



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5325

Introduced 2/8/2012, by Rep. Roger L. Eddy

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

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall cancel the license or permit of any person under the age of 18 years who is convicted of violating the Section prohibiting the use of electronic communication devices while driving. Provides that after the cancellation, the Secretary may not issue a new license or permit for a period of 6 months after the date of cancellation or until the minor attains the age of 18 years, whichever is longer.

LRB097 17661 HEP 62870 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 6-107 and 6-108 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 by marriage, for a 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
4 having custody of the applicant, or in the event there is no
5 parent or guardian, then by another responsible adult. The
6 written consent must accompany any application for a driver's
7 license under this subsection (b), regardless of whether or not
8 the required written consent also accompanied the person's
9 previous application for an instruction permit.

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

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

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

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

23 (b-1) No graduated driver's license shall be issued to any
24 applicant who is under 18 years of age and not legally
25 emancipated by marriage, unless the applicant has graduated
26 from a secondary school of this State or any other state, is

1 enrolled in a course leading to a general educational
2 development (GED) certificate, has obtained a GED certificate,
3 is enrolled in an elementary or secondary school or college or
4 university of this State or any other state and is not a
5 chronic or habitual truant as provided in Section 26-2a of the
6 School Code, or is receiving home instruction and submits proof
7 of meeting any of those requirements at the time of
8 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) No graduated driver's license holder under the age of
14 18 shall operate a motor vehicle unless each driver and
15 passenger under the age of 19 is wearing a properly adjusted
16 and fastened seat safety belt and each child under the age of 8
17 is protected as required under the Child Passenger Protection
18 Act. If a graduated driver's license holder over the age of 18
19 committed an offense against traffic regulations governing the
20 movement of vehicles or any violation of this Section or
21 Section 12-603.1 of this Code in the 6 months prior to the
22 graduated driver's license holder's 18th birthday, and was
23 subsequently convicted of the violation, the provisions of this
24 paragraph shall continue to apply until such time as a period
25 of 6 consecutive months has elapsed without an additional
26 violation and subsequent conviction of an offense against

1 traffic regulations governing the movement of vehicles or any
2 violation of this Section or Section 12-603.1 of this Code.

3 (g) If a graduated driver's license holder is under the age
4 of 18 when he or she receives the license, for the first 12
5 months he or she holds the license or until he or she reaches
6 the age of 18, whichever occurs sooner, the graduated license
7 holder may not operate a motor vehicle with more than one
8 passenger in the vehicle who is under the age of 20, unless any
9 additional passenger or passengers are siblings,
10 step-siblings, children, or stepchildren of the driver. If a
11 graduated driver's license holder committed an offense against
12 traffic regulations governing the movement of vehicles or any
13 violation of this Section or Section 12-603.1 of this Code
14 during the first 12 months the license is held and subsequently
15 is convicted of the violation, the provisions of this paragraph
16 shall remain in effect until such time as a period of 6
17 consecutive months has elapsed without an additional violation
18 and subsequent conviction of an offense against traffic
19 regulations governing the movement of vehicles or any violation
20 of this Section or Section 12-603.1 of this Code.

21 (h) It shall be an offense for a person that is age 15, but
22 under age 20, to be a passenger in a vehicle operated by a
23 driver holding a graduated driver's license during the first 12
24 months the driver holds the license or until the driver reaches
25 the age of 18, whichever occurs sooner, if another passenger
26 under the age of 20 is present, excluding a sibling,

1 step-sibling, child, or step-child of the driver.

2 (i) A person under the age of 18 who has committed a
3 violation of Section 12-610.2 of this Code is not eligible for
4 a graduated driver's license. If a graduated driver's license
5 holder over the age of 18 committed a violation of Section
6 12-610.2 of this Code in the 6 months prior to the graduated
7 driver's license holder's 18th birthday, and was subsequently
8 convicted of the violation, the provisions of this paragraph
9 shall continue to apply until a period of 6 consecutive months
10 has elapsed without an additional violation of Section 12-610.2
11 of this Code.

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

13 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

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

15 (a) The Secretary of State shall cancel the license or
16 permit of any minor under the age of 18 years in any of the
17 following events:

18 1. Upon the verified written request of the person who
19 consented to the application of the minor that the license
20 or permit be cancelled;

21 2. Upon receipt of satisfactory evidence of the death
22 of the person who consented to the application of the
23 minor;

24 3. Upon receipt of satisfactory evidence that the
25 person who consented to the application of a minor no

1 longer has legal custody of the minor;

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

8 A minor who provides proof acceptable to the Secretary
9 that the minor has resumed regular school attendance or
10 home instruction or that his or her license or permit was
11 cancelled in error shall have his or her license
12 reinstated. The Secretary shall adopt rules for
13 implementing this subdivision (a)4.

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

17 (b) The Secretary of State shall cancel the license or
18 permit of any person under the age of 18 years if he or she is
19 convicted of violating the Cannabis Control Act, the Illinois
20 Controlled Substances Act, or the Methamphetamine Control and
21 Community Protection Act while that person was in actual
22 physical control of a motor vehicle. For purposes of this
23 Section, any person placed on probation under Section 10 of the
24 Cannabis Control Act, Section 410 of the Illinois Controlled
25 Substances Act, or Section 70 of the Methamphetamine Control
26 and Community Protection Act shall not be considered convicted.

1 Any person found guilty of this offense, while in actual
2 physical control of a motor vehicle, shall have an entry made
3 in the court record by the judge that this offense did occur
4 while the person was in actual physical control of a motor
5 vehicle and order the clerk of the court to report the
6 violation to the Secretary of State as such. After the
7 cancellation, the Secretary of State shall not issue a new
8 license or permit for a period of one year after the date of
9 cancellation or until the minor attains the age of 18 years,
10 whichever is longer. However, upon application, the Secretary
11 of State may, if satisfied that the person applying will not
12 endanger the public safety, or welfare, issue a restricted
13 driving permit granting the privilege of driving a motor
14 vehicle between the person's residence and person's place of
15 employment or within the scope of the person's employment
16 related duties, or to allow transportation for the person or a
17 household member of the person's family for the receipt of
18 necessary medical care or, if the professional evaluation
19 indicates, provide transportation for the petitioner for
20 alcohol remedial or rehabilitative activity, or for the person
21 to attend classes, as a student, in an accredited educational
22 institution; if the person is able to demonstrate that no
23 alternative means of transportation is reasonably available;
24 provided that the Secretary's discretion shall be limited to
25 cases where undue hardship would result from a failure to issue
26 such restricted driving permit. In each case the Secretary of

1 State may issue a restricted driving permit for a period as he
2 deems appropriate, except that the permit shall expire within
3 one year from the date of issuance. A restricted driving permit
4 issued hereunder shall be subject to cancellation, revocation,
5 and suspension by the Secretary of State in like manner and for
6 like cause as a driver's license issued hereunder may be
7 cancelled, revoked, or suspended; except that a conviction upon
8 one or more offenses against laws or ordinances regulating the
9 movement of traffic shall be deemed sufficient cause for the
10 revocation, suspension, or cancellation of a restricted
11 driving permit. The Secretary of State may, as a condition to
12 the issuance of a restricted driving permit, require the
13 applicant to participate in a driver remedial or rehabilitative
14 program. Thereafter, upon reapplication for a license as
15 provided in Section 6-106 of this Code or a permit as provided
16 in Section 6-105 of this Code and upon payment of the
17 appropriate application fee, the Secretary of State shall issue
18 the applicant a license as provided in Section 6-106 of this
19 Code or shall issue the applicant a permit as provided in
20 Section 6-105.

21 (c) The Secretary of State shall cancel the license or
22 permit of any person under the age of 18 years who is convicted
23 of violating Section 12-610.2 of this Code. After the
24 cancellation, the Secretary of State may not issue a new
25 license or permit for a period of 6 months after the date of
26 cancellation or until the minor attains the age of 18 years,

1 whichever is longer.

2 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;

3 95-331, eff. 8-21-07.)