

## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4858

Introduced 1/15/2010, by Rep. Brandon W. Phelps

#### SYNOPSIS AS INTRODUCED:

15 ILCS 335/4	from Ch. 124, par. 24
15 ILCS 335/5	from Ch. 124, par. 25
625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-109	from Ch. 95 1/2, par. 6-109
625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides the Secretary of State may require an applicant to utilize the same residence address and name on a State identification card, driver's license, and instruction permit. Provides that the Secretary of State may allow applicants for a driver's license or State identification cards to provide a mailing address in addition to a residence address. Provides that the Secretary of State may adopt rules regarding the use of foreign language interpreters during the application and examination process. Effective immediately.

LRB096 16669 AJT 31952 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning identification cards.

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

4 Section 5. The Illinois Identification Card Act is amended  
5 by changing Sections 4 and 5 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification Card.

8 (a) The Secretary of State shall issue a standard Illinois  
9 Identification Card to any natural person who is a resident of  
10 the State of Illinois who applies for such card, or renewal  
11 thereof, or who applies for a standard Illinois Identification  
12 Card upon release as a committed person on parole, mandatory  
13 supervised release, final discharge, or pardon from the  
14 Department of Corrections by submitting an identification card  
15 issued by the Department of Corrections under Section 3-14-1 of  
16 the Unified Code of Corrections, together with the prescribed  
17 fees. No identification card shall be issued to any person who  
18 holds a valid foreign state identification card, license, or  
19 permit unless the person first surrenders to the Secretary of  
20 State the valid foreign state identification card, license, or  
21 permit. The card shall be prepared and supplied by the  
22 Secretary of State and shall include a photograph and signature  
23 or mark of the applicant. The Illinois Identification Card may

1 be used for identification purposes in any lawful situation  
2 only by the person to whom it was issued. As used in this Act,  
3 "photograph" means any color photograph or digitally produced  
4 and captured image of an applicant for an identification card.  
5 As used in this Act, "signature" means the name of a person as  
6 written by that person and captured in a manner acceptable to  
7 the Secretary of State.

8 (a-5) If an applicant for an identification card has a  
9 current driver's license or instruction permit issued by the  
10 Secretary of State, the Secretary may require the applicant to  
11 utilize the same residence address and name on the  
12 identification card, driver's license, and instruction permit  
13 records maintained by the Secretary. The Secretary may  
14 promulgate rules to implement this provision.

15 (b) The Secretary of State shall issue a special Illinois  
16 Identification Card, which shall be known as an Illinois  
17 Disabled Person Identification Card, to any natural person who  
18 is a resident of the State of Illinois, who is a disabled  
19 person as defined in Section 4A of this Act, who applies for  
20 such card, or renewal thereof. No Disabled Person  
21 Identification Card shall be issued to any person who holds a  
22 valid foreign state identification card, license, or permit  
23 unless the person first surrenders to the Secretary of State  
24 the valid foreign state identification card, license, or  
25 permit. The Secretary of State shall charge no fee to issue  
26 such card. The card shall be prepared and supplied by the

1 Secretary of State, and shall include a photograph and  
2 signature or mark of the applicant, a designation indicating  
3 that the card is an Illinois Disabled Person Identification  
4 Card, and shall include a comprehensible designation of the  
5 type and classification of the applicant's disability as set  
6 out in Section 4A of this Act. If the applicant so requests,  
7 the card shall include a description of the applicant's  
8 disability and any information about the applicant's  
9 disability or medical history which the Secretary determines  
10 would be helpful to the applicant in securing emergency medical  
11 care. If a mark is used in lieu of a signature, such mark shall  
12 be affixed to the card in the presence of two witnesses who  
13 attest to the authenticity of the mark. The Illinois Disabled  
14 Person Identification Card may be used for identification  
15 purposes in any lawful situation by the person to whom it was  
16 issued.

17 The Illinois Disabled Person Identification Card may be  
18 used as adequate documentation of disability in lieu of a  
19 physician's determination of disability, a determination of  
20 disability from a physician assistant who has been delegated  
21 the authority to make this determination by his or her  
22 supervising physician, a determination of disability from an  
23 advanced practice nurse who has a written collaborative  
24 agreement with a collaborating physician that authorizes the  
25 advanced practice nurse to make this determination, or any  
26 other documentation of disability whenever any State law

1 requires that a disabled person provide such documentation of  
2 disability, however an Illinois Disabled Person Identification  
3 Card shall not qualify the cardholder to participate in any  
4 program or to receive any benefit which is not available to all  
5 persons with like disabilities. Notwithstanding any other  
6 provisions of law, an Illinois Disabled Person Identification  
7 Card, or evidence that the Secretary of State has issued an  
8 Illinois Disabled Person Identification Card, shall not be used  
9 by any person other than the person named on such card to prove  
10 that the person named on such card is a disabled person or for  
11 any other purpose unless the card is used for the benefit of  
12 the person named on such card, and the person named on such  
13 card consents to such use at the time the card is so used.

14 An optometrist's determination of a visual disability  
15 under Section 4A of this Act is acceptable as documentation for  
16 the purpose of issuing an Illinois Disabled Person  
17 Identification Card.

18 When medical information is contained on an Illinois  
19 Disabled Person Identification Card, the Office of the  
20 Secretary of State shall not be liable for any actions taken  
21 based upon that medical information.

22 (c) Beginning January 1, 1986, the Secretary of State shall  
23 provide that each original or renewal Illinois Identification  
24 Card or Illinois Disabled Person Identification Card issued to  
25 a person under the age of 21, shall be of a distinct nature  
26 from those Illinois Identification Cards or Illinois Disabled

1 Person Identification Cards issued to individuals 21 years of  
2 age or older. The color designated for Illinois Identification  
3 Cards or Illinois Disabled Person Identification Cards for  
4 persons under the age of 21 shall be at the discretion of the  
5 Secretary of State.

6 (c-1) Beginning January 1, 2003, each original or renewal  
7 Illinois Identification Card or Illinois Disabled Person  
8 Identification Card issued to a person under the age of 21  
9 shall display the date upon which the person becomes 18 years  
10 of age and the date upon which the person becomes 21 years of  
11 age.

12 (d) The Secretary of State may issue a Senior Citizen  
13 discount card, to any natural person who is a resident of the  
14 State of Illinois who is 60 years of age or older and who  
15 applies for such a card or renewal thereof. The Secretary of  
16 State shall charge no fee to issue such card. The card shall be  
17 issued in every county and applications shall be made available  
18 at, but not limited to, nutrition sites, senior citizen centers  
19 and Area Agencies on Aging. The applicant, upon receipt of such  
20 card and prior to its use for any purpose, shall have affixed  
21 thereon in the space provided therefor his signature or mark.

22 (e) The Secretary of State, in his or her discretion, may  
23 designate on each Illinois Identification Card or Illinois  
24 Disabled Person Identification Card a space where the card  
25 holder may place a sticker or decal, issued by the Secretary of  
26 State, of uniform size as the Secretary may specify, that shall

1 indicate in appropriate language that the card holder has  
2 renewed his or her Illinois Identification Card or Illinois  
3 Disabled Person Identification Card.

4 (Source: P.A. 95-762, eff. 1-1-09; 95-779, eff. 1-1-09; 96-146,  
5 eff. 1-1-10; 96-328, eff. 8-11-09.)

6 (15 ILCS 335/5) (from Ch. 124, par. 25)

7 Sec. 5. Applications. Any natural person who is a resident  
8 of the State of Illinois, may file an application for an  
9 identification card or for the renewal thereof, in a manner  
10 prescribed by the Secretary. Each original application shall be  
11 completed by the applicant in full and shall set forth the  
12 legal name, residence address and zip code, social security  
13 number, birth date, sex and a brief description of the  
14 applicant. The applicant shall be photographed and he shall  
15 also submit any other information as the Secretary may deem  
16 necessary or such documentation as the Secretary may require to  
17 determine the identity of the applicant. In addition to the  
18 residence address, the Secretary may allow the applicant to  
19 provide a mailing address. An applicant for a disabled persons  
20 card must also submit with each original or renewal  
21 application, on forms prescribed by the Secretary, such  
22 documentation as the Secretary may require, establishing that  
23 the applicant is a "disabled person" as defined in Section 4A  
24 of this Act, and setting forth the applicant's type and class  
25 of disability as set forth in Section 4A of this Act.

1 (Source: P.A. 93-895, eff. 1-1-05.)

2 Section 10. The Illinois Vehicle Code is amended by  
3 changing Sections 6-106, 6-109, and 6-110 as follows:

4 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

5 Sec. 6-106. Application for license or instruction permit.

6 (a) Every application for any permit or license authorized  
7 to be issued under this Act shall be made upon a form furnished  
8 by the Secretary of State. Every application shall be  
9 accompanied by the proper fee and payment of such fee shall  
10 entitle the applicant to not more than 3 attempts to pass the  
11 examination within a period of 1 year after the date of  
12 application.

13 (b) Every application shall state the legal name, social  
14 security number, zip code, date of birth, sex, and residence  
15 address of the applicant; briefly describe the applicant; state  
16 whether the applicant has theretofore been licensed as a  
17 driver, and, if so, when and by what state or country, and  
18 whether any such license has ever been cancelled, suspended,  
19 revoked or refused, and, if so, the date and reason for such  
20 cancellation, suspension, revocation or refusal; shall include  
21 an affirmation by the applicant that all information set forth  
22 is true and correct; and shall bear the applicant's signature.  
23 In addition to the residence address, the Secretary may allow  
24 the applicant to provide a mailing address. The application



1 form may also require the statement of such additional relevant  
2 information as the Secretary of State shall deem necessary to  
3 determine the applicant's competency and eligibility. The  
4 Secretary of State may in his discretion substitute a federal  
5 tax number in lieu of a social security number, or he may  
6 instead assign an additional distinctive number in lieu  
7 thereof, where an applicant is prohibited by bona fide  
8 religious convictions from applying or is exempt from applying  
9 for a social security number. The Secretary of State shall,  
10 however, determine which religious orders or sects have such  
11 bona fide religious convictions. The Secretary of State may, in  
12 his discretion, by rule or regulation, provide that an  
13 application for a drivers license or permit may include a  
14 suitable photograph of the applicant in the form prescribed by  
15 the Secretary, and he may further provide that each drivers  
16 license shall include a photograph of the driver. The Secretary  
17 of State may utilize a photograph process or system most  
18 suitable to deter alteration or improper reproduction of a  
19 drivers license and to prevent substitution of another photo  
20 thereon.

21 (c) The application form shall include a notice to the  
22 applicant of the registration obligations of sex offenders  
23 under the Sex Offender Registration Act. The notice shall be  
24 provided in a form and manner prescribed by the Secretary of  
25 State. For purposes of this subsection (c), "sex offender" has  
26 the meaning ascribed to it in Section 2 of the Sex Offender

1 Registration Act.

2 (d) Any male United States citizen or immigrant who applies  
3 for any permit or license authorized to be issued under this  
4 Act or for a renewal of any permit or license, and who is at  
5 least 18 years of age but less than 26 years of age, must be  
6 registered in compliance with the requirements of the federal  
7 Military Selective Service Act. The Secretary of State must  
8 forward in an electronic format the necessary personal  
9 information regarding the applicants identified in this  
10 subsection (d) to the Selective Service System. The applicant's  
11 signature on the application serves as an indication that the  
12 applicant either has already registered with the Selective  
13 Service System or that he is authorizing the Secretary to  
14 forward to the Selective Service System the necessary  
15 information for registration. The Secretary must notify the  
16 applicant at the time of application that his signature  
17 constitutes consent to registration with the Selective Service  
18 System, if he is not already registered.

19 (Source: P.A. 92-117, eff. 1-1-02; 93-895, eff. 1-1-05.)

20 (625 ILCS 5/6-109) (from Ch. 95 1/2, par. 6-109)

21 Sec. 6-109. Examination of Applicants.

22 (a) The Secretary of State shall examine every applicant  
23 for a driver's license or permit who has not been previously  
24 licensed as a driver under the laws of this State or any other  
25 state or country, or any applicant for renewal of such driver's

1 license or permit when such license or permit has been expired  
2 for more than one year. The Secretary of State shall, subject  
3 to the provisions of paragraph (c), examine every licensed  
4 driver at least every 8 years, and may examine or re-examine  
5 any other applicant or licensed driver, provided that during  
6 the years 1984 through 1991 those drivers issued a license for  
7 3 years may be re-examined not less than every 7 years or more  
8 than every 10 years.

9 The Secretary of State shall require the testing of the  
10 eyesight of any driver's license or permit applicant who has  
11 not been previously licensed as a driver under the laws of this  
12 State and shall promulgate rules and regulations to provide for  
13 the orderly administration of all the provisions of this  
14 Section.

15 (b) Except as provided for those applicants in paragraph  
16 (c), such examination shall include a test of the applicant's  
17 eyesight, his ability to read and understand official traffic  
18 control devices, his knowledge of safe driving practices and  
19 the traffic laws of this State, and may include an actual  
20 demonstration of the applicant's ability to exercise ordinary  
21 and reasonable control of the operation of a motor vehicle, and  
22 such further physical and mental examination as the Secretary  
23 of State finds necessary to determine the applicant's fitness  
24 to operate a motor vehicle safely on the highways, except the  
25 examination of an applicant 75 years of age or older shall  
26 include an actual demonstration of the applicant's ability to

1 exercise ordinary and reasonable control of the operation of a  
2 motor vehicle. All portions of written and verbal examinations  
3 under this Section, excepting where the English language  
4 appears on facsimiles of road signs, may be given in the  
5 Spanish language and, at the discretion of the Secretary of  
6 State, in any other language as well as in English upon request  
7 of the examinee. Deaf persons who are otherwise qualified are  
8 not prohibited from being issued a license, other than a  
9 commercial driver's license, under this Code.

10 (c) Re-examination for those applicants who at the time of  
11 renewing their driver's license possess a driving record devoid  
12 of any convictions of traffic violations or evidence of  
13 committing an offense for which mandatory revocation would be  
14 required upon conviction pursuant to Section 6-205 at the time  
15 of renewal shall be in a manner prescribed by the Secretary in  
16 order to determine an applicant's ability to safely operate a  
17 motor vehicle, except that every applicant for the renewal of a  
18 driver's license who is 75 years of age or older must prove, by  
19 an actual demonstration, the applicant's ability to exercise  
20 reasonable care in the safe operation of a motor vehicle.

21 (d) In the event the applicant is not ineligible under the  
22 provisions of Section 6-103 to receive a driver's license, the  
23 Secretary of State shall make provision for giving an  
24 examination, either in the county where the applicant resides  
25 or at a place adjacent thereto reasonably convenient to the  
26 applicant, within not more than 30 days from the date said

1 application is received.

2 (e) The Secretary of State may adopt rules regarding the  
3 use of foreign language interpreters during the application and  
4 examination process.

5 (Source: P.A. 91-350, eff. 7-29-99.)

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

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

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

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

15 In lieu of the social security number, the Secretary may in  
16 his discretion substitute a federal tax number or other  
17 distinctive number.

18 A driver's license issued may, in the discretion of the  
19 Secretary, include a suitable photograph of a type prescribed  
20 by the Secretary.

21 (a-1) If the licensee is less than 18 years of age, unless  
22 one of the exceptions in subsection (a-2) apply, the license  
23 shall, as a matter of law, be invalid for the operation of any  
24 motor vehicle during the following times:

25 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

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

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

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

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

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

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

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

15          (5) involved in an emergency;

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

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

26          (8) married or had been married or is an emancipated

1 minor under the Emancipation of Minors Act.

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

7 (1) the program is sponsored by the Boy Scouts of  
8 America or another national public service organization;  
9 and

10 (2) the sponsoring organization carries liability  
11 insurance covering the program.

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

23 (a-4) If an applicant for a driver's license or instruction  
24 permit has a current identification card issued by the  
25 Secretary of State, the Secretary may require the applicant to  
26 utilize the same residence address and name on the

1 identification card, driver's license, and instruction permit  
2 records maintained by the Secretary. The Secretary may  
3 promulgate rules to implement this provision.

4 (b) Until the Secretary of State establishes a First Person  
5 Consent organ and tissue donor registry under Section 6-117 of  
6 this Code, the Secretary of State shall provide a format on the  
7 reverse of each driver's license issued which the licensee may  
8 use to execute a document of gift conforming to the provisions  
9 of the Illinois Anatomical Gift Act. The format shall allow the  
10 licensee to indicate the gift intended, whether specific  
11 organs, any organ, or the entire body, and shall accommodate  
12 the signatures of the donor and 2 witnesses. The Secretary  
13 shall also inform each applicant or licensee of this format,  
14 describe the procedure for its execution, and may offer the  
15 necessary witnesses; provided that in so doing, the Secretary  
16 shall advise the applicant or licensee that he or she is under  
17 no compulsion to execute a document of gift. A brochure  
18 explaining this method of executing an anatomical gift document  
19 shall be given to each applicant or licensee. The brochure  
20 shall advise the applicant or licensee that he or she is under  
21 no compulsion to execute a document of gift, and that he or she  
22 may wish to consult with family, friends or clergy before doing  
23 so. The Secretary of State may undertake additional efforts,  
24 including education and awareness activities, to promote organ  
25 and tissue donation.

26 (c) The Secretary of State shall designate on each driver's



1 license issued a space where the licensee may place a sticker  
2 or decal of the uniform size as the Secretary may specify,  
3 which sticker or decal may indicate in appropriate language  
4 that the owner of the license carries an Emergency Medical  
5 Information Card.

6 The sticker may be provided by any person, hospital,  
7 school, medical group, or association interested in assisting  
8 in implementing the Emergency Medical Information Card, but  
9 shall meet the specifications as the Secretary may by rule or  
10 regulation require.

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

14 (e) The Secretary of State shall provide that each original  
15 or renewal driver's license issued to a licensee under 21 years  
16 of age shall be of a distinct nature from those driver's  
17 licenses issued to individuals 21 years of age and older. The  
18 color designated for driver's licenses for licensees under 21  
19 years of age shall be at the discretion of the Secretary of  
20 State.

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

25 (f) The Secretary of State shall inform all Illinois  
26 licensed commercial motor vehicle operators of the

1 requirements of the Uniform Commercial Driver License Act,  
2 Article V of this Chapter, and shall make provisions to insure  
3 that all drivers, seeking to obtain a commercial driver's  
4 license, be afforded an opportunity prior to April 1, 1992, to  
5 obtain the license. The Secretary is authorized to extend  
6 driver's license expiration dates, and assign specific times,  
7 dates and locations where these commercial driver's tests shall  
8 be conducted. Any applicant, regardless of the current  
9 expiration date of the applicant's driver's license, may be  
10 subject to any assignment by the Secretary. Failure to comply  
11 with the Secretary's assignment may result in the applicant's  
12 forfeiture of an opportunity to receive a commercial driver's  
13 license prior to April 1, 1992.

14 (g) The Secretary of State shall designate on a driver's  
15 license issued, a space where the licensee may indicate that he  
16 or she has drafted a living will in accordance with the  
17 Illinois Living Will Act or a durable power of attorney for  
18 health care in accordance with the Illinois Power of Attorney  
19 Act.

20 (g-1) The Secretary of State, in his or her discretion, may  
21 designate on each driver's license issued a space where the  
22 licensee may place a sticker or decal, issued by the Secretary  
23 of State, of uniform size as the Secretary may specify, that  
24 shall indicate in appropriate language that the owner of the  
25 license has renewed his or her driver's license.

26 (h) A person who acts in good faith in accordance with the

1 terms of this Section is not liable for damages in any civil  
2 action or subject to prosecution in any criminal proceeding for  
3 his or her act.

4 (Source: P.A. 95-310, eff. 1-1-08; 95-747, eff. 7-22-08;  
5 96-607, eff. 8-24-09.)

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.