

HB4893



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4893

Introduced 2/18/2020, by Rep. Daniel Didech

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-107

from Ch. 95 1/2, par. 6-107

Amends the Illinois Vehicle Code. Provides that the applicant's foster parent may provide the: (i) written consent required to accompany an application for a driver's license or permit by a person under the age of 18 years; and (ii) certification that the applicant has had a minimum of 50 hours behind-the-wheel practice time in order for an applicant under 18 years of age to be issued a driver's license.

LRB101 18801 LNS 68258 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 6-107 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 driver's ~~drivers~~

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

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

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

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

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

25 (b-1) No graduated driver's license shall be issued to any
26 applicant who is under 18 years of age and not legally

1 emancipated, unless the applicant has graduated from a
2 secondary school of this State or any other state, is enrolled
3 in a course leading to a high school equivalency certificate,
4 has obtained a high school equivalency certificate, is enrolled
5 in an elementary or secondary school or college or university
6 of this State or any other state and is not a chronic or
7 habitual truant as provided in Section 26-2a of the School
8 Code, or is receiving home instruction and submits proof of
9 meeting any of those requirements at the time of application.

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

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

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

15 (d) No graduated driver's license shall be issued for 9
16 months to any applicant under the age of 18 years who has
17 committed and subsequently been convicted of an offense against
18 traffic regulations governing the movement of vehicles, any
19 violation of this Section or Section 12-603.1 of this Code, or
20 who has received a disposition of court supervision for a
21 violation of Section 6-20 of the Illinois Liquor Control Act of
22 1934 or a similar provision of a local ordinance.

23 (e) No graduated driver's license holder under the age of
24 18 years shall operate any motor vehicle, except a motor driven
25 cycle or motorcycle, with more than one passenger in the front
26 seat of the motor vehicle and no more passengers in the back

1 seats than the number of available seat safety belts as set
2 forth in Section 12-603 of this Code. If a graduated driver's
3 license holder over the age of 18 committed an offense against
4 traffic regulations governing the movement of vehicles or any
5 violation of this Section or Section 12-603.1 of this Code in
6 the 6 months prior to the graduated driver's license holder's
7 18th birthday, and was subsequently convicted of the violation,
8 the provisions of this paragraph shall continue to apply until
9 such time as a period of 6 consecutive months has elapsed
10 without an additional violation and subsequent conviction of an
11 offense against traffic regulations governing the movement of
12 vehicles or any violation of this Section or Section 12-603.1
13 of this Code.

14 (f) (Blank).

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

1 is convicted of the violation, the provisions of this paragraph
2 shall remain in effect until such time as a period of 6
3 consecutive months has elapsed without an additional violation
4 and subsequent conviction of an offense against traffic
5 regulations governing the movement of vehicles or any violation
6 of this Section or Section 12-603.1 of this Code.

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

14 (i) No graduated driver's license shall be issued to any
15 applicant under the age of 18 years if the applicant has been
16 issued a traffic citation for which a disposition has not been
17 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; 98-718, eff. 1-1-15.)