

**SB0979**



**97TH GENERAL ASSEMBLY**

**State of Illinois**

**2011 and 2012**

**SB0979**

Introduced 2/8/2011, by Sen. John J. Cullerton

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/6-107

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

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning the Graduated Licensing Program.

LRB097 04728 HEP 44767 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 ~~The~~ purpose of the Graduated Licensing Program is  
9 to develop safe and mature driving habits in young,  
10 inexperienced drivers and reduce or prevent motor vehicle  
11 accidents, 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 or any  
18 violation of this Section or Section 12-603.1 of this Code.

19 (e) No graduated driver's license holder under the age of  
20 18 years shall operate any motor vehicle, except a motor driven  
21 cycle or motorcycle, with more than one passenger in the front  
22 seat of the motor vehicle and no more passengers in the back  
23 seats than the number of available seat safety belts as set  
24 forth in Section 12-603 of this Code. If a graduated driver's  
25 license holder over the age of 18 committed an offense against  
26 traffic regulations governing the movement of vehicles or any

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

10 (f) No graduated driver's license holder under the age of  
11 18 shall operate a motor vehicle unless each driver and  
12 passenger under the age of 19 is wearing a properly adjusted  
13 and fastened seat safety belt and each child under the age of 8  
14 is protected as required under the Child Passenger Protection  
15 Act. If a graduated driver's license holder over the age of 18  
16 committed an offense against traffic regulations governing the  
17 movement of vehicles or any violation of this Section or  
18 Section 12-603.1 of this Code in the 6 months prior to the  
19 graduated driver's license holder's 18th birthday, and was  
20 subsequently convicted of the violation, the provisions of this  
21 paragraph shall continue to apply until such time as a period  
22 of 6 consecutive months has elapsed without an additional  
23 violation and subsequent conviction of 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 (g) If a graduated driver's license holder is under the age

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

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

25 (Source: P.A. 95-310, eff. 1-1-08; 95-331, eff. 8-21-07;  
26 96-607, eff. 8-24-09.)