



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB0675

Introduced 1/26/2017, by Sen. Steve Stadelman

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-118	from Ch. 95 1/2, par. 1-118
625 ILCS 5/6-201	
625 ILCS 5/6-401	from Ch. 95 1/2, par. 6-401

Amends the Illinois Vehicle Code. Adds to the definition of "essential parts" a bed, front bumper, rear bumper, and, for motorcycles, fairings, fuel tanks, and forks. Removes other items from the definition. Provides that the Secretary of State may cancel any license or permit upon determining that the holder has assisted an out-of-state resident in acquiring an Illinois driver's license or identification card by providing or allowing the out-of-state resident to use his or her Illinois address of residence and is complicit in distributing and forwarding the Illinois driver's license or identification card to the out-of-state resident. Provides that any person, firm, association, partnership, or corporation that operates a driver training school without a license issued by the Secretary of State shall be guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a second and subsequent offense. Effective immediately.

LRB100 06005 AXK 16035 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 1-118, 6-201, and 6-401 as follows:

6 (625 ILCS 5/1-118) (from Ch. 95 1/2, par. 1-118)

7 Sec. 1-118. Essential parts. All integral and body parts of
8 a vehicle of a type required to be registered hereunder, the
9 removal, alteration or substitution of which would tend to
10 conceal the identity of the vehicle or substantially alter its
11 appearance, model, type or mode of operation. "Essential parts"
12 includes the following: vehicle hulks, shells, chassis,
13 frames, front end assemblies (which may consist of headlight,
14 grill, fenders and hood), front clip (front end assembly with
15 cowl attached), rear clip (which may consist of quarter panels,
16 fenders, floor and top), doors, hatchbacks, fenders, cabs, cab
17 clips, cowls, hoods, trunk lids, deck lids, bed, front bumper,
18 rear bumper, ~~T-tops, sunroofs, moon roofs, astro roofs,~~
19 ~~transmissions of vehicles of the second division,~~ seats,
20 ~~aluminum wheels,~~ engines and similar parts. Essential parts
21 also includes fairings, fuel tanks, and forks of motorcycles.
22 Essential parts shall also include stereo radios, ~~cassette~~
23 ~~radios, compact disc radios, cassette/compact disc radios and~~

1 ~~compact disc players and compact disc changers which are either~~
2 ~~installed in dash or trunk mounted.~~

3 An essential part which does not have affixed to it an
4 identification number as defined in Section 1-129 adopts the
5 identification number of the vehicle to which such part is
6 affixed, installed or mounted.

7 An "essential part" does not include an engine,
8 transmission, or a rear axle that is used in a glider kit.

9 (Source: P.A. 99-748, eff. 8-5-16.)

10 (625 ILCS 5/6-201)

11 Sec. 6-201. Authority to cancel licenses and permits.

12 (a) The Secretary of State is authorized to cancel any
13 license or permit upon determining that the holder thereof:

14 1. was not entitled to the issuance thereof hereunder;

15 or

16 2. failed to give the required or correct information
17 in his application; or

18 3. failed to pay any fees, civil penalties owed to the
19 Illinois Commerce Commission, or taxes due under this Act
20 and upon reasonable notice and demand; or

21 4. committed any fraud in the making of such
22 application; or

23 5. is ineligible therefor under the provisions of
24 Section 6-103 of this Act, as amended; or

25 6. has refused or neglected to submit an alcohol, drug,

1 and intoxicating compound evaluation or to submit to
2 examination or re-examination as required under this Act;
3 or

4 7. has been convicted of violating the Cannabis Control
5 Act, the Illinois Controlled Substances Act, the
6 Methamphetamine Control and Community Protection Act, or
7 the Use of Intoxicating Compounds Act while that individual
8 was in actual physical control of a motor vehicle. For
9 purposes of this Section, any person placed on probation
10 under Section 10 of the Cannabis Control Act, Section 410
11 of the Illinois Controlled Substances Act, or Section 70 of
12 the Methamphetamine Control and Community Protection Act
13 shall not be considered convicted. Any person found guilty
14 of this offense, while in actual physical control of a
15 motor vehicle, shall have an entry made in the court record
16 by the judge that this offense did occur while the person
17 was in actual physical control of a motor vehicle and order
18 the clerk of the court to report the violation to the
19 Secretary of State as such. After the cancellation, the
20 Secretary of State shall not issue a new license or permit
21 for a period of one year after the date of cancellation.
22 However, upon application, the Secretary of State may, if
23 satisfied that the person applying will not endanger the
24 public safety, or welfare, issue a restricted driving
25 permit granting the privilege of driving a motor vehicle
26 between the petitioner's residence and petitioner's place

1 of employment or within the scope of the petitioner's
2 employment related duties, or to allow transportation for
3 the petitioner or a household member of the petitioner's
4 family for the receipt of necessary medical care, or
5 provide transportation for the petitioner to and from
6 alcohol or drug remedial or rehabilitative activity
7 recommended by a licensed service provider, or for the
8 petitioner to attend classes, as a student, in an
9 accredited educational institution. The petitioner must
10 demonstrate that no alternative means of transportation is
11 reasonably available; provided that the Secretary's
12 discretion shall be limited to cases where undue hardship,
13 as defined by the rules of the Secretary of State, would
14 result from a failure to issue such restricted driving
15 permit. In each case the Secretary of State may issue such
16 restricted driving permit for such period as he deems
17 appropriate, except that such permit shall expire within
18 one year from the date of issuance. A restricted driving
19 permit issued hereunder shall be subject to cancellation,
20 revocation and suspension by the Secretary of State in like
21 manner and for like cause as a driver's license issued
22 hereunder may be cancelled, revoked or suspended; except
23 that a conviction upon one or more offenses against laws or
24 ordinances regulating the movement of traffic shall be
25 deemed sufficient cause for the revocation, suspension or
26 cancellation of a restricted driving permit. The Secretary

1 of State may, as a condition to the issuance of a
2 restricted driving permit, require the applicant to
3 participate in a driver remedial or rehabilitative
4 program. In accordance with 49 C.F.R. 384, the Secretary of
5 State may not issue a restricted driving permit for the
6 operation of a commercial motor vehicle to a person holding
7 a CDL whose driving privileges have been revoked,
8 suspended, cancelled, or disqualified under this Code; or

9 8. failed to submit a report as required by Section
10 6-116.5 of this Code; or

11 9. has been convicted of a sex offense as defined in
12 the Sex Offender Registration Act. The driver's license
13 shall remain cancelled until the driver registers as a sex
14 offender as required by the Sex Offender Registration Act,
15 proof of the registration is furnished to the Secretary of
16 State and the sex offender provides proof of current
17 address to the Secretary; or

18 10. is ineligible for a license or permit under Section
19 6-107, 6-107.1, or 6-108 of this Code; or

20 11. refused or neglected to appear at a Driver Services
21 facility to have the license or permit corrected and a new
22 license or permit issued or to present documentation for
23 verification of identity; or

24 12. failed to submit a medical examiner's certificate
25 or medical variance as required by 49 C.F.R. 383.71 or
26 submitted a fraudulent medical examiner's certificate or

1 medical variance; or

2 13. has had his or her medical examiner's certificate,
3 medical variance, or both removed or rescinded by the
4 Federal Motor Carrier Safety Administration; or

5 14. failed to self-certify as to the type of driving in
6 which the CDL driver engages or expects to engage; or

7 15. has submitted acceptable documentation indicating
8 out-of-state residency to the Secretary of State to be
9 released from the requirement of showing proof of financial
10 responsibility in this State; or

11 16. was convicted of fraud relating to the testing or
12 issuance of a CDL or CLP, in which case only the CDL or CLP
13 shall be cancelled. After cancellation, the Secretary
14 shall not issue a CLP or CDL for a period of one year from
15 the date of cancellation; or

16 17. has a special restricted license under subsection
17 (g) of Section 6-113 of this Code and failed to submit the
18 required annual vision specialist report that the special
19 restricted license holder's vision has not changed; or

20 18. has a special restricted license under subsection
21 (g) of Section 6-113 of this Code and was convicted or
22 received court supervision for a violation of this Code
23 that occurred during nighttime hours or was involved in a
24 motor vehicle accident during nighttime hours in which the
25 restricted license holder was at fault; or -

26 19. has assisted an out-of-state resident in acquiring

1 an Illinois driver's license or identification card by
2 providing or allowing the out-of-state resident to use his
3 or her Illinois address of residence and is complicit in
4 distributing and forwarding the Illinois driver's license
5 or identification card to the out-of-state resident.

6 (b) Upon such cancellation the licensee or permittee must
7 surrender the license or permit so cancelled to the Secretary
8 of State.

9 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
10 Secretary of State shall have exclusive authority to grant,
11 issue, deny, cancel, suspend and revoke driving privileges,
12 drivers' licenses and restricted driving permits.

13 (d) The Secretary of State may adopt rules to implement
14 this Section.

15 (Source: P.A. 97-208, eff. 1-1-12; 97-229, eff. 7-28-11;
16 97-813, eff. 7-13-12; 97-835, eff. 7-20-12; 98-176 (see Section
17 10 of P.A. 98-722 and Section 10 of P.A. 99-414 for the
18 effective date of changes made by P.A. 98-176); 98-178, eff.
19 1-1-14; 98-747, eff. 1-1-15; 98-756, eff. 7-16-14.)

20 (625 ILCS 5/6-401) (from Ch. 95 1/2, par. 6-401)

21 Sec. 6-401. Driver training schools-license required.

22 (a) No person, firm, association, partnership or
23 corporation shall operate a driver training school or engage in
24 the business of giving instruction for hire or for a fee in (1)
25 the driving of motor vehicles; or (2) the preparation of an

1 applicant for examination given by the Secretary of State for a
2 drivers license or permit, unless a license therefor has been
3 issued by the Secretary. No public schools or educational
4 institutions shall contract with entities engaged in the
5 business of giving instruction for hire or for a fee in the
6 driving of motor vehicles for the preparation of an applicant
7 for examination given by the Secretary of State for a driver's
8 license or permit, unless a license therefor has been issued by
9 the Secretary.

10 This subsection (a) ~~Section~~ shall not apply to (i) public
11 schools or to educational institutions in which driving
12 instruction is part of the curriculum, (ii) employers giving
13 instruction to their employees, or (iii) schools that teach
14 enhanced driving skills to licensed drivers as set forth in
15 Article X of Chapter 6 of this Code.

16 (b) Any person, firm, association, partnership, or
17 corporation that violates subsection (a) of this Section shall
18 be guilty of a Class A misdemeanor for a first offense and a
19 Class 4 felony for a second or subsequent offense.

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

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