

HB2091



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2091

Introduced 2/7/2023, by Rep. Jay Hoffman

SYNOPSIS AS INTRODUCED:

15 ILCS 305/37
625 ILCS 5/6-109

Amends the Secretary of State Act. Provides that, upon completion of the required study of age-related issues, the Secretary of State may adopt administrative rules to raise (instead of raise or lower) the age requirement for actual demonstrations of an applicant's ability to exercise ordinary and reasonable control of the operation of a motor vehicle. Amends the Illinois Vehicle Code to make conforming changes. Effective immediately.

LRB103 26323 DTM 52684 b

A BILL FOR

1 AN ACT concerning State Government.

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

4 Section 5. The Secretary of State Act is amended by
5 changing Section 37 as follows:

6 (15 ILCS 305/37)

7 Sec. 37. Study on age-related changes that affect driving
8 abilities. By October 1, 2023, the Secretary of State shall
9 conduct a study on age-related changes in vision, physical
10 functioning, and the ability to reason and remember, as well
11 as any other diseases and medications that might affect safe
12 driving abilities. When conducting the study, the Secretary of
13 State may utilize data or academic studies conducted by other
14 sources, including, but not limited to, other states, the
15 Centers for Disease Control and Prevention, the American
16 Geriatrics Society, and the National Highway Traffic Safety
17 Administration. Upon completion of the study, if the study
18 shows that there is no immediate risk to public safety, the
19 Secretary of State may adopt administrative rules to raise ~~or~~
20 ~~lower~~ the age requirement for actual demonstrations, provided
21 that the required age shall be no lower than the minimum age
22 required under subsection (c) of Section 6-109 of the Illinois
23 Vehicle Code.

1 (Source: P.A. 102-1103, eff. 12-6-22.)

2 Section 10. The Illinois Vehicle Code is amended by
3 changing Section 6-109 as follows:

4 (625 ILCS 5/6-109)

5 Sec. 6-109. Examination of applicants.

6 (a) The Secretary of State shall examine every applicant
7 for a driver's license or permit who has not been previously
8 licensed as a driver under the laws of this State or any other
9 state or country, or any applicant for renewal of such
10 driver's license or permit when such license or permit has
11 been expired for more than one year. The Secretary of State
12 shall, subject to the provisions of paragraph (c), examine
13 every licensed driver at least every 8 years, and may examine
14 or re-examine any other applicant or licensed driver, provided
15 that during the years 1984 through 1991 those drivers issued a
16 license for 3 years may be re-examined not less than every 7
17 years or more than every 10 years.

18 The Secretary of State shall require the testing of the
19 eyesight of any driver's license or permit applicant who has
20 not been previously licensed as a driver under the laws of this
21 State and shall promulgate rules and regulations to provide
22 for the orderly administration of all the provisions of this
23 Section.

24 The Secretary of State shall include at least one test

1 question that concerns the provisions of the Pedestrians with
2 Disabilities Safety Act in the question pool used for the
3 written portion of the driver's license examination within one
4 year after July 22, 2010 (the effective date of Public Act
5 96-1167).

6 The Secretary of State shall include, in the question pool
7 used for the written portion of the driver's license
8 examination, test questions concerning safe driving in the
9 presence of bicycles, of which one may be concerning the Dutch
10 Reach method as described in Section 2-112.

11 The Secretary of State shall include, in the question pool
12 used for the written portion of the driver's license
13 examination, at least one test question concerning driver
14 responsibilities when approaching a stationary emergency
15 vehicle as described in Section 11-907.

16 (b) Except as provided for those applicants in paragraph
17 (c), such examination shall include a test of the applicant's
18 eyesight, his or her ability to read and understand official
19 traffic control devices, his or her knowledge of safe driving
20 practices and the traffic laws of this State, and may include
21 an actual demonstration of the applicant's ability to exercise
22 ordinary and reasonable control of the operation of a motor
23 vehicle, and such further physical and mental examination as
24 the Secretary of State finds necessary to determine the
25 applicant's fitness to operate a motor vehicle safely on the
26 highways, except the examination of an applicant 75 years of

1 age or older or, if the Secretary adopts rules under Section 37
2 of the Secretary of State Act to raise the age requirement for
3 actual demonstrations, the examination of an applicant who has
4 attained that increased age or is older shall include an
5 actual demonstration of the applicant's ability to exercise
6 ordinary and reasonable control of the operation of a motor
7 vehicle. All portions of written and verbal examinations under
8 this Section, excepting where the English language appears on
9 facsimiles of road signs, may be given in the Spanish language
10 and, at the discretion of the Secretary of State, in any other
11 language as well as in English upon request of the examinee.
12 Deaf persons who are otherwise qualified are not prohibited
13 from being issued a license, other than a commercial driver's
14 license, under this Code.

15 (c) Re-examination for those applicants who at the time of
16 renewing their driver's license possess a driving record
17 devoid of any convictions of traffic violations or evidence of
18 committing an offense for which mandatory revocation would be
19 required upon conviction pursuant to Section 6-205 at the time
20 of renewal shall be in a manner prescribed by the Secretary in
21 order to determine an applicant's ability to safely operate a
22 motor vehicle, except that every applicant for the renewal of
23 a driver's license who is 75 years of age or older or, if the
24 Secretary adopts rules under Section 37 of the Secretary of
25 State Act to raise the age requirement for actual
26 demonstrations, every applicant for the renewal of a driver's

1 license who has attained that increased age or is older must
2 prove, by an actual demonstration, the applicant's ability to
3 exercise reasonable care in the safe operation of a motor
4 vehicle.

5 (d) In the event the applicant is not ineligible under the
6 provisions of Section 6-103 to receive a driver's license, the
7 Secretary of State shall make provision for giving an
8 examination, either in the county where the applicant resides
9 or at a place adjacent thereto reasonably convenient to the
10 applicant, within not more than 30 days from the date said
11 application is received.

12 (e) The Secretary of State may adopt rules regarding the
13 use of foreign language interpreters during the application
14 and examination process.

15 (Source: P.A. 100-770, eff. 1-1-19; 100-962, eff. 1-1-19;
16 101-81, eff. 7-12-19; 101-174, eff. 1-1-20.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.