



Sen. Martin A. Sandoval

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1 AMENDMENT TO SENATE BILL 2104

2 AMENDMENT NO. _____. Amend Senate Bill 2104 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-107.1 and 6-110 as follows:

6 (625 ILCS 5/6-107.1)

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

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

1 its issuance and shall be restricted, by the Secretary of
2 State, to the operation of a motor vehicle by the minor
3 only when under direct supervision of the adult instructor
4 of a driver education program during enrollment in the
5 program or when practicing under direct supervision of a
6 parent, legal guardian, family member, or a person in loco
7 parentis who is 21 years of age or more, has a license
8 classification to operate such vehicle and at least one
9 year of driving experience, and who is occupying a seat
10 beside the driver.

11 (2) A 24 month instruction permit for a motor driven
12 cycle may be issued to a person 16 or 17 years of age and
13 entitles the holder to drive upon the highways during
14 daylight under direct supervision of a licensed motor
15 driven cycle operator or motorcycle operator 21 years of
16 age or older who has a license classification to operate
17 such motor driven cycle or motorcycle and at least one year
18 of driving experience.

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

1 (b) An instruction permit issued under this Section when
2 issued to a person under the age of 18 years shall, as a matter
3 of law, be invalid for the operation of any motor vehicle
4 between 10:00 p.m. and 5:00 a.m. during the following times:

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

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

8 ~~(3) Between 10:00 p.m. on Sunday to Thursday,~~
9 ~~inclusive, and 6:00 a.m. on the following day.~~

10 The instruction permit of a person under the age of 18
11 shall not be invalid as described in paragraph (b) of this
12 Section if the instruction permit holder under the age of 18
13 was:

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

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

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

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

21 (5) involved in an emergency;

22 (6) going to or returning home from, without any detour
23 or stop, an official school, religious, or other
24 recreational activity supervised by adults and sponsored
25 by a government or governmental agency, a civic
26 organization, or another similar entity that takes

1 responsibility for the licensee, without any detour or
2 stop;

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

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

8 (b-1) No instruction permit shall be issued to any
9 applicant who is under the age of 18 years and who has been
10 certified to be a chronic or habitual truant, as defined in
11 Section 26-2a of the School Code.

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

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

23 (Source: P.A. 95-310, eff. 1-1-08; 96-1237, eff. 1-1-11.)

24 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

25 Sec. 6-110. Licenses issued to drivers.

1 (a) The Secretary of State shall issue to every qualifying
2 applicant a driver's license as applied for, which license
3 shall bear a distinguishing number assigned to the licensee,
4 the legal name, signature, zip code, date of birth, residence
5 address, and a brief description of the licensee.

6 Licenses issued shall also indicate the classification and
7 the restrictions under Section 6-104 of this Code.

8 In lieu of the social security number, the Secretary may in
9 his discretion substitute a federal tax number or other
10 distinctive number.

11 A driver's license issued may, in the discretion of the
12 Secretary, include a suitable photograph of a type prescribed
13 by the Secretary.

14 (a-1) If the licensee is less than 18 years of age, unless
15 one of the exceptions in subsection (a-2) apply, the license
16 shall, as a matter of law, be invalid for the operation of any
17 motor vehicle between 10:00 p.m. and 5:00 a.m. ~~during the~~
18 ~~following times:~~

19 ~~(A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday,~~

20 ~~(B) Between 11:00 p.m. Saturday and 6:00 a.m. on~~
21 ~~Sunday; and~~

22 ~~(C) Between 10:00 p.m. on Sunday to Thursday,~~
23 ~~inclusive, and 6:00 a.m. on the following day.~~

24 (a-2) The driver's license of a person under the age of 18
25 shall not be invalid as described in subsection (a-1) of this
26 Section if the licensee under the age of 18 was:

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

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

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

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

8 (5) involved in an emergency;

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

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

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

21 (a-2.5) The driver's license of a person who is 17 years of
22 age and has been licensed for at least 12 months is not invalid
23 as described in subsection (a-1) of this Section while the
24 licensee is participating as an assigned driver in a Safe Rides
25 program that meets the following criteria:

26 (1) the program is sponsored by the Boy Scouts of

1 America or another national public service organization;
2 and

3 (2) the sponsoring organization carries liability
4 insurance covering the program.

5 (a-3) If a graduated driver's license holder over the age
6 of 18 committed an offense against traffic regulations
7 governing the movement of vehicles or any violation of Section
8 6-107 or Section 12-603.1 of this Code in the 6 months prior to
9 the graduated driver's license holder's 18th birthday, and was
10 subsequently convicted of the offense, the provisions of
11 subsection (a-1) shall continue to apply until such time as a
12 period of 6 consecutive months has elapsed without an
13 additional violation and subsequent conviction of an offense
14 against traffic regulations governing the movement of vehicles
15 or Section 6-107 or Section 12-603.1 of this Code.

16 (a-4) If an applicant for a driver's license or instruction
17 permit has a current identification card issued by the
18 Secretary of State, the Secretary may require the applicant to
19 utilize the same residence address and name on the
20 identification card, driver's license, and instruction permit
21 records maintained by the Secretary. The Secretary may
22 promulgate rules to implement this provision.

23 (b) Until the Secretary of State establishes a First Person
24 Consent organ and tissue donor registry under Section 6-117 of
25 this Code, the Secretary of State shall provide a format on the
26 reverse of each driver's license issued which the licensee may

1 use to execute a document of gift conforming to the provisions
2 of the Illinois Anatomical Gift Act. The format shall allow the
3 licensee to indicate the gift intended, whether specific
4 organs, any organ, or the entire body, and shall accommodate
5 the signatures of the donor and 2 witnesses. The Secretary
6 shall also inform each applicant or licensee of this format,
7 describe the procedure for its execution, and may offer the
8 necessary witnesses; provided that in so doing, the Secretary
9 shall advise the applicant or licensee that he or she is under
10 no compulsion to execute a document of gift. A brochure
11 explaining this method of executing an anatomical gift document
12 shall be given to each applicant or licensee. The brochure
13 shall advise the applicant or licensee that he or she is under
14 no compulsion to execute a document of gift, and that he or she
15 may wish to consult with family, friends or clergy before doing
16 so. The Secretary of State may undertake additional efforts,
17 including education and awareness activities, to promote organ
18 and tissue donation.

19 (c) The Secretary of State shall designate on each driver's
20 license issued a space where the licensee may place a sticker
21 or decal of the uniform size as the Secretary may specify,
22 which sticker or decal may indicate in appropriate language
23 that the owner of the license carries an Emergency Medical
24 Information Card.

25 The sticker may be provided by any person, hospital,
26 school, medical group, or association interested in assisting

1 in implementing the Emergency Medical Information Card, but
2 shall meet the specifications as the Secretary may by rule or
3 regulation require.

4 (d) The Secretary of State shall designate on each driver's
5 license issued a space where the licensee may indicate his
6 blood type and RH factor.

7 (e) The Secretary of State shall provide that each original
8 or renewal driver's license issued to a licensee under 21 years
9 of age shall be of a distinct nature from those driver's
10 licenses issued to individuals 21 years of age and older. The
11 color designated for driver's licenses for licensees under 21
12 years of age shall be at the discretion of the Secretary of
13 State.

14 (e-1) The Secretary shall provide that each driver's
15 license issued to a person under the age of 21 displays the
16 date upon which the person becomes 18 years of age and the date
17 upon which the person becomes 21 years of age.

18 (f) The Secretary of State shall inform all Illinois
19 licensed commercial motor vehicle operators of the
20 requirements of the Uniform Commercial Driver License Act,
21 Article V of this Chapter, and shall make provisions to insure
22 that all drivers, seeking to obtain a commercial driver's
23 license, be afforded an opportunity prior to April 1, 1992, to
24 obtain the license. The Secretary is authorized to extend
25 driver's license expiration dates, and assign specific times,
26 dates and locations where these commercial driver's tests shall

1 be conducted. Any applicant, regardless of the current
2 expiration date of the applicant's driver's license, may be
3 subject to any assignment by the Secretary. Failure to comply
4 with the Secretary's assignment may result in the applicant's
5 forfeiture of an opportunity to receive a commercial driver's
6 license prior to April 1, 1992.

7 (g) The Secretary of State shall designate on a driver's
8 license issued, a space where the licensee may indicate that he
9 or she has drafted a living will in accordance with the
10 Illinois Living Will Act or a durable power of attorney for
11 health care in accordance with the Illinois Power of Attorney
12 Act.

13 (g-1) The Secretary of State, in his or her discretion, may
14 designate on each driver's license issued a space where the
15 licensee may place a sticker or decal, issued by the Secretary
16 of State, of uniform size as the Secretary may specify, that
17 shall indicate in appropriate language that the owner of the
18 license has renewed his or her driver's license.

19 (h) A person who acts in good faith in accordance with the
20 terms of this Section is not liable for damages in any civil
21 action or subject to prosecution in any criminal proceeding for
22 his or her act.

23 (Source: P.A. 95-310, eff. 1-1-08; 95-747, eff. 7-22-08;
24 96-607, eff. 8-24-09; 96-1231, eff. 7-23-10.)".