

1 AMENDMENT TO SENATE BILL 1240

2 AMENDMENT NO. _____. Amend Senate Bill 1240 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Section 27-24 and adding Sections 27-24.9, 27-24.10,
6 27-24.11, and 27-24.12 as follows:

7 (105 ILCS 5/27-24) (from Ch. 122, par. 27-24)
8 Sec. 27-24. Short title. Sections 27-24 through
9 27-24.12 ~~27-24.8~~ of this Code Article are known and may be
10 cited as the Driver Education Act.
11 (Source: P. A. 76-1835.)

12 (105 ILCS 5/27-24.9 new)
13 Sec. 27-24.9 Parent or guardian-directed driver
14 education.

15 (a) A parent or legal guardian may elect to teach his or
16 her child's driver education course if the parent or
17 guardian:

- 18 (1) is a licensed driver;
- 19 (2) has not had his or her driver's license
20 suspended within the past 5 years; and
- 21 (3) has never been convicted of driving under the

1 influence of alcohol, drugs, or intoxicating compounds,
2 leaving the scene of an accident involving personal
3 injury or death, or reckless homicide and has never
4 received a statutory summary suspension of his or her
5 driver's license.

6 (b) A parent or guardian electing to teach his or her
7 child's driver education course must maintain adequate
8 records, as prescribed by rule by the State Board, to
9 demonstrate that approved driver education material was
10 completed and must provide those records to the person or
11 company providing the driver education materials. The
12 parent or guardian must demonstrate proof of insurance to the
13 person or company providing the driver education materials.

14 (c) The student driver must spend the minimum number of
15 hours provided by rule of the State Board in classroom
16 instruction and practice driving instruction.

17 (d) Any parent or guardian-directed driver education
18 course must meet with the approval of the State Board.

19 (e) The State Board may not approve a course unless the
20 State Board determines that the course materials are at least
21 equal to those required in a school-based course approved by
22 the State Board. The State Board, however, may not require
23 that the classroom instruction be provided in a room having
24 particular characteristics or equipment or that the vehicle
25 used for the practice driving instruction have equipment
26 other than the equipment required by law for operation on a
27 highway.

28 (f) Before the State Board may approve a driver
29 education course, the person or company offering the course
30 materials must register with the Secretary of State to do
31 business in Illinois and must have professional liability
32 insurance for the course materials and company being
33 considered. The company's insurance policy must include the
34 State of Illinois as an additional insured.

1 (g) The State Board shall supply to companies with
2 approved driver education courses any applications and other
3 materials necessary for obtaining an instruction permit under
4 the Illinois Vehicle Code.

5 (h) The rules adopted by the State Board must include
6 requirements for obtaining approval of a driver education
7 course and for proof of completion of an approved parent or
8 guardian-directed driver education course.

9 (i) Completion of a parent or guardian-directed driver
10 education course approved under this Section is equivalent to
11 completion of a school-based driver education course approved
12 by the State Board.

13 (j) Students participating in parent or
14 guardian-directed driver education courses approved by the
15 State Board must meet current academic requirements for
16 participating in driver education under Section 27-24.2 of
17 this Code.

18 (k) In order for a parent or guardian-directed driver
19 education course to be approved, the parent or guardian must
20 perform at least 50 hours of practice driving instruction,
21 including 10 hours of practice driving instruction during the
22 nighttime hours.

23 (l) The State Board shall make a listing of approved
24 driver education courses available on its website.

25 (105 ILCS 5/27-24.10 new)

26 Sec. 27-14.10. Unauthorized transfer of a certificate of
27 completion of a driver education course. Any parent or
28 guardian who knowingly sells, trades, issues, or otherwise
29 transfers or possesses with intent to sell, trade, issue, or
30 otherwise transfer a certificate of completion of a driver
31 education course to an individual, firm, or corporation not
32 authorized to possess the certificate is guilty of a Class C
33 misdemeanor.

1 (105 ILCS 5/27-24.11 new)
2 Sec. 27-24.11. Unauthorized possession of a certificate
3 of completion of a driver education course. Any parent or
4 guardian who knowingly possesses a certificate of completion
5 of a driver education course when he or she is not authorized
6 to possess the certificate is guilty of a Class C
7 misdemeanor.

8 (105 ILCS 5/27-24.12 new)
9 Sec. 27-24.12. State Board's response to possible
10 violations. If a member of the State Board believes that a
11 company providing driver education materials or a parent or
12 guardian has violated any provision of Sections 27-24.9
13 through 27-24.11 of this Code or a rule adopted under those
14 Sections, the State Board may, without notice, order
15 appropriate sanctions.

16 Section 10. The Illinois Vehicle Code is amended by
17 changing Section 6-107 as follows:

18 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

19 Sec. 6-107. Graduated license.

20 (a) The purpose of the Graduated Licensing Program is
21 to develop safe and mature driving habits in young,
22 inexperienced drivers and reduce or prevent motor vehicle
23 accidents, fatalities, and injuries by:

24 (1) providing for an increase in the time of
25 practice period before granting permission to obtain a
26 driver's license;

27 (2) strengthening driver licensing and testing
28 standards for persons under the age of 21 years;

29 (3) sanctioning driving privileges of drivers under
30 age 21 who have committed serious traffic violations or
31 other specified offenses; and

1 (4) setting stricter standards to promote the
2 public's health and safety.

3 (b) The application of any person under the age of 18
4 years, and not legally emancipated by marriage, for a drivers
5 license or permit to operate a motor vehicle issued under the
6 laws of this State, shall be accompanied by the written
7 consent of either parent of the applicant; otherwise by the
8 guardian having custody of the applicant, or in the event
9 there is no parent or guardian, then by another responsible
10 adult.

11 No graduated driver's license shall be issued to any
12 applicant under 18 years of age, unless the applicant has:

13 (1) Held a valid instruction permit for a minimum
14 of 3 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 25 hours of behind-the-wheel practice time and is
21 sufficiently prepared and able to safely operate a motor
22 vehicle. Performance of the required number of hours of
23 practice driving instruction provided for under Section
24 27-24.9 of the School Code is sufficient for compliance
25 with this paragraph (3).

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

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

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

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

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

29 (Source: P.A. 90-369, eff. 1-1-98.)".