretary of State, from a
15 competent medical specialist, a licensed physician
16 assistant who has been delegated the performance of medical
17 examinations by his or her supervising physician, or a
18 licensed advanced practice nurse who has a written
19 collaborative agreement with a collaborating physician
20 which authorizes him or her to perform medical
21 examinations, to the effect that the operation of a motor
22 vehicle by the person would not be inimical to the public
23 safety;

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

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

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

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

1 new license or permit for a period of one year;

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

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

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

20 15. To any person released from a term of imprisonment
21 for violating Section 9-3 of the Criminal Code of 1961 or
22 the Criminal Code of 2012, or a similar provision of a law
23 of another state relating to reckless homicide or for
24 violating subparagraph (F) of paragraph (1) of subsection
25 (d) of Section 11-501 of this Code relating to aggravated
26 driving under the influence of alcohol, other drug or

1 drugs, intoxicating compound or compounds, or any
2 combination thereof, if the violation was the proximate
3 cause of a death, within 24 months of release from a term
4 of imprisonment;

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

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

26 18. To any person who has been adjudicated under the

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

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

11 (Source: P.A. 96-607, eff. 8-24-09; 96-740, eff. 1-1-10;
12 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 97-185, eff.
13 7-22-11; 97-1150, eff. 1-25-13.)

14 (Text of Section after amendment by P.A. 98-167)

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

19 1. To any person, as a driver, who is under the age of
20 18 years except as provided in Section 6-107, and except
21 that an instruction permit may be issued under Section
22 6-107.1 to a child who is not less than 15 years of age if
23 the child is enrolled in an approved driver education
24 course as defined in Section 1-103 of this Code and
25 requires an instruction permit to participate therein,

1 except that an instruction permit may be issued under the
2 provisions of Section 6-107.1 to a child who is 17 years
3 and 3 months of age without the child having enrolled in an
4 approved driver education course and except that an
5 instruction permit may be issued to a child who is at least
6 15 years and 3 months of age, is enrolled in school, meets
7 the educational requirements of the Driver Education Act,
8 and has passed examinations the Secretary of State in his
9 or her discretion may prescribe;

10 1.5. To any person at least 18 years of age but less
11 than 21 years of age unless the person has, in addition to
12 any other requirements of this Code, successfully
13 completed an adult driver education course as provided in
14 Section 6-107.5 of this Code or successfully completed the
15 classroom portion of an approved driver education course,
16 except that: -

17 (A) a person who holds a driver's license issued
18 prior to July 1, 2014 shall be eligible to retain the
19 license without the completion of an adult driver
20 education course;

21 (B) a person who holds an instruction permit issued
22 prior to July 1, 2014 shall be eligible to retain the
23 instruction permit without the completion of an adult
24 driver education course;

25 (C) a person who holds an instruction permit issued
26 prior to July 1, 2014 shall be eligible for the

1 issuance of a driver's license without the completion
2 of an adult driver education course; and

3 (D) a person may be issued and may retain an
4 instruction permit on or after July 1, 2014 prior to
5 the completion of the adult driver education course, if
6 the person completes the course prior to the issuance
7 of a driver's license.

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

16 3. To any person, as a driver, whose driver's license
17 or permit has been suspended, during the suspension, nor to
18 any person whose driver's license or permit has been
19 revoked, except as provided in Sections 6-205, 6-206, and
20 6-208;

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

24 5. To any person, as a driver, who has previously been
25 adjudged to be afflicted with or suffering from any mental
26 or physical disability or disease and who has not at the

1 time of application been restored to competency by the
2 methods provided by law;

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

8 7. To any person who is required under the provisions
9 of the laws of this State to deposit security or proof of
10 financial responsibility and who has not deposited the
11 security or proof;

12 8. To any person when the Secretary of State has good
13 cause to believe that the person by reason of physical or
14 mental disability would not be able to safely operate a
15 motor vehicle upon the highways, unless the person shall
16 furnish to the Secretary of State a verified written
17 statement, acceptable to the Secretary of State, from a
18 competent medical specialist, a licensed physician
19 assistant who has been delegated the performance of medical
20 examinations by his or her supervising physician, or a
21 licensed advanced practice nurse who has a written
22 collaborative agreement with a collaborating physician
23 which authorizes him or her to perform medical
24 examinations, to the effect that the operation of a motor
25 vehicle by the person would not be inimical to the public
26 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 or a similar out of state offense;

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
25 the Criminal Code of 2012, or a similar provision of a law
26 of another state relating to reckless homicide or for

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

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

25 17. To any person for whom the Secretary of State
26 cannot verify the accuracy of any information or

1 documentation submitted in application for a driver's
2 license; or

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

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. 97-185, eff. 7-22-11; 97-1150, eff. 1-25-13;
15 98-167, eff. 7-1-14; revised 9-18-13.)

16 (625 ILCS 5/6-107.5)

17 (This Section may contain text from a Public Act with a
18 delayed effective date)

19 Sec. 6-107.5. Adult Driver Education Course.

20 (a) The Secretary shall establish by rule the curriculum
21 and designate the materials to be used in an adult driver
22 education course. The course shall be at least 6 hours in
23 length and shall include instruction on traffic laws; highway
24 signs, signals, and markings that regulate, warn, or direct
25 traffic; and issues commonly associated with motor vehicle

1 accidents including poor decision-making, risk taking,
2 impaired driving, distraction, speed, failure to use a safety
3 belt, driving at night, failure to yield the right-of-way,
4 texting while driving, using wireless communication devices,
5 and alcohol and drug awareness. The curriculum shall not
6 require the operation of a motor vehicle.

7 (b) The Secretary shall certify course providers. The
8 requirements to be a certified course provider, the process for
9 applying for certification, and the procedure for decertifying
10 a course provider shall be established by rule.

11 (c) The Secretary may permit a course provider to offer the
12 course online, if the Secretary is satisfied the course
13 provider has established adequate procedures for verifying:

14 (1) the identity of the person taking the course
15 online; and

16 (2) the person completes the entire course.

17 (d) The Secretary shall establish a method of electronic
18 verification of a student's successful completion of the
19 course.

20 (e) The fee charged by the course provider must bear a
21 reasonable relationship to the cost of the course. The course
22 provider must state all fees charged by the course provider on
23 the course provider's website. The Secretary shall post on the
24 Secretary of State's website a list of approved course
25 providers, ~~the fees charged by the providers,~~ and contact
26 information for each course provider including each course

1 provider's website.

2 (f) In addition to any other fee charged by the course
3 provider, the course provider shall collect a fee of \$5 from
4 each student to offset the costs incurred by the Secretary in
5 administering this program. The \$5 shall be submitted to the
6 Secretary within 14 days of the day on which it was collected.
7 All such fees received by the Secretary shall be deposited in
8 the Secretary of State Driver Services Administration Fund.

9 (Source: P.A. 98-167, eff. 7-1-14.)

10 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

11 Sec. 6-401. Driver training schools-license required. No
12 person, firm, association, partnership or corporation shall
13 operate a driver training school or engage in the business of
14 giving instruction for hire or for a fee in (1) the driving of
15 motor vehicles; or (2) the preparation of an applicant for
16 examination given by the Secretary of State for a drivers
17 license or permit, unless a license therefor has been issued by
18 the Secretary. No public schools or educational institutions
19 shall contract with entities engaged in the business of giving
20 instruction for hire or for a fee in the driving of motor
21 vehicles for the preparation of an applicant for examination
22 given by the Secretary of State for a driver's license or
23 permit, unless a license therefor has been issued by the
24 Secretary.

25 This Section shall not apply to (i) public schools or to

1 educational institutions in which driving instruction is part
2 of the curriculum, (ii) employers giving instruction to their
3 employees, ~~or~~ (iii) schools that teach enhanced driving skills
4 to licensed drivers as set forth in Article X of Chapter 6 of
5 this Code, or (iv) an entity that provides an adult driver
6 education course, as provided in Section 6-107.5 of this Code,
7 if the entity conducts the course solely via the Internet.

8 Any person convicted of a violation of this Section shall
9 be guilty of a Class A misdemeanor, with a minimum fine of
10 \$1,000. Any person convicted of a violation of this Section a
11 second or subsequent time shall be guilty of a Class 4 felony,
12 with a minimum fine of \$2,500.

13 (Source: P.A. 96-740, eff. 1-1-10; 96-962, eff. 7-2-10; 97-229,
14 eff. 7-28-11.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.