

1 AN ACT in relation to school discipline.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The School Code is amended by adding Section
5 10-22.6c as follows:

6 (105 ILCS 5/10-22.6c new)

7 Sec. 10-22.6c. Finding a pupil chronically disruptive;
8 report to the Secretary of State.

9 (a) To find a pupil to be chronically disruptive if he
10 or she has seriously disrupted the educational atmosphere of
11 his or her school on at least 3 occasions, as determined by
12 one or more faculty members and confirmed at 3 separate
13 appeal hearings before a board of review. A finding that a
14 pupil has seriously disrupted the educational atmosphere of
15 his or her school may not be entered in the pupil's record
16 unless the majority of a board of review consisting of least
17 3 members has voted to confirm a faculty member's
18 determination that the pupil has seriously disrupted the
19 educational atmosphere of his or her school. The pupil, or
20 his or her chosen representative, must be allowed to appear
21 before the hearing board to argue and present evidence
22 against the faculty member's determination. At least
23 one-third of the members of the board of review must be
24 fellow pupils of the person alleged to have seriously
25 disrupted the educational atmosphere of his or her school.

26 (b) To report a pupil found to be chronically disruptive
27 to the Secretary of State for suspension or withholding of
28 the pupil's driving privileges until he or she reaches the
29 age of 19 years. A report indicating that a pupil is
30 chronically disruptive may not be filed with the Secretary of
31 State unless the pupil has been found to have seriously

1 disrupted the educational atmosphere of his or her school on
2 at least 3 occasions, as provided in subsection (a).

3 Section 10. The Illinois Vehicle Code is amended by
4 changing Sections 6-103 and 6-206 as follows:

5 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

6 Sec. 6-103. What persons shall not be licensed as drivers
7 or granted permits. The Secretary of State shall not issue,
8 renew, or allow the retention of any driver's license nor
9 issue any permit under this Code:

10 1. To any person, as a driver, who is under the age
11 of 18 years except as provided in Section 6-107, and
12 except that an instruction permit may be issued under
13 paragraphs (a) and (b) of Section 6-105 to a child who is
14 not less than 15 years of age if the child is enrolled in
15 an approved driver education course as defined in Section
16 1-103 of this Code and requires an instruction permit to
17 participate therein, except that an instruction permit
18 may be issued under the provisions of Section 6-107.1 to
19 a child who is 17 years and 9 months of age without the
20 child having enrolled in an approved driver education
21 course and except that an instruction permit may be
22 issued to a child who is at least 15 years and 6 months
23 of age, is enrolled in school, meets the educational
24 requirements of the Driver Education Act, and has passed
25 examinations the Secretary of State in his or her
26 discretion may prescribe;

27 2. To any person who is under the age of 18 as an
28 operator of a motorcycle other than a motor driven cycle
29 unless the person has, in addition to meeting the
30 provisions of Section 6-107 of this Code, completed a
31 motorcycle training course approved by the Illinois
32 Department of Transportation and successfully completes

1 the required Secretary of State's motorcycle driver's
2 examination;

3 3. To any person, as a driver, whose driver's
4 license or permit has been suspended, during the
5 suspension, nor to any person whose driver's license or
6 permit has been revoked, except as provided in Sections
7 6-205, 6-206, and 6-208;

8 4. To any person, as a driver, who is a user of
9 alcohol or any other drug to a degree that renders the
10 person incapable of safely driving a motor vehicle;

11 5. To any person, as a driver, who has previously
12 been adjudged to be afflicted with or suffering from any
13 mental or physical disability or disease and who has not
14 at the time of application been restored to competency by
15 the methods provided by law;

16 6. To any person, as a driver, who is required by
17 the Secretary of State to submit an alcohol and drug
18 evaluation or take an examination provided for in this
19 Code unless the person has successfully passed the
20 examination and submitted any required evaluation;

21 7. To any person who is required under the
22 provisions of the laws of this State to deposit security
23 or proof of financial responsibility and who has not
24 deposited the security or proof;

25 8. To any person when the Secretary of State has
26 good cause to believe that the person by reason of
27 physical or mental disability would not be able to safely
28 operate a motor vehicle upon the highways, unless the
29 person shall furnish to the Secretary of State a verified
30 written statement, acceptable to the Secretary of State,
31 from a competent medical specialist to the effect that
32 the operation of a motor vehicle by the person would not
33 be inimical to the public safety;

34 9. To any person, as a driver, who is 69 years of

1 age or older, unless the person has successfully complied
2 with the provisions of Section 6-109;

3 10. To any person convicted, within 12 months of
4 application for a license, of any of the sexual offenses
5 enumerated in paragraph 2 of subsection (b) of Section
6 6-205;

7 11. To any person who is under the age of 21 years
8 with a classification prohibited in paragraph (b) of
9 Section 6-104 and to any person who is under the age of
10 18 years with a classification prohibited in paragraph
11 (c) of Section 6-104;

12 12. To any person who has been either convicted of
13 or adjudicated under the Juvenile Court Act of 1987 based
14 upon a violation of the Cannabis Control Act or the
15 Illinois Controlled Substances Act while that person was
16 in actual physical control of a motor vehicle. For
17 purposes of this Section, any person placed on probation
18 under Section 10 of the Cannabis Control Act or Section
19 410 of the Illinois Controlled Substances Act shall not
20 be considered convicted. Any person found guilty of this
21 offense, while in actual physical control of a motor
22 vehicle, shall have an entry made in the court record by
23 the judge that this offense did occur while the person
24 was in actual physical control of a motor vehicle and
25 order the clerk of the court to report the violation to
26 the Secretary of State as such. The Secretary of State
27 shall not issue a new license or permit for a period of
28 one year;

29 13. To any person who is under the age of 18 years
30 and who has committed the offense of operating a motor
31 vehicle without a valid license or permit in violation of
32 Section 6-101;

33 14. To any person who is 90 days or more delinquent
34 in court ordered child support payments or has been

1 adjudicated in arrears in an amount equal to 90 days'
 2 obligation or more and who has been found in contempt of
 3 court for failure to pay the support, subject to the
 4 requirements and procedures of Article VII of Chapter 7
 5 of the Illinois Vehicle Code; or

6 15. To any person released from a term of
 7 imprisonment for violating Section 9-3 of the Criminal
 8 Code of 1961 relating to reckless homicide within 24
 9 months of release from a term of imprisonment; or -

10 16. To any person under the age of 19 years who has
 11 been reported as a chronically disruptive pupil, as
 12 provided in Section 10-22.6c of the School Code.

13 The Secretary of State shall retain all conviction
 14 information, if the information is required to be held
 15 confidential under the Juvenile Court Act of 1987.

16 (Source: P.A. 92-343, eff. 1-1-02.)

17 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

18 Sec. 6-206. Discretionary authority to suspend or revoke
 19 license or permit; Right to a hearing.

20 (a) The Secretary of State is authorized to suspend or
 21 revoke the driving privileges of any person without
 22 preliminary hearing upon a showing of the person's records or
 23 other sufficient evidence that the person:

24 1. Has committed an offense for which mandatory
 25 revocation of a driver's license or permit is required
 26 upon conviction;

27 2. Has been convicted of not less than 3 offenses
 28 against traffic regulations governing the movement of
 29 vehicles committed within any 12 month period. No
 30 revocation or suspension shall be entered more than 6
 31 months after the date of last conviction;

32 3. Has been repeatedly involved as a driver in
 33 motor vehicle collisions or has been repeatedly convicted

1 of offenses against laws and ordinances regulating the
2 movement of traffic, to a degree that indicates lack of
3 ability to exercise ordinary and reasonable care in the
4 safe operation of a motor vehicle or disrespect for the
5 traffic laws and the safety of other persons upon the
6 highway;

7 4. Has by the unlawful operation of a motor vehicle
8 caused or contributed to an accident resulting in death
9 or injury requiring immediate professional treatment in a
10 medical facility or doctor's office to any person, except
11 that any suspension or revocation imposed by the
12 Secretary of State under the provisions of this
13 subsection shall start no later than 6 months after being
14 convicted of violating a law or ordinance regulating the
15 movement of traffic, which violation is related to the
16 accident, or shall start not more than one year after the
17 date of the accident, whichever date occurs later;

18 5. Has permitted an unlawful or fraudulent use of a
19 driver's license, identification card, or permit;

20 6. Has been lawfully convicted of an offense or
21 offenses in another state, including the authorization
22 contained in Section 6-203.1, which if committed within
23 this State would be grounds for suspension or revocation;

24 7. Has refused or failed to submit to an
25 examination provided for by Section 6-207 or has failed
26 to pass the examination;

27 8. Is ineligible for a driver's license or permit
28 under the provisions of Section 6-103;

29 9. Has made a false statement or knowingly
30 concealed a material fact or has used false information
31 or identification in any application for a license,
32 identification card, or permit;

33 10. Has possessed, displayed, or attempted to
34 fraudulently use any license, identification card, or

1 permit not issued to the person;

2 11. Has operated a motor vehicle upon a highway of
3 this State when the person's driving privilege or
4 privilege to obtain a driver's license or permit was
5 revoked or suspended unless the operation was authorized
6 by a judicial driving permit, probationary license to
7 drive, or a restricted driving permit issued under this
8 Code;

9 12. Has submitted to any portion of the application
10 process for another person or has obtained the services
11 of another person to submit to any portion of the
12 application process for the purpose of obtaining a
13 license, identification card, or permit for some other
14 person;

15 13. Has operated a motor vehicle upon a highway of
16 this State when the person's driver's license or permit
17 was invalid under the provisions of Sections 6-107.1 and
18 6-110;

19 14. Has committed a violation of Section 6-301,
20 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or
21 14B of the Illinois Identification Card Act;

22 15. Has been convicted of violating Section 21-2 of
23 the Criminal Code of 1961 relating to criminal trespass
24 to vehicles in which case, the suspension shall be for
25 one year;

26 16. Has been convicted of violating Section 11-204
27 of this Code relating to fleeing from a police officer;

28 17. Has refused to submit to a test, or tests, as
29 required under Section 11-501.1 of this Code and the
30 person has not sought a hearing as provided for in
31 Section 11-501.1;

32 18. Has, since issuance of a driver's license or
33 permit, been adjudged to be afflicted with or suffering
34 from any mental disability or disease;

1 19. Has committed a violation of paragraph (a) or
2 (b) of Section 6-101 relating to driving without a
3 driver's license;

4 20. Has been convicted of violating Section 6-104
5 relating to classification of driver's license;

6 21. Has been convicted of violating Section 11-402
7 of this Code relating to leaving the scene of an accident
8 resulting in damage to a vehicle in excess of \$1,000, in
9 which case the suspension shall be for one year;

10 22. Has used a motor vehicle in violating paragraph
11 (3), (4), (7), or (9) of subsection (a) of Section 24-1
12 of the Criminal Code of 1961 relating to unlawful use of
13 weapons, in which case the suspension shall be for one
14 year;

15 23. Has, as a driver, been convicted of committing
16 a violation of paragraph (a) of Section 11-502 of this
17 Code for a second or subsequent time within one year of a
18 similar violation;

19 24. Has been convicted by a court-martial or
20 punished by non-judicial punishment by military
21 authorities of the United States at a military
22 installation in Illinois of or for a traffic related
23 offense that is the same as or similar to an offense
24 specified under Section 6-205 or 6-206 of this Code;

25 25. Has permitted any form of identification to be
26 used by another in the application process in order to
27 obtain or attempt to obtain a license, identification
28 card, or permit;

29 26. Has altered or attempted to alter a license or
30 has possessed an altered license, identification card, or
31 permit;

32 27. Has violated Section 6-16 of the Liquor Control
33 Act of 1934;

34 28. Has been convicted of the illegal possession,

1 while operating or in actual physical control, as a
2 driver, of a motor vehicle, of any controlled substance
3 prohibited under the Illinois Controlled Substances Act
4 or any cannabis prohibited under the provisions of the
5 Cannabis Control Act, in which case the person's driving
6 privileges shall be suspended for one year, and any
7 driver who is convicted of a second or subsequent
8 offense, within 5 years of a previous conviction, for the
9 illegal possession, while operating or in actual physical
10 control, as a driver, of a motor vehicle, of any
11 controlled substance prohibited under the provisions of
12 the Illinois Controlled Substances Act or any cannabis
13 prohibited under the Cannabis Control Act shall be
14 suspended for 5 years. Any defendant found guilty of this
15 offense while operating a motor vehicle, shall have an
16 entry made in the court record by the presiding judge
17 that this offense did occur while the defendant was
18 operating a motor vehicle and order the clerk of the
19 court to report the violation to the Secretary of State;

20 29. Has been convicted of the following offenses
21 that were committed while the person was operating or in
22 actual physical control, as a driver, of a motor vehicle:
23 criminal sexual assault, predatory criminal sexual
24 assault of a child, aggravated criminal sexual assault,
25 criminal sexual abuse, aggravated criminal sexual abuse,
26 juvenile pimping, soliciting for a juvenile prostitute
27 and the manufacture, sale or delivery of controlled
28 substances or instruments used for illegal drug use or
29 abuse in which case the driver's driving privileges shall
30 be suspended for one year;

31 30. Has been convicted a second or subsequent time
32 for any combination of the offenses named in paragraph 29
33 of this subsection, in which case the person's driving
34 privileges shall be suspended for 5 years;

1 31. Has refused to submit to a test as required by
2 Section 11-501.6 or has submitted to a test resulting in
3 an alcohol concentration of 0.08 or more or any amount of
4 a drug, substance, or compound resulting from the
5 unlawful use or consumption of cannabis as listed in the
6 Cannabis Control Act, a controlled substance as listed in
7 the Illinois Controlled Substances Act, or an
8 intoxicating compound as listed in the Use of
9 Intoxicating Compounds Act, in which case the penalty
10 shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the
12 Criminal Code of 1961 relating to the aggravated
13 discharge of a firearm if the offender was located in a
14 motor vehicle at the time the firearm was discharged, in
15 which case the suspension shall be for 3 years;

16 33. Has as a driver, who was less than 21 years of
17 age on the date of the offense, been convicted a first
18 time of a violation of paragraph (a) of Section 11-502 of
19 this Code or a similar provision of a local ordinance;

20 34. Has committed a violation of Section 11-1301.5
21 of this Code;

22 35. Has committed a violation of Section 11-1301.6
23 of this Code;

24 36. Is under the age of 21 years at the time of
25 arrest and has been convicted of not less than 2 offenses
26 against traffic regulations governing the movement of
27 vehicles committed within any 24 month period. No
28 revocation or suspension shall be entered more than 6
29 months after the date of last conviction;

30 37. Has committed a violation of subsection (c) of
31 Section 11-907 of this Code; or

32 38. Has been convicted of a violation of Section
33 6-20 of the Liquor Control Act of 1934 or a similar
34 provision of a local ordinance;

1 39. ~~38.~~ Has committed a second or subsequent
2 violation of Section 11-1201 of this Code; or-

3 40. Is under the age of 19 years and has been
4 reported as a chronically disruptive pupil, as provided
5 in Section 10-22.6c of the School Code.

6 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
7 and 27 of this subsection, license means any driver's
8 license, any traffic ticket issued when the person's driver's
9 license is deposited in lieu of bail, a suspension notice
10 issued by the Secretary of State, a duplicate or corrected
11 driver's license, a probationary driver's license or a
12 temporary driver's license.

13 (b) If any conviction forming the basis of a suspension
14 or revocation authorized under this Section is appealed, the
15 Secretary of State may rescind or withhold the entry of the
16 order of suspension or revocation, as the case may be,
17 provided that a certified copy of a stay order of a court is
18 filed with the Secretary of State. If the conviction is
19 affirmed on appeal, the date of the conviction shall relate
20 back to the time the original judgment of conviction was
21 entered and the 6 month limitation prescribed shall not
22 apply.

23 (c) 1. Upon suspending or revoking the driver's license
24 or permit of any person as authorized in this Section,
25 the Secretary of State shall immediately notify the
26 person in writing of the revocation or suspension. The
27 notice to be deposited in the United States mail, postage
28 prepaid, to the last known address of the person.

29 2. If the Secretary of State suspends the driver's
30 license of a person under subsection 2 of paragraph (a)
31 of this Section, a person's privilege to operate a
32 vehicle as an occupation shall not be suspended, provided
33 an affidavit is properly completed, the appropriate fee
34 received, and a permit issued prior to the effective date

1 of the suspension, unless 5 offenses were committed, at
2 least 2 of which occurred while operating a commercial
3 vehicle in connection with the driver's regular
4 occupation. All other driving privileges shall be
5 suspended by the Secretary of State. Any driver prior to
6 operating a vehicle for occupational purposes only must
7 submit the affidavit on forms to be provided by the
8 Secretary of State setting forth the facts of the
9 person's occupation. The affidavit shall also state the
10 number of offenses committed while operating a vehicle in
11 connection with the driver's regular occupation. The
12 affidavit shall be accompanied by the driver's license.
13 Upon receipt of a properly completed affidavit, the
14 Secretary of State shall issue the driver a permit to
15 operate a vehicle in connection with the driver's regular
16 occupation only. Unless the permit is issued by the
17 Secretary of State prior to the date of suspension, the
18 privilege to drive any motor vehicle shall be suspended
19 as set forth in the notice that was mailed under this
20 Section. If an affidavit is received subsequent to the
21 effective date of this suspension, a permit may be issued
22 for the remainder of the suspension period.

23 The provisions of this subparagraph shall not apply
24 to any driver required to obtain a commercial driver's
25 license under Section 6-507 during the period of a
26 disqualification of commercial driving privileges under
27 Section 6-514.

28 Any person who falsely states any fact in the
29 affidavit required herein shall be guilty of perjury
30 under Section 6-302 and upon conviction thereof shall
31 have all driving privileges revoked without further
32 rights.

33 3. At the conclusion of a hearing under Section
34 2-118 of this Code, the Secretary of State shall either

1 rescind or continue an order of revocation or shall
2 substitute an order of suspension; or, good cause
3 appearing therefor, rescind, continue, change, or extend
4 the order of suspension. If the Secretary of State does
5 not rescind the order, the Secretary may upon
6 application, to relieve undue hardship, issue a
7 restricted driving permit granting the privilege of
8 driving a motor vehicle between the petitioner's
9 residence and petitioner's place of employment or within
10 the scope of his employment related duties, or to allow
11 transportation for the petitioner, or a household member
12 of the petitioner's family, to receive necessary medical
13 care and if the professional evaluation indicates,
14 provide transportation for alcohol remedial or
15 rehabilitative activity, or for the petitioner to attend
16 classes, as a student, in an accredited educational
17 institution; if the petitioner is able to demonstrate
18 that no alternative means of transportation is reasonably
19 available and the petitioner will not endanger the public
20 safety or welfare.

21 If a person's license or permit has been revoked or
22 suspended due to 2 or more convictions of violating
23 Section 11-501 of this Code or a similar provision of a
24 local ordinance or a similar out-of-state offense,
25 arising out of separate occurrences, that person, if
26 issued a restricted driving permit, may not operate a
27 vehicle unless it has been equipped with an ignition
28 interlock device as defined in Section 1-129.1.

29 If a person's license or permit has been revoked or
30 suspended 2 or more times within a 10 year period due to
31 a single conviction of violating Section 11-501 of this
32 Code or a similar provision of a local ordinance or a
33 similar out-of-state offense, and a statutory summary
34 suspension under Section 11-501.1, or 2 or more statutory

1 summary suspensions, or combination of 2 offenses, or of
2 an offense and a statutory summary suspension, arising
3 out of separate occurrences, that person, if issued a
4 restricted driving permit, may not operate a vehicle
5 unless it has been equipped with an ignition interlock
6 device as defined in Section 1-129.1. The person must
7 pay to the Secretary of State DUI Administration Fund an
8 amount not to exceed \$20 per month. The Secretary shall
9 establish by rule the amount and the procedures, terms,
10 and conditions relating to these fees. If the restricted
11 driving permit was issued for employment purposes, then
12 this provision does not apply to the operation of an
13 occupational vehicle owned or leased by that person's
14 employer. In each case the Secretary may issue a
15 restricted driving permit for a period deemed
16 appropriate, except that all permits shall expire within
17 one year from the date of issuance. The Secretary may
18 not, however, issue a restricted driving permit to any
19 person whose current revocation is the result of a second
20 or subsequent conviction for a violation of Section
21 11-501 of this Code or a similar provision of a local
22 ordinance relating to the offense of operating or being
23 in physical control of a motor vehicle while under the
24 influence of alcohol, other drug or drugs, intoxicating
25 compound or compounds, or any similar out-of-state
26 offense, or any combination of those offenses, until the
27 expiration of at least one year from the date of the
28 revocation. A restricted driving permit issued under
29 this Section shall be subject to cancellation,
30 revocation, and suspension by the Secretary of State in
31 like manner and for like cause as a driver's license
32 issued under this Code may be cancelled, revoked, or
33 suspended; except that a conviction upon one or more
34 offenses against laws or ordinances regulating the

1 movement of traffic shall be deemed sufficient cause for
2 the revocation, suspension, or cancellation of a
3 restricted driving permit. The Secretary of State may,
4 as a condition to the issuance of a restricted driving
5 permit, require the applicant to participate in a
6 designated driver remedial or rehabilitative program.
7 The Secretary of State is authorized to cancel a
8 restricted driving permit if the permit holder does not
9 successfully complete the program.

10 (c-5) The Secretary of State may, as a condition of the
11 reissuance of a driver's license or permit to an applicant
12 whose driver's license or permit has been suspended before he
13 or she reached the age of 18 years pursuant to any of the
14 provisions of this Section, require the applicant to
15 participate in a driver remedial education course and be
16 retested under Section 6-109 of this Code.

17 (d) This Section is subject to the provisions of the
18 Drivers License Compact.

19 (e) The Secretary of State shall not issue a restricted
20 driving permit to a person under the age of 16 years whose
21 driving privileges have been suspended or revoked under any
22 provisions of this Code.

23 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;
24 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.
25 1-1-03; 92-814, eff. 1-1-03; revised 8-26-02.)