



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0395

by Rep. John C. D'Amico

SYNOPSIS AS INTRODUCED:

15 ILCS 335/1A	
15 ILCS 335/2	from Ch. 124, par. 22
15 ILCS 335/4D	
15 ILCS 335/5	from Ch. 124, par. 25
15 ILCS 335/8	from Ch. 124, par. 28
625 ILCS 5/6-100	from Ch. 95 1/2, par. 6-100
625 ILCS 5/6-100.5 new	
625 ILCS 5/6-103	from Ch. 95 1/2, par. 6-103
625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-115	from Ch. 95 1/2, par. 6-115
625 ILCS 5/6-121	

Amends the Illinois Identification Card Act. Provides that the Secretary of State shall refuse to issue a REAL ID compliant identification card to any person who has been issued a REAL ID compliant driver's license under the Illinois Vehicle Code. Provides that any person may surrender a REAL ID compliant driver's license in order to become eligible to obtain a REAL ID compliant identification card. Provides that the Secretary may issue both REAL ID compliant identification cards and non-compliant identification cards, and may permit applicants to designate which type of identification card they wish to receive. Provides that all provisions applicable to non-compliant identification cards shall also apply to REAL ID compliant identification cards, except where the provisions are inconsistent with the REAL ID Act and implementing regulations. Requires the Secretary to establish by rule the date on which issuance of REAL ID compliant identification cards will begin. Provides for the issuance of confidential identification cards as either REAL ID compliant identification cards or non-compliant identification cards. Provides that every identification card or Illinois Person with a Disability Identification Card issued to an applicant who is not a United States citizen or permanent resident shall be marked "Limited Term" and shall expire, if the earliest among other potential expiration dates, one year from the date of issuance of a Limited Term REAL ID compliant identification card. Amends the Illinois Vehicle Code to make similar changes concerning issuance of driver's licenses. Defines terms. Makes conforming changes. Effective immediately.

LRB100 04276 RJF 14282 b

1 AN ACT concerning State government.

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 1A, 2, 4D, 5, and 8 as follows:

6 (15 ILCS 335/1A)

7 Sec. 1A. Definitions. As used in this Act:

8 "Highly restricted personal information" means an
9 individual's photograph, signature, social security number,
10 and medical or disability information.

11 "Identification card making implement" means any material,
12 hardware, or software that is specifically designed for or
13 primarily used in the manufacture, assembly, issuance, or
14 authentication of an official identification card issued by the
15 Secretary of State.

16 "Fraudulent identification card" means any identification
17 card that purports to be an official identification card for
18 which a computerized number and file have not been created by
19 the Secretary of State, the United States Government or any
20 state or political subdivision thereof, or any governmental or
21 quasi-governmental organization. For the purpose of this Act,
22 any identification card that resembles an official
23 identification card in either size, color, photograph

1 location, or design or uses the word "official", "state",
2 "Illinois", or the name of any other state or political
3 subdivision thereof, or any governmental or quasi-governmental
4 organization individually or in any combination thereof to
5 describe or modify the term "identification card" or "I.D.
6 card" anywhere on the card, or uses a shape in the likeness of
7 Illinois or any other state on the photograph side of the card,
8 is deemed to be a fraudulent identification card unless the
9 words "This is not an official Identification Card", appear
10 prominently upon it in black colored lettering in 12-point ~~12~~
11 ~~point~~ type on the photograph side of the card, and no such card
12 shall be smaller in size than 3 inches by 4 inches, and the
13 photograph shall be on the left side of the card only.

14 "Legal name" means the full given name and surname of an
15 individual as recorded at birth, recorded at marriage, or
16 deemed as the correct legal name for use in reporting income by
17 the Social Security Administration or the name as otherwise
18 established through legal action that appears on the associated
19 official document presented to the Secretary of State.

20 "Personally identifying information" means information
21 that identifies an individual, including his or her
22 identification card number, name, address (but not the 5-digit
23 zip code), and telephone number.

24 "Homeless person" or "homeless individual" has the same
25 meaning as defined by the federal McKinney-Vento Homeless
26 Assistance Act, 42 U.S.C. 11302, or 42 U.S.C. 11434a(2).

1 "Youth for whom the Department of Children and Family
2 Services is legally responsible ~~for~~" or "foster ~~Foster~~ child"
3 means a child or youth whose guardianship or custody has been
4 accepted by the Department of Children and Family Services
5 pursuant to the Juvenile Court Act of 1987, the Children and
6 Family Services Act, the Abused and Neglected Child Reporting
7 Act, and the Adoption Act. This applies to children for whom
8 the Department of Children and Family Services has temporary
9 protective custody, custody or guardianship via court order, or
10 children whose parents have signed an adoptive surrender or
11 voluntary placement agreement with the Department.

12 "REAL ID compliant identification card" means a standard
13 Illinois Identification Card or Illinois Person with a
14 Disability Identification Card issued in compliance with the
15 REAL ID Act and implementing regulations. REAL ID compliant
16 identification cards shall bear a security marking approved by
17 the United States Department of Homeland Security.

18 "Non-compliant identification card" means a standard
19 Illinois Identification Card or Illinois Person with a
20 Disability Identification Card issued in a manner which is not
21 compliant with the REAL ID Act and implementing regulations.
22 Non-compliant identification cards shall be marked "Not
23 Acceptable for Federal Purposes" and shall have a color or
24 design different from the REAL ID compliant identification
25 card.

26 "Limited Term REAL ID compliant identification card" means

1 a REAL ID compliant identification card issued to persons who
2 are not permanent residents or citizens of the United States,
3 and marked "Limited Term" on the face of the card.

4 (Source: P.A. 99-659, eff. 7-28-16; revised 10-3-16.)

5 (15 ILCS 335/2) (from Ch. 124, par. 22)

6 Sec. 2. Administration and powers and duties of the
7 Administrator.

8 (a) The Secretary of State is the Administrator of this
9 Act, and he is charged with the duty of observing,
10 administering and enforcing the provisions of this Act.

11 (b) The Secretary is vested with the powers and duties for
12 the proper administration of this Act as follows:

13 1. He shall organize the administration of this Act as
14 he may deem necessary and appoint such subordinate
15 officers, clerks and other employees as may be necessary.

16 2. From time to time, he may make, amend or rescind
17 rules and regulations as may be in the public interest to
18 implement the Act.

19 3. He may prescribe or provide suitable forms as
20 necessary, including such forms as are necessary to
21 establish that an applicant for an Illinois Person with a
22 Disability Identification Card is a "person with a
23 disability" as defined in Section 4A of this Act, and
24 establish that an applicant for a State identification card
25 is a "homeless person" as defined in Section 1A of this

1 Act.

2 4. He may prepare under the seal of the Secretary of
3 State certified copies of any records utilized under this
4 Act and any such certified copy shall be admissible in any
5 proceeding in any court in like manner as the original
6 thereof.

7 5. Records compiled under this Act shall be maintained
8 for 6 years, but the Secretary may destroy such records
9 with the prior approval of the State Records Commission.

10 6. He shall examine and determine the genuineness,
11 regularity and legality of every application filed with him
12 under this Act, and he may in all cases investigate the
13 same, require additional information or proof or
14 documentation from any applicant.

15 7. He shall require the payment of all fees prescribed
16 in this Act, and all such fees received by him shall be
17 placed in the Road Fund of the State treasury except as
18 otherwise provided in Section 12 of this Act. Whenever any
19 application to the Secretary for an identification card
20 under this Act is accompanied by any fee, as required by
21 law, and the application is denied after a review of
22 eligibility, which may include facial recognition
23 comparison, the applicant shall not be entitled to a refund
24 of any fees paid.

25 8. Beginning July 1, 2017, he shall refuse to issue a
26 REAL ID compliant ~~any~~ identification card under this Act to

1 any person who has been issued a REAL ID compliant driver's
2 license under the Illinois Vehicle Code. Any such person
3 may, at his or her discretion, surrender the REAL ID
4 compliant driver's license in order to become eligible to
5 obtain a REAL ID compliant ~~an~~ identification card.

6 9. The Secretary may issue both REAL ID compliant
7 identification cards and non-compliant identification
8 cards, and may permit applicants to designate which type of
9 identification card they wish to receive. All provisions of
10 this Act applicable to non-compliant identification cards
11 shall also apply to REAL ID compliant identification cards,
12 except where the provisions are inconsistent with the REAL
13 ID Act and implementing regulations. The Secretary shall
14 establish by rule the date on which issuance of REAL ID
15 compliant identification cards will begin.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-305, eff. 1-1-16;
17 99-511, eff. 1-1-17; 99-642, eff. 7-28-16.)

18 (15 ILCS 335/4D)

19 Sec. 4D. Issuance of confidential identification cards.

20 (a) Requirements for use of confidential identification
21 cards. Confidential identification cards may be issued to
22 local, state, and federal government agencies for bona fide law
23 enforcement purposes. The identification cards may be issued in
24 fictitious names and addresses, and may be used only in
25 confidential, investigative, or undercover law enforcement

1 operations. Confidential identification cards may be issued as
2 REAL ID compliant or non-compliant identification cards.

3 (b) Application procedures for confidential identification
4 cards:

5 (1) Applications by local, state, and federal
6 government agencies for confidential identification cards
7 must be made to the Secretary of State Police Department on
8 a form and in a manner prescribed by the Secretary of State
9 Police Department.

10 (2) The application form must include information, as
11 specific as possible without compromising investigations
12 or techniques, setting forth the need for the
13 identification cards and the uses to which the
14 identification cards will be limited.

15 (3) The application form must be signed and verified by
16 the local, state, or federal government agency head or
17 designee.

18 (4) Information maintained by the Secretary of State
19 Police Department for confidential identification cards
20 must show the fictitious names and addresses on all records
21 subject to public disclosure. All other information
22 concerning these confidential identification cards are
23 exempt from disclosure unless the disclosure is ordered by
24 a court of competent jurisdiction.

25 (c) Cancellation procedures for confidential
26 identification cards:

1 (1) The Secretary of State Police Department may cancel
2 or refuse to renew confidential identification cards when
3 they have reasonable cause to believe the cards are being
4 used for purposes other than those set forth in the
5 application form or authorized by this Section.

6 (2) A government agency must request cancellation of
7 confidential identification cards that are no longer
8 required for the purposes for which they were issued.

9 (3) Upon the request of the Secretary of State Police
10 Department, all cancelled confidential identification
11 cards must be promptly returned to the Secretary of State
12 Police Department by the government agency to which they
13 were issued.

14 (Source: P.A. 96-549, eff. 8-17-09; 96-1000, eff. 7-2-10.)

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

16 Sec. 5. Applications.

17 (a) Any natural person who is a resident of the State of
18 Illinois may file an application for an identification card, or
19 for the renewal thereof, in a manner prescribed by the
20 Secretary. Each original application shall be completed by the
21 applicant in full and shall set forth the legal name, residence
22 address and zip code, social security number, birth date, sex
23 and a brief description of the applicant. The applicant shall
24 be photographed, unless the Secretary of State has provided by
25 rule for the issuance of identification cards without

1 photographs and the applicant is deemed eligible for an
2 identification card without a photograph under the terms and
3 conditions imposed by the Secretary of State, and he or she
4 shall also submit any other information as the Secretary may
5 deem necessary or such documentation as the Secretary may
6 require to determine the identity of the applicant. In addition
7 to the residence address, the Secretary may allow the applicant
8 to provide a mailing address. If the applicant is a judicial
9 officer as defined in Section 1-10 of the Judicial Privacy Act
10 or a peace officer, the applicant may elect to have his or her
11 office or work address in lieu of the applicant's residence or
12 mailing address. An applicant for an Illinois Person with a
13 Disability Identification Card must also submit with each
14 original or renewal application, on forms prescribed by the
15 Secretary, such documentation as the Secretary may require,
16 establishing that the applicant is a "person with a disability"
17 as defined in Section 4A of this Act, and setting forth the
18 applicant's type and class of disability as set forth in
19 Section 4A of this Act. For the purposes of this subsection
20 (a), "peace officer" means any person who by virtue of his or
21 her office or public employment is vested by law with a duty to
22 maintain public order or to make arrests for a violation of any
23 penal statute of this State, whether that duty extends to all
24 violations or is limited to specific violations.

25 (b) Beginning on or before July 1, 2015, for each original
26 or renewal identification card application under this Act, the

1 Secretary shall inquire as to whether the applicant is a
2 veteran for purposes of issuing an identification card with a
3 veteran designation under subsection (c-5) of Section 4 of this
4 Act. The acceptable forms of proof shall include, but are not
5 limited to, Department of Defense form DD-214. The Illinois
6 Department of Veterans' Affairs shall advise the Secretary as
7 to what other forms of proof of a person's status as a veteran
8 are acceptable.

9 The Illinois Department of Veterans' Affairs shall confirm
10 the status of the applicant as an honorably discharged veteran
11 before the Secretary may issue the identification card.

12 For purposes of this subsection (b):

13 "Armed forces" means any of the Armed Forces of the United
14 States, including a member of any reserve component or National
15 Guard unit.

16 "Veteran" means a person who has served in the armed forces
17 and was discharged or separated under honorable conditions.

18 (c) ~~All Beginning July 1, 2017, all~~ applicants for REAL ID
19 compliant standard Illinois Identification Cards and Illinois
20 Person with a Disability Identification Cards shall provide
21 proof of lawful status in the United States as defined in 6 CFR
22 37.3, as amended. Applicants who are unable to provide the
23 Secretary with proof of lawful status are ineligible for REAL
24 ID compliant identification cards under this Act.

25 (Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13;
26 99-511, eff. 1-1-17; 99-544, eff. 7-15-16; revised 9-21-16.)

1 (15 ILCS 335/8) (from Ch. 124, par. 28)

2 Sec. 8. Expiration.

3 (a) Except as otherwise provided in this Section:

4 (1) Every identification card issued hereunder, except
5 to persons who have reached their 15th birthday, but are
6 not yet 21 years of age, persons who are 65 years of age or
7 older, and persons who are issued an Illinois Person with a
8 Disability Identification Card, shall expire 5 years from
9 the ensuing birthday of the applicant and a renewal shall
10 expire 5 years thereafter.

11 (2) Every original or renewal identification card
12 issued to a person who has reached his or her 15th
13 birthday, but is not yet 21 years of age shall expire 3
14 months after the person's 21st birthday.

15 (b) Except as provided elsewhere in this Section, every
16 original, renewal, or duplicate: (i) identification card
17 issued prior to July 1, 2017, to a person who has reached his
18 or her 65th birthday shall be permanent and need not be
19 renewed; (ii) REAL ID compliant identification card issued on
20 or after July 1, 2017, to a person who has reached his or her
21 65th birthday shall expire 8 years thereafter; (iii) Illinois
22 Person with a Disability Identification Card issued prior to
23 July 1, 2017, to a qualifying person shall expire 10 years
24 thereafter; and (iv) REAL ID compliant Illinois Person with a
25 Disability Identification Card issued on or after July 1, 2017,

1 shall expire 8 years thereafter. The Secretary of State shall
2 promulgate rules setting forth the conditions and criteria for
3 the renewal of all Illinois Person with a Disability
4 Identification Cards.

5 (c) ~~Every Beginning July 1, 2016, every~~ identification card
6 or Illinois Person with a Disability Identification Card issued
7 under this Act to an applicant who is not a United States
8 citizen or permanent resident shall be marked "Limited Term"
9 and shall expire on whichever is the earlier date of the
10 following:

11 (1) as provided under subsection (a) or (b) of this
12 Section; ~~or~~

13 (2) on the date the applicant's authorized stay in the
14 United States terminates; or ~~or~~

15 (3) if the applicant's authorized stay is indefinite
16 and the applicant is applying for a Limited Term REAL ID
17 compliant identification card, one year from the date of
18 issuance of the card.

19 (Source: P.A. 99-305, eff. 1-1-16; 99-511, eff. 1-1-17.)

20 Section 10. The Illinois Vehicle Code is amended by
21 changing Sections 6-100, 6-103, 6-106, 6-115, and 6-121 and by
22 adding Section 6-100.5 as follows:

23 (625 ILCS 5/6-100) (from Ch. 95 1/2, par. 6-100)

24 Sec. 6-100. Definitions. For the purposes of this Chapter,

1 the following words shall have the meanings ascribed to them:

2 (a) Application Process. The process of obtaining a
3 driver's license, identification card, or permit. The process
4 begins when a person enters a Secretary of State Driver
5 Services facility and requests a driver's license,
6 identification card or permit.

7 (b) Conviction. A final adjudication of guilty by a court
8 of competent jurisdiction either after a bench trial, trial by
9 jury, plea of guilty, order of forfeiture, or default.

10 (c) Identification Card. A document made or issued by or
11 under the authority of the United States Government, the State
12 of Illinois or any other state or political subdivision
13 thereof, or any governmental or quasi-governmental
14 organization that, when completed with information concerning
15 the individual, is of a type intended or commonly accepted for
16 the purpose of identifying the individual.

17 (d) Non-compliant driver's license. A driver's license
18 issued in a manner which is not compliant with the REAL ID Act
19 and implementing regulations. Non-compliant driver's licenses
20 shall be marked "Not Acceptable for Federal Purposes" and shall
21 have a color or design different from the REAL ID compliant
22 driver's license.

23 (e) REAL ID compliant driver's license. A driver's license
24 issued in compliance with the REAL ID Act and implementing
25 regulations. REAL ID compliant driver's licenses shall bear a
26 security marking approved by the United States Department of

1 Homeland Security.

2 (f) Limited Term REAL ID compliant driver's license. A REAL
3 ID compliant driver's license issued to a person who is not a
4 permanent resident or citizen of the United States, and marked
5 "Limited Term" on the face of the license.

6 (Source: P.A. 89-283, eff. 1-1-96.)

7 (625 ILCS 5/6-100.5 new)

8 Sec. 6-100.5. Issuance of REAL ID compliant and
9 non-compliant driver's licenses. The Secretary of State may
10 issue both REAL ID compliant driver's licenses and
11 non-compliant driver's licenses, and may permit applicants to
12 designate which type of driver's license they wish to receive.
13 All provisions of this Code applicable to non-compliant
14 driver's licenses shall also apply to REAL ID compliant
15 driver's licenses, except where the provisions are
16 inconsistent with the REAL ID Act and implementing regulations.
17 The Secretary shall establish by rule the date on which
18 issuance of REAL ID compliant driver's licenses will begin.

19 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

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

24 1. To any person, as a driver, who is under the age of

1 18 years except as provided in Section 6-107, and except
2 that an instruction permit may be issued under Section
3 6-107.1 to a child who is not less than 15 years of age if
4 the child is enrolled in an approved driver education
5 course as defined in Section 1-103 of this Code and
6 requires an instruction permit to participate therein,
7 except that an instruction permit may be issued under the
8 provisions of Section 6-107.1 to a child who is 17 years
9 and 3 months of age without the child having enrolled in an
10 approved driver education course and except that an
11 instruction permit may be issued to a child who is at least
12 15 years and 3 months of age, is enrolled in school, meets
13 the educational requirements of the Driver Education Act,
14 and has passed examinations the Secretary of State in his
15 or her discretion may prescribe;

16 1.5. To any person at least 18 years of age but less
17 than 21 years of age unless the person has, in addition to
18 any other requirements of this Code, successfully
19 completed an adult driver education course as provided in
20 Section 6-107.5 of this Code;

21 2. To any person who is under the age of 18 as an
22 operator of a motorcycle other than a motor driven cycle
23 unless the person has, in addition to meeting the
24 provisions of Section 6-107 of this Code, successfully
25 completed a motorcycle training course approved by the
26 Illinois Department of Transportation and successfully

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

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

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

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

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

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

25 8. To any person when the Secretary of State has good
26 cause to believe that the person by reason of physical or

1 mental disability would not be able to safely operate a
2 motor vehicle upon the highways, unless the person shall
3 furnish to the Secretary of State a verified written
4 statement, acceptable to the Secretary of State, from a
5 competent medical specialist, a licensed physician
6 assistant, or a licensed advanced practice nurse, to the
7 effect that the operation of a motor vehicle by the person
8 would not be inimical to the public safety;

9 9. To any person, as a driver, who is 69 years of age
10 or older, unless the person has successfully complied with
11 the provisions of Section 6-109;

12 10. To any person convicted, within 12 months of
13 application for a license, of any of the sexual offenses
14 enumerated in paragraph 2 of subsection (b) of Section
15 6-205;

16 11. To any person who is under the age of 21 years with
17 a classification prohibited in paragraph (b) of Section
18 6-104 and to any person who is under the age of 18 years
19 with a classification prohibited in paragraph (c) of
20 Section 6-104;

21 12. To any person who has been either convicted of or
22 adjudicated under the Juvenile Court Act of 1987 based upon
23 a violation of the Cannabis Control Act, the Illinois
24 Controlled Substances Act, or the Methamphetamine Control
25 and Community Protection Act while that person was in
26 actual physical control of a motor vehicle. For purposes of

1 this Section, any person placed on probation under Section
2 10 of the Cannabis Control Act, Section 410 of the Illinois
3 Controlled Substances Act, or Section 70 of the
4 Methamphetamine Control and Community Protection Act shall
5 not be considered convicted. Any person found guilty of
6 this offense, while in actual physical control of a motor
7 vehicle, shall have an entry made in the court record by
8 the judge that this offense did occur while the person was
9 in actual physical control of a motor vehicle and order the
10 clerk of the court to report the violation to the Secretary
11 of State as such. The Secretary of State shall not issue a
12 new license or permit for a period of one year;

13 13. To any person who is under the age of 18 years and
14 who has committed the offense of operating a motor vehicle
15 without a valid license or permit in violation of Section
16 6-101 or a similar out of state offense;

17 14. To any person who is 90 days or more delinquent in
18 court ordered child support payments or has been
19 adjudicated in arrears in an amount equal to 90 days'
20 obligation or more and who has been found in contempt of
21 court for failure to pay the support, subject to the
22 requirements and procedures of Article VII of Chapter 7 of
23 the Illinois Vehicle Code;

24 14.5. To any person certified by the Illinois
25 Department of Healthcare and Family Services as being 90
26 days or more delinquent in payment of support under an

1 order of support entered by a court or administrative body
2 of this or any other State, subject to the requirements and
3 procedures of Article VII of Chapter 7 of this Code
4 regarding those certifications;

5 15. To any person released from a term of imprisonment
6 for violating Section 9-3 of the Criminal Code of 1961 or
7 the Criminal Code of 2012, or a similar provision of a law
8 of another state relating to reckless homicide or for
9 violating subparagraph (F) of paragraph (1) of subsection
10 (d) of Section 11-501 of this Code relating to aggravated
11 driving under the influence of alcohol, other drug or
12 drugs, intoxicating compound or compounds, or any
13 combination thereof, if the violation was the proximate
14 cause of a death, within 24 months of release from a term
15 of imprisonment;

16 16. To any person who, with intent to influence any act
17 related to the issuance of any driver's license or permit,
18 by an employee of the Secretary of State's Office, or the
19 owner or employee of any commercial driver training school
20 licensed by the Secretary of State, or any other individual
21 authorized by the laws of this State to give driving
22 instructions or administer all or part of a driver's
23 license examination, promises or tenders to that person any
24 property or personal advantage which that person is not
25 authorized by law to accept. Any persons promising or
26 tendering such property or personal advantage shall be

1 disqualified from holding any class of driver's license or
2 permit for 120 consecutive days. The Secretary of State
3 shall establish by rule the procedures for implementing
4 this period of disqualification and the procedures by which
5 persons so disqualified may obtain administrative review
6 of the decision to disqualify;

7 17. To any person for whom the Secretary of State
8 cannot verify the accuracy of any information or
9 documentation submitted in application for a driver's
10 license;

11 18. To any person who has been adjudicated under the
12 Juvenile Court Act of 1987 based upon an offense that is
13 determined by the court to have been committed in
14 furtherance of the criminal activities of an organized
15 gang, as provided in Section 5-710 of that Act, and that
16 involved the operation or use of a motor vehicle or the use
17 of a driver's license or permit. The person shall be denied
18 a license or permit for the period determined by the court;
19 or

20 19. To Beginning July 1, 2017, to any person who holds
21 a REAL ID compliant identification card or REAL ID
22 compliant Person with a Disability Identification Card
23 issued has been issued an identification card under the
24 Illinois Identification Card Act. Any such person may, at
25 his or her discretion, surrender the REAL ID compliant
26 identification card or REAL ID compliant Person with a

1 Disability Identification Card in order to become eligible
2 to obtain a REAL ID compliant identification card in order
3 ~~to become eligible to obtain a driver's license.~~

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

7 (Source: P.A. 98-167, eff. 7-1-14; 98-756, eff. 7-16-14;
8 99-173, eff. 7-29-15; 99-511, eff. 1-1-17.)

9 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

11 (a) Every application for any permit or license authorized
12 to be issued under this Code shall be made upon a form
13 furnished by the Secretary of State. Every application shall be
14 accompanied by the proper fee and payment of such fee shall
15 entitle the applicant to not more than 3 attempts to pass the
16 examination within a period of one year after the date of
17 application.

18 (b) Every application shall state the legal name, social
19 security number, zip code, date of birth, sex, and residence
20 address of the applicant; briefly describe the applicant; state
21 whether the applicant has theretofore been licensed as a
22 driver, and, if so, when and by what state or country, and
23 whether any such license has ever been cancelled, suspended,
24 revoked or refused, and, if so, the date and reason for such
25 cancellation, suspension, revocation or refusal; shall include

1 an affirmation by the applicant that all information set forth
2 is true and correct; and shall bear the applicant's signature.
3 In addition to the residence address, the Secretary may allow
4 the applicant to provide a mailing address. In the case of an
5 applicant who is a judicial officer or peace officer, the
6 Secretary may allow the applicant to provide an office or work
7 address in lieu of a residence or mailing address. The
8 application form may also require the statement of such
9 additional relevant information as the Secretary of State shall
10 deem necessary to determine the applicant's competency and
11 eligibility. The Secretary of State may, in his discretion, by
12 rule or regulation, provide that an application for a drivers
13 license or permit may include a suitable photograph of the
14 applicant in the form prescribed by the Secretary, and he may
15 further provide that each drivers license shall include a
16 photograph of the driver. The Secretary of State may utilize a
17 photograph process or system most suitable to deter alteration
18 or improper reproduction of a drivers license and to prevent
19 substitution of another photo thereon. For the purposes of this
20 subsection (b), "peace officer" means any person who by virtue
21 of his or her office or public employment is vested by law with
22 a duty to maintain public order or to make arrests for a
23 violation of any penal statute of this State, whether that duty
24 extends to all violations or is limited to specific violations.

25 (b-5) ~~Every Beginning July 1, 2017, every~~ applicant for a
26 REAL ID compliant driver's license or permit shall provide

1 proof of lawful status in the United States as defined in 6 CFR
2 37.3, as amended. Applicants who are unable to provide the
3 Secretary with proof of lawful status may apply for a driver's
4 license or permit under Section 6-105.1 of this Code.

5 (c) The application form shall include a notice to the
6 applicant of the registration obligations of sex offenders
7 under the Sex Offender Registration Act. The notice shall be
8 provided in a form and manner prescribed by the Secretary of
9 State. For purposes of this subsection (c), "sex offender" has
10 the meaning ascribed to it in Section 2 of the Sex Offender
11 Registration Act.

12 (d) Any male United States citizen or immigrant who applies
13 for any permit or license authorized to be issued under this
14 Code or for a renewal of any permit or license, and who is at
15 least 18 years of age but less than 26 years of age, must be
16 registered in compliance with the requirements of the federal
17 Military Selective Service Act. The Secretary of State must
18 forward in an electronic format the necessary personal
19 information regarding the applicants identified in this
20 subsection (d) to the Selective Service System. The applicant's
21 signature on the application serves as an indication that the
22 applicant either has already registered with the Selective
23 Service System or that he is authorizing the Secretary to
24 forward to the Selective Service System the necessary
25 information for registration. The Secretary must notify the
26 applicant at the time of application that his signature

1 constitutes consent to registration with the Selective Service
2 System, if he is not already registered.

3 (e) Beginning on or before July 1, 2015, for each original
4 or renewal driver's license application under this Code, the
5 Secretary shall inquire as to whether the applicant is a
6 veteran for purposes of issuing a driver's license with a
7 veteran designation under subsection (e-5) of Section 6-110 of
8 this Code. The acceptable forms of proof shall include, but are
9 not limited to, Department of Defense form DD-214. The Illinois
10 Department of Veterans' Affairs shall advise the Secretary as
11 to what other forms of proof of a person's status as a veteran
12 are acceptable.

13 The Illinois Department of Veterans' Affairs shall confirm
14 the status of the applicant as an honorably discharged veteran
15 before the Secretary may issue the driver's license.

16 For purposes of this subsection (e):

17 "Armed forces" means any of the Armed Forces of the United
18 States, including a member of any reserve component or National
19 Guard unit.

20 "Veteran" means a person who has served in the armed forces
21 and was discharged or separated under honorable conditions.

22 (Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13;
23 98-756, eff. 7-16-14; 99-511, eff. 1-1-17; 99-544, eff.
24 7-15-16; revised 9-13-16.)

25 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

1 Sec. 6-115. Expiration of driver's license.

2 (a) Except as provided elsewhere in this Section, every
3 driver's license issued under the provisions of this Code shall
4 expire 4 years from the date of its issuance, or at such later
5 date, as the Secretary of State may by proper rule and
6 regulation designate, not to exceed 12 calendar months; in the
7 event that an applicant for renewal of a driver's license fails
8 to apply prior to the expiration date of the previous driver's
9 license, the renewal driver's license shall expire 4 years from
10 the expiration date of the previous driver's license, or at
11 such later date as the Secretary of State may by proper rule
12 and regulation designate, not to exceed 12 calendar months.

13 The Secretary of State may, however, issue to a person not
14 previously licensed as a driver in Illinois a driver's license
15 which will expire not less than 4 years nor more than 5 years
16 from date of issuance, except as provided elsewhere in this
17 Section.

18 (a-5) ~~Every Beginning July 1, 2016, every~~ driver's license
19 issued under this Code to an applicant who is not a United
20 States citizen or permanent resident shall be marked "Limited
21 Term" and shall expire on whichever is the earlier date of the
22 following:

23 (1) as provided under subsection (a), (f), (g), or (i)
24 of this Section; or

25 (2) on the date the applicant's authorized stay in the
26 United States terminates; or -

1 (3) if the applicant's authorized stay is indefinite
2 and the applicant is applying for a Limited Term REAL ID
3 compliant driver's license, one year from the date of
4 issuance of the license.

5 (b) Before the expiration of a driver's license, except
6 those licenses expiring on the individual's 21st birthday, or 3
7 months after the individual's 21st birthday, the holder thereof
8 may apply for a renewal thereof, subject to all the provisions
9 of Section 6-103, and the Secretary of State may require an
10 examination of the applicant. A licensee whose driver's license
11 expires on his 21st birthday, or 3 months after his 21st
12 birthday, may not apply for a renewal of his driving privileges
13 until he reaches the age of 21.

14 (c) The Secretary of State shall, 30 days prior to the
15 expiration of a driver's license, forward to each person whose
16 license is to expire a notification of the expiration of said
17 license which may be presented at the time of renewal of said
18 license.

19 There may be included with such notification information
20 explaining the anatomical gift and Emergency Medical
21 Information Card provisions of Section 6-110. The format and
22 text of such information shall be prescribed by the Secretary.

23 There shall be included with such notification, for a
24 period of 4 years beginning January 1, 2000 information
25 regarding the Illinois Adoption Registry and Medical
26 Information Exchange established in Section 18.1 of the

1 Adoption Act.

2 (d) The Secretary may defer the expiration of the driver's
3 license of a licensee, spouse, and dependent children who are
4 living with such licensee while on active duty, serving in the
5 Armed Forces of the United States outside of the State of
6 Illinois, and 120 days thereafter, upon such terms and
7 conditions as the Secretary may prescribe.

8 (d-5) The Secretary may defer the expiration of the
9 driver's license of a licensee, or of a spouse or dependent
10 children living with the licensee, serving as a civilian
11 employee of the United States Armed Forces or the United States
12 Department of Defense, outside of the State of Illinois, and
13 120 days thereafter, upon such terms and conditions as the
14 Secretary may prescribe.

15 (e) The Secretary of State may decline to process a renewal
16 of a driver's license of any person who has not paid any fee or
17 tax due under this Code and is not paid upon reasonable notice
18 and demand.

19 (f) The Secretary shall provide that each original or
20 renewal driver's license issued to a licensee under 21 years of
21 age shall expire 3 months after the licensee's 21st birthday.
22 Persons whose current driver's licenses expire on their 21st
23 birthday on or after January 1, 1986 shall not renew their
24 driver's license before their 21st birthday, and their current
25 driver's license will be extended for an additional term of 3
26 months beyond their 21st birthday. Thereafter, the expiration

1 and term of the driver's license shall be governed by
2 subsection (a) hereof.

3 (g) The Secretary shall provide that each original or
4 renewal driver's license issued to a licensee 81 years of age
5 through age 86 shall expire 2 years from the date of issuance,
6 or at such later date as the Secretary may by rule and
7 regulation designate, not to exceed an additional 12 calendar
8 months. The Secretary shall also provide that each original or
9 renewal driver's license issued to a licensee 87 years of age
10 or older shall expire 12 months from the date of issuance, or
11 at such later date as the Secretary may by rule and regulation
12 designate, not to exceed an additional 12 calendar months.

13 (h) The Secretary of State shall provide that each special
14 restricted driver's license issued under subsection (g) of
15 Section 6-113 of this Code shall expire 12 months from the date
16 of issuance. The Secretary shall adopt rules defining renewal
17 requirements.

18 (i) The Secretary of State shall provide that each driver's
19 license issued to a person convicted of a sex offense as
20 defined in Section 2 of the Sex Offender Registration Act shall
21 expire 12 months from the date of issuance or at such date as
22 the Secretary may by rule designate, not to exceed an
23 additional 12 calendar months. The Secretary may adopt rules
24 defining renewal requirements.

25 (Source: P.A. 99-118, eff. 1-1-16; 99-305, eff. 1-1-16; 99-642,
26 eff. 7-28-16.)

1 (625 ILCS 5/6-121)

2 Sec. 6-121. Issuance of confidential drivers' licenses.

3 (a) Requirements for use of confidential drivers'
4 licenses. Confidential drivers' licenses may be issued to
5 local, state, and federal government agencies for bona fide law
6 enforcement purposes. The drivers' licenses may be issued with
7 fictitious names and addresses, and may be used only for
8 confidential, investigative, or undercover law enforcement
9 operations. Confidential drivers' licenses may be issued as
10 REAL ID compliant or non-compliant driver's licenses.

11 (b) Application procedures for confidential drivers'
12 licenses:

13 (1) Applications by local, state, and federal
14 government agencies for confidential drivers' licenses
15 must be made to the Secretary of State Police Department on
16 a form and in a manner prescribed by the Secretary of State
17 Police Department.

18 (2) The application form must include information, as
19 specific as possible without compromising investigations
20 or techniques, setting forth the need for the drivers'
21 licenses and the uses to which the licenses will be
22 limited.

23 (3) The application form must be signed and verified by
24 the local, state, or federal government agency head or
25 designee.

1 (4) Registration information maintained by the
2 Secretary of State Police Department for confidential
3 drivers' licenses must show the fictitious names and
4 addresses on all records subject to public disclosure. All
5 other information concerning these confidential drivers'
6 licenses are exempt from disclosure unless the disclosure
7 is ordered by a court of competent jurisdiction.

8 (c) Revocation and cancellation procedures for
9 confidential drivers' licenses:

10 (1) The Secretary of State Police Department may revoke
11 or refuse to renew confidential drivers' licenses when they
12 have reasonable cause to believe the licenses are being
13 used for purposes other than those set forth in the
14 application form or authorized by this Section.
15 Confidential drivers' licenses may also be revoked where
16 traffic violation citations have been issued to the driver
17 and subsequent investigation reveals that the issuance of
18 the citations was unrelated to the purposes for which the
19 confidential driver's license was issued. In such cases,
20 the citations and any resulting court orders, convictions,
21 supervisions or other sanctions must be treated by the
22 Secretary of State as though they were issued in relation
23 to the true driver's license of the individual to whom the
24 confidential driver's license was issued.

25 (2) A government agency must request cancellation of
26 confidential drivers' licenses that are no longer required

1 for the purposes for which they were issued.

2 (3) All revoked confidential drivers' licenses must be
3 promptly returned to the Secretary of State Police
4 Department by the government agency to which they were
5 issued.

6 (Source: P.A. 96-549, eff. 8-17-09.)

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