



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0943

Introduced 2/10/2009, by Rep. Roger L. Eddy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-107.1

Amends the Illinois Vehicle Code. Provides that the Secretary of State may conduct random drug testing of applicants for instruction permits who are under the age of 18. Provides that the Secretary may not issue a permit to an applicant who tested positive for the presence of any controlled substance or cannabis. Provides that a person who tests positive for any controlled substance or cannabis must be found to be free of controlled substances and cannabis before he or she may receive an instruction permit. Provides that the Secretary of State shall adopt rules for implementing the new provision and shall prescribe an additional fee, to be added to the fees charged for the issuance of a first-time driver's license, to cover the cost of the testing.

LRB096 03409 AJT 13433 b

FISCAL NOTE ACT
MAY APPLY

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 6-107.1 as follows:

6 (625 ILCS 5/6-107.1)

7 Sec. 6-107.1. Instruction permit for a minor.

8 (a) Subject to subsection (d), the ~~The~~ Secretary of State,
9 upon receiving proper application and payment of the required
10 fee, may issue an instruction permit to any person under the
11 age of 18 years who is not ineligible for a license under
12 paragraphs 1, 3, 4, 5, 7, or 8 of Section 6-103, after the
13 applicant has successfully passed such examination as the
14 Secretary of State in his discretion may prescribe.

15 (1) An instruction permit issued under this Section
16 shall be valid for a period of 24 months after the date of
17 its issuance and shall be restricted, by the Secretary of
18 State, to the operation of a motor vehicle by the minor
19 only when accompanied by the adult instructor of a driver
20 education program during enrollment in the program or when
21 practicing with a parent, legal guardian, family member, or
22 a person in loco parentis who is 21 years of age or more,
23 has a license classification to operate such vehicle and at

1 least one year of driving experience, and who is occupying
2 a seat beside the driver.

3 (2) A 24 month instruction permit for a motor driven
4 cycle may be issued to a person 16 or 17 years of age and
5 entitles the holder to drive upon the highways during
6 daylight under direct supervision of a licensed motor
7 driven cycle operator or motorcycle operator 21 years of
8 age or older who has a license classification to operate
9 such motor driven cycle or motorcycle and at least one year
10 of driving experience.

11 (3) A 24 month instruction permit for a motorcycle
12 other than a motor driven cycle may be issued to a person
13 16 or 17 years of age in accordance with the provisions of
14 paragraph 2 of Section 6-103 and entitles a holder to drive
15 upon the highways during daylight under the direct
16 supervision of a licensed motorcycle operator 21 years of
17 age or older who has at least one year of driving
18 experience.

19 (b) An instruction permit issued under this Section when
20 issued to a person under the age of 18 years shall, as a matter
21 of law, be invalid for the operation of any motor vehicle
22 during the following times:

23 (1) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

24 (2) Between 11:00 p.m. Saturday and 6:00 a.m. on
25 Sunday; and

26 (3) Between 10:00 p.m. on Sunday to Thursday,

1 inclusive, and 6:00 a.m. on the following day.

2 The instruction permit of a person under the age of 18
3 shall not be invalid as described in paragraph (b) of this
4 Section if the instruction permit holder under the age of 18
5 was:

6 (1) accompanied by the minor's parent or guardian or
7 other person in custody or control of the minor;

8 (2) on an errand at the direction of the minor's parent
9 or guardian, without any detour or stop;

10 (3) in a motor vehicle involved in interstate travel;

11 (4) going to or returning home from an employment
12 activity, without any detour or stop;

13 (5) involved in an emergency;

14 (6) going to or returning home from, without any detour
15 or stop, an official school, religious, or other
16 recreational activity supervised by adults and sponsored
17 by a government or governmental agency, a civic
18 organization, or another similar entity that takes
19 responsibility for the licensee, without any detour or
20 stop;

21 (7) exercising First Amendment rights protected by the
22 United States Constitution, such as the free exercise of
23 religion, freedom of speech, and the right of assembly; or

24 (8) married or had been married or is an emancipated
25 minor under the Emancipation of Minors Act.

26 (b-1) No instruction permit shall be issued to any

1 applicant who is under the age of 18 years and who has been
2 certified to be a chronic or habitual truant, as defined in
3 Section 26-2a of the School Code.

4 An applicant under the age of 18 years who provides proof
5 that he or she has resumed regular school attendance or that
6 his or her application was denied in error shall be eligible to
7 receive an instruction permit if other requirements are met.
8 The Secretary shall adopt rules for implementing this
9 subsection (b-1).

10 (c) Any person under the age of 16 years who possesses an
11 instruction permit and whose driving privileges have been
12 suspended or revoked under the provisions of this Code shall
13 not be granted a Family Financial Responsibility Driving Permit
14 or a Restricted Driving Permit.

15 (d) The Secretary of State may require a random drug test
16 and may not issue an instruction permit to a person under the
17 age of 18 if the person tested positive for the presence of any
18 controlled substances or cannabis.

19 A person who has tested positive for controlled substances
20 or cannabis may be issued an instruction permit if he or she is
21 tested at a later date and tests negative for any controlled
22 substances or cannabis.

23 The Secretary shall adopt rules for implementing this
24 subsection (d). The Secretary shall prescribe a fee, to be
25 added to the fees charged for a license issued to a new driver,
26 to cover the cost of this testing.

1 (Source: P.A. 94-916, eff. 7-1-07; 95-310, eff. 1-1-08.)