



Rep. Robert F. Flider

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LRB094 08453 DRH 44070 a

1 AMENDMENT TO HOUSE BILL 1463

2 AMENDMENT NO. _____. Amend House Bill 1463 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section
5 26-3a as follows:

6 (105 ILCS 5/26-3a) (from Ch. 122, par. 26-3a)

7 Sec. 26-3a. Report of pupils no longer enrolled in school.

8 The clerk or secretary of the school board of all school
9 districts shall furnish quarterly on the first school day of
10 October, January, April and July to the regional superintendent
11 a list of pupils, excluding transferees, who have been expelled
12 or have withdrawn or who have left school and have been removed
13 from the regular attendance rolls during the period of time
14 school was in regular session from the time of the previous
15 quarterly report. Such list shall include the names and
16 addresses of pupils formerly in attendance, the names and
17 addresses of persons having custody or control of such pupils,
18 the reason, if known, such pupils are no longer in attendance
19 and the date of removal from the attendance rolls. The regional
20 superintendent shall inform the county or district truant
21 officer who shall investigate to see that such pupils are in
22 compliance with the requirements of this Article.

23 Beginning on July 1, 2007, the clerk or secretary of the
24 school board of all school districts shall furnish quarterly on

1 the first school day of October, January, April, and July to
2 the Secretary of State, on a form prescribed by the Secretary,
3 a list of pupils, excluding pupils who have transferred to
4 other school districts or to private schools or home
5 instruction and pupils with extraordinary circumstances of
6 economic or medical necessity or family hardship as determined
7 by the local superintendent of schools on the basis of
8 objective data, who during the months covered by the report
9 have been expelled or have withdrawn or who have left school
10 and have been removed from the regular attendance rolls during
11 the period of time school was in regular session. Each local
12 school district shall establish, in writing, a set of criteria
13 for use by the local superintendent of schools in determining
14 whether a pupil's failure to attend school is the result of
15 extraordinary circumstances of economic or medical necessity
16 or family hardship. The list of pupils removed from the
17 attendance rolls shall include the same information contained
18 in the quarterly list furnished for the use of the regional
19 superintendent. The list shall also include the names of pupils
20 who are currently attending school after previously having been
21 on the list of those whose names had been removed from the
22 attendance rolls. If a pupil re-enrolls in school after his or
23 her name was removed from the attendance rolls, the clerk or
24 secretary of the school board shall, as soon as possible,
25 notify the Secretary of State, on a form prescribed by the
26 Secretary of the pupil's return to school.

27 In addition, the regional superintendent of schools of each
28 educational service region shall report to the State Board of
29 Education, in January of 1992 and in January of each year
30 thereafter, the number and ages of dropouts, as defined in
31 Section 26-2a, in his educational service region during the
32 school year that ended in the immediately preceding calendar
33 year, together with any efforts, activities and programs
34 undertaken, established, implemented or coordinated by the

1 regional superintendent of schools that have been effective in
2 inducing dropouts to re-enroll in school.

3 (Source: P.A. 87-303.)

4 Section 10. The Illinois Vehicle Code is amended by
5 changing Sections 6-107, 6-108, and 6-201 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
24 license or permit to operate a motor vehicle issued under the
25 laws of this State, shall be accompanied by the written consent
26 of either parent of the applicant; otherwise by the guardian
27 having custody of the applicant, or in the event there is no
28 parent or guardian, then by another responsible adult.

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

32 (1) Held a valid instruction permit for a minimum of 3

1 months.

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

5 (3) certification by the parent, legal guardian, or
6 responsible adult that the applicant has had a minimum of
7 25 hours of behind-the-wheel practice time and is
8 sufficiently prepared and able to safely operate a motor
9 vehicle.

10 (b-1) Beginning July 1, 2007, no graduated driver's license
11 shall be issued to any applicant who is under 18 years of age
12 and not legally emancipated by marriage, unless the applicant
13 has graduated from a secondary school of this State or any
14 other state, is enrolled in a course leading to a general
15 educational development (GED) certificate, has obtained a GED
16 certificate, is enrolled in an elementary or secondary school
17 or college or university of this State or any other state, or
18 is receiving home instruction and submits proof of meeting any
19 of those requirements at the time of application.

20 An applicant under 18 years of age who provides proof
21 acceptable to the Secretary that the applicant has resumed
22 school attendance or home instruction or that his or her
23 application was denied in error shall be eligible to receive a
24 graduated license if other requirements are met. The Secretary
25 shall adopt rules for implementing this subsection (b-1).

26 (c) No graduated driver's license or permit shall be issued
27 to any applicant under 18 years of age who has committed the
28 offense of operating a motor vehicle without a valid license or
29 permit in violation of Section 6-101 of this Code and no
30 graduated driver's license or permit shall be issued to any
31 applicant under 18 years of age who has committed an offense
32 that would otherwise result in a mandatory revocation of a
33 license or permit as provided in Section 6-205 of this Code or
34 who has been either convicted of or adjudicated a delinquent

1 based upon a violation of the Cannabis Control Act or the
2 Illinois Controlled Substances 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 or Section 410 of the Illinois
6 Controlled Substances Act shall not be considered convicted.
7 Any person found guilty of this offense, while in actual
8 physical control of a motor vehicle, shall have an entry made
9 in the court record by the judge that this offense did occur
10 while the person was in actual physical control of a motor
11 vehicle and order the clerk of the court to report the
12 violation to the Secretary of State as such.

13 (d) No graduated driver's license shall be issued for 6
14 months to any applicant under the age of 18 years who has been
15 convicted of any offense defined as a serious traffic violation
16 in this Code or a similar provision of a local ordinance.

17 (e) No graduated driver's license holder under the age of
18 18 years shall operate any motor vehicle, except a motor driven
19 cycle or motorcycle, with more than one passenger in the front
20 seat of the motor vehicle and no more passengers in the back
21 seats than the number of available seat safety belts as set
22 forth in Section 12-603 of this Code.

23 (f) No graduated driver's license holder under the age of
24 18 shall operate a motor vehicle unless each driver and front
25 or back seat passenger under the age of 18 is wearing a
26 properly adjusted and fastened seat safety belt.

27 (g) If a graduated driver's license holder is under the age
28 of 18 when he or she receives the license, for the first 6
29 months he or she holds the license or until he or she reaches
30 the age of 18, whichever occurs sooner, the graduated license
31 holder may not operate a motor vehicle with more than one
32 passenger in the vehicle who is under the age of 20, unless any
33 additional passenger or passengers are siblings,
34 step-siblings, children, or stepchildren of the driver.

1 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05.)

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

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

4 (a) The Secretary of State shall cancel the license or
5 permit of any minor under the age of 18 years in any of the
6 following events:

7 1. Upon the verified written request of the person who
8 consented to the application of the minor that the license
9 or permit be cancelled;

10 2. Upon receipt of satisfactory evidence of the death
11 of the person who consented to the application of the
12 minor;

13 3. Upon receipt of satisfactory evidence that the
14 person who consented to the application of a minor no
15 longer has legal custody of the minor;

16 4. Beginning July 1, 2007, upon receipt of information,
17 submitted on a form prescribed by the Secretary of State
18 under Section 26-3a of the School Code and provided
19 voluntarily by nonpublic schools, that a license-holding
20 minor no longer meets the school attendance requirements
21 defined in Section 6-107 of this Code.

22 A minor who provides proof acceptable to the Secretary
23 that the minor has resumed school attendance or home
24 instruction or that his or her license or permit was
25 cancelled in error shall have his or her license
26 reinstated. The Secretary shall adopt rules for
27 implementing this subdivision (a) 4.

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

31 (b) The Secretary of State shall cancel the license or
32 permit of any person under the age of 18 years if he or she is
33 convicted of violating the Cannabis Control Act or the Illinois

1 Controlled Substances Act while that person was in actual
2 physical control of a motor vehicle. For purposes of this
3 Section, any person placed on probation under Section 10 of the
4 Cannabis Control Act or Section 410 of the Illinois Controlled
5 Substances Act shall not be considered convicted. Any person
6 found guilty of this offense, while in actual physical control
7 of a motor vehicle, shall have an entry made in the court
8 record by the judge that this offense did occur while the
9 person was in actual physical control of a motor vehicle and
10 order the clerk of the court to report the violation to the
11 Secretary of State as such. After the cancellation, the
12 Secretary of State shall not issue a new license or permit for
13 a period of one year after the date of cancellation or until
14 the minor attains the age of 18 years, whichever is longer.
15 However, upon application, the Secretary of State may, if
16 satisfied that the person applying will not endanger the public
17 safety, or welfare, issue a restricted driving permit granting
18 the privilege of driving a motor vehicle between the person's
19 residence and person's place of employment or within the scope
20 of the person's employment related duties, or to allow
21 transportation for the person or a household member of the
22 person's family for the receipt of necessary medical care or,
23 if the professional evaluation indicates, provide
24 transportation for the petitioner for alcohol remedial or
25 rehabilitative activity, or for the person to attend classes,
26 as a student, in an accredited educational institution; if the
27 person is able to demonstrate that no alternative means of
28 transportation is reasonably available; provided that the
29 Secretary's discretion shall be limited to cases where undue
30 hardship would result from a failure to issue such restricted
31 driving permit. In each case the Secretary of State may issue a
32 restricted driving permit for a period as he deems appropriate,
33 except that the permit shall expire within one year from the
34 date of issuance. A restricted driving permit issued hereunder

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

18 (Source: P.A. 86-1450; 87-1114.)

19 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

20 Sec. 6-201. Authority to cancel licenses and permits.

21 (a) The Secretary of State is authorized to cancel any
22 license or permit upon determining that the holder thereof:

23 1. was not entitled to the issuance thereof hereunder;

24 or

25 2. failed to give the required or correct information
26 in his application; or

27 3. failed to pay any fees, civil penalties owed to the
28 Illinois Commerce Commission, or taxes due under this Act
29 and upon reasonable notice and demand; or

30 4. committed any fraud in the making of such
31 application; or

32 5. is ineligible therefor under the provisions of
33 Section 6-103 of this Act, as amended; or

1 6. has refused or neglected to submit an alcohol, drug,
2 and intoxicating compound evaluation or to submit to
3 examination or re-examination as required under this Act;
4 or

5 7. has been convicted of violating the Cannabis Control
6 Act, the Illinois Controlled Substances Act, or the Use of
7 Intoxicating Compounds Act while that individual was in
8 actual physical control of a motor vehicle. For purposes of
9 this Section, any person placed on probation under Section
10 10 of the Cannabis Control Act or Section 410 of the
11 Illinois Controlled Substances Act shall not be considered
12 convicted. Any person found guilty of this offense, while
13 in actual physical control of a motor vehicle, shall have
14 an entry made in the court record by the judge that this
15 offense did occur while the person was in actual physical
16 control of a motor vehicle and order the clerk of the court
17 to report the violation to the Secretary of State as such.
18 After the cancellation, the Secretary of State shall not
19 issue a new license or permit for a period of one year
20 after the date of cancellation. However, upon application,
21 the Secretary of State may, if satisfied that the person
22 applying will not endanger the public safety, or welfare,
23 issue a restricted driving permit granting the privilege of
24 driving a motor vehicle between the person's residence and
25 person's place of employment or within the scope of the
26 person's employment related duties, or to allow
27 transportation for the person or a household member of the
28 person's family for the receipt of necessary medical care
29 or, if the professional evaluation indicates, provide
30 transportation for the petitioner for alcohol remedial or
31 rehabilitative activity, or for the person to attend
32 classes, as a student, in an accredited educational
33 institution; if the person is able to demonstrate that no
34 alternative means of transportation is reasonably

1 available; provided that the Secretary's discretion shall
2 be limited to cases where undue hardship would result from
3 a failure to issue such restricted driving permit. In each
4 case the Secretary of State may issue such restricted
5 driving permit for such period as he deems appropriate,
6 except that such permit shall expire within one year from
7 the date of issuance. A restricted driving permit issued
8 hereunder shall be subject to cancellation, revocation and
9 suspension by the Secretary of State in like manner and for
10 like cause as a driver's license issued hereunder may be
11 cancelled, revoked or suspended; except that a conviction
12 upon one or more offenses against laws or ordinances
13 regulating the movement of traffic shall be deemed
14 sufficient cause for the revocation, suspension or
15 cancellation of a restricted driving permit. The Secretary
16 of State may, as a condition to the issuance of a
17 restricted driving permit, require the applicant to
18 participate in a driver remedial or rehabilitative
19 program; or

20 8. failed to submit a report as required by Section
21 6-116.5 of this Code; or -

22 9. is ineligible for a license or permit under Section
23 6-107 or 6-108 of this Code.

24 (b) Upon such cancellation the licensee or permittee must
25 surrender the license or permit so cancelled to the Secretary
26 of State.

27 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
28 Secretary of State shall have exclusive authority to grant,
29 issue, deny, cancel, suspend and revoke driving privileges,
30 drivers' licenses and restricted driving permits.

31 (Source: P.A. 89-92, eff. 7-1-96; 89-584, eff. 7-31-96; 90-779,
32 eff. 1-1-99.)

33 Section 99. Effective date. This Act takes effect upon

1 becoming law.".