



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB1009

by Rep. John D'Amico - Michael P. McAuliffe

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
625 ILCS 5/6-301.3	

Amends the Illinois Vehicle Code. Provides the Act may be cited as "Kelsey's Law". Prohibits the issuance of a graduated driver's license to a person under 18 if the person has a traffic citation for which a disposition has not been rendered. Allows the Secretary of State to cancel a minor's driver's license if the Secretary determines that at the time of license issuance, the minor held an instruction permit and had a traffic citation for which a disposition had not been rendered. Allows prosecutors to request the court to invalidate any driver's license if the driver is convicted of a violation of the Illinois Vehicle Code or similar local ordinance, the violation of which was the proximate cause of the death or Type A injury of another.

LRB098 07991 MLW 38081 b

1 AN ACT concerning transportation, which may be referred to
2 as "Kelsey's Law".

3 **Be it enacted by the People of the State of Illinois,**
4 **represented in the General Assembly:**

5 Section 5. The Illinois Vehicle Code is amended by changing
6 Sections 6-107, 6-108, and 6-301.3 as follows:

7 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

8 Sec. 6-107. Graduated license.

9 (a) The purpose of the Graduated Licensing Program is to
10 develop safe and mature driving habits in young, inexperienced
11 drivers and reduce or prevent motor vehicle accidents,
12 fatalities, and injuries by:

13 (1) providing for an increase in the time of practice
14 period before granting permission to obtain a driver's
15 license;

16 (2) strengthening driver licensing and testing
17 standards for persons under the age of 21 years;

18 (3) sanctioning driving privileges of drivers under
19 age 21 who have committed serious traffic violations or
20 other specified offenses; and

21 (4) setting stricter standards to promote the public's
22 health and safety.

23 (b) The application of any person under the age of 18

1 years, and not legally emancipated, for a drivers license or
2 permit to operate a motor vehicle issued under the laws of this
3 State, shall be accompanied by the written consent of either
4 parent of the applicant; otherwise by the guardian having
5 custody of the applicant, or in the event there is no parent or
6 guardian, then by another responsible adult. The written
7 consent must accompany any application for a driver's license
8 under this subsection (b), regardless of whether or not the
9 required written consent also accompanied the person's
10 previous application for an 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, or
20 responsible adult that the applicant has had a minimum of
21 50 hours of behind-the-wheel practice time, at least 10
22 hours of which have been at night, and is sufficiently
23 prepared and able to safely operate a motor vehicle.

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

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

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

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

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

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

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

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

13 (f) (Blank).

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

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

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

13 (i) No graduated driver's license shall be issued to any
14 applicant under the age of 18 years if the applicant has been
15 issued a traffic citation for which a disposition has not been
16 rendered at the time of application.

17 (Source: P.A. 96-607, eff. 8-24-09; 97-229, eff. 7-28-11;
18 97-835, eff. 7-20-12.)

19 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

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

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

24 1. Upon the verified written request of the person who
25 consented to the application of the minor that the license

1 or permit be cancelled;

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

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

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

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

20 5. Upon determination by the Secretary that at the time
21 of license issuance, the minor held an instruction permit
22 and had a traffic citation for which a disposition had not
23 been rendered.

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

1 (b) The Secretary of State shall cancel the license or
2 permit of any person under the age of 18 years if he or she is
3 convicted of violating the Cannabis Control Act, the Illinois
4 Controlled Substances Act, or the Methamphetamine Control and
5 Community Protection Act while that person was in actual
6 physical control of a motor vehicle. For purposes of this
7 Section, any person placed on probation under Section 10 of the
8 Cannabis Control Act, Section 410 of the Illinois Controlled
9 Substances Act, or Section 70 of the Methamphetamine Control
10 and Community Protection Act shall not be considered convicted.
11 Any person found guilty of this offense, while in actual
12 physical control of a motor vehicle, shall have an entry made
13 in the court record by the judge that this offense did occur
14 while the person was in actual physical control of a motor
15 vehicle and order the clerk of the court to report the
16 violation to the Secretary of State as such. After the
17 cancellation, the Secretary of State shall not issue a new
18 license or permit for a period of one year after the date of
19 cancellation or until the minor attains the age of 18 years,
20 whichever is longer. However, upon application, the Secretary
21 of State may, if satisfied that the person applying will not
22 endanger the public safety, or welfare, issue a restricted
23 driving permit granting the privilege of driving a motor
24 vehicle between the person's residence and person's place of
25 employment or within the scope of the person's employment
26 related duties, or to allow transportation for the person or a

1 household member of the person's family for the receipt of
2 necessary medical care or, if the professional evaluation
3 indicates, provide transportation for the petitioner for
4 alcohol remedial or rehabilitative activity, or for the person
5 to attend classes, as a student, in an accredited educational
6 institution; if the person is able to demonstrate that no
7 alternative means of transportation is reasonably available;
8 provided that the Secretary's discretion shall be limited to
9 cases where undue hardship would result from a failure to issue
10 such restricted driving permit. In each case the Secretary of
11 State may issue a restricted driving permit for a period as he
12 deems appropriate, except that the permit shall expire within
13 one year from the date of issuance. A restricted driving permit
14 issued hereunder shall be subject to cancellation, revocation,
15 and suspension by the Secretary of State in like manner and for
16 like cause as a driver's license issued hereunder may be
17 cancelled, revoked, or suspended; except that a conviction upon
18 one or more offenses against laws or ordinances regulating the
19 movement of traffic shall be deemed sufficient cause for the
20 revocation, suspension, or cancellation of a restricted
21 driving permit. The Secretary of State may, as a condition to
22 the issuance of a restricted driving permit, require the
23 applicant to participate in a driver remedial or rehabilitative
24 program. Thereafter, upon reapplication for a license as
25 provided in Section 6-106 of this Code or a permit as provided
26 in Section 6-105 of this Code and upon payment of the

1 appropriate application fee, the Secretary of State shall issue
2 the applicant a license as provided in Section 6-106 of this
3 Code or shall issue the applicant a permit as provided in
4 Section 6-105.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
6 95-331, eff. 8-21-07.)

7 (625 ILCS 5/6-301.3)

8 Sec. 6-301.3. Invalidation of a driver's license or permit.

9 (a) The Secretary of State may invalidate a driver's
10 license or permit:

11 (1) when the holder voluntarily surrenders the license
12 or permit and declares his or her intention to do so in
13 writing to the Secretary;

14 (2) when the Secretary receives a certified court order
15 indicating the holder is to refrain from driving;

16 (3) upon the death of the holder; or

17 (4) as the Secretary deems appropriate by
18 administrative rule.

19 (b) A driver's license or permit invalidated under this
20 Section shall nullify the holder's driving privileges. If a
21 license is invalidated under subdivision (a)(3) of this
22 Section, the actual license or permit may be released to a
23 relative of the decedent; provided, the actual license or
24 permit bears a readily identifiable designation evidencing
25 invalidation as prescribed by the Secretary.

1 (c) If a driver is issued a citation for any violation of
2 this Code or a similar local ordinance and the violation is the
3 proximate cause of the death or Type A injury of another, the
4 prosecuting authority may ask the court to enter an order
5 invalidating the driver's license or permit under paragraph (2)
6 of subsection (a) of this Section. For purposes of this
7 Section, Type A injury has the meaning ascribed in Section
8 6-108.1 of this Code.

9 (Source: P.A. 91-357, eff. 7-29-99.)