



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4003

Introduced 1/12/2004, by Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.620 new	
625 ILCS 5/2-119	from Ch. 95 1/2, par. 2-119
625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-107.4 new	
625 ILCS 5/6-107.5 new	
625 ILCS 5/6-118	from Ch. 95 1/2, par. 6-118

Amends the Illinois Vehicle Code and the State Finance Act. Provides that the Secretary of State shall issue a driver's license to an applicant who is an immigrant and ineligible for a social security number if the applicant has met specified requirements. Provides that the applicant must pay a higher fee for original issuance of a drivers license. Creates the Secretary of State Immigrant License Fund as a special fund in the State treasury. Provides that \$50 of the applicant's fee for original issuance of a driver's license shall be deposited into the fund. Provides that the Secretary of State shall, subject to appropriation, use the moneys deposited into the fund to pay for the additional costs of processing the applications of these applicants. Provides that the provision does not affect the issuance of commercial driver's licenses or school bus driver permits under the Vehicle Code or of State identification cards under the Illinois Identification Card Act. Provides that the Secretary of State shall provide that there shall be a clear and distinct visual difference between driver's licenses issued to individuals without social security numbers and driver's licenses issued to individuals with social security numbers. Provides that the Secretary of State shall, in conjunction with the Illinois State Police, establish administrative procedures for determining and identifying ineligible Firearm Owner's Identification Card applicants through information provided to the Secretary of State, through the driver's license application process, to ensure compliance with the Firearm Owners Identification Card Act. Makes other changes. Effective July 1, 2005.

LRB093 16238 DRH 41872 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning vehicles.

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

4 Section 5. The State Finance Act is amended by adding
5 Section 5.620 as follows:

6 (30 ILCS 105/5.620 new)

7 Sec. 5.620. The Secretary of State Immigrant License Fund.

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Sections 2-119, 6-106, and 6-118 and adding Sections
10 6-107.4 and 6-107.5 as follows:

11 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

12 Sec. 2-119. Disposition of fees and taxes.

13 (a) All moneys received from Salvage Certificates shall be
14 deposited in the Common School Fund in the State Treasury.

15 (b) Beginning January 1, 1990 and concluding December 31,
16 1994, of the money collected for each certificate of title,
17 duplicate certificate of title and corrected certificate of
18 title, \$0.50 shall be deposited into the Used Tire Management
19 Fund. Beginning January 1, 1990 and concluding December 31,
20 1994, of the money collected for each certificate of title,
21 duplicate certificate of title and corrected certificate of
22 title, \$1.50 shall be deposited in the Park and Conservation
23 Fund.

24 Beginning January 1, 1995, of the money collected for each
25 certificate of title, duplicate certificate of title and
26 corrected certificate of title, \$2 shall be deposited in the
27 Park and Conservation Fund. The moneys deposited in the Park
28 and Conservation Fund pursuant to this Section shall be used
29 for the acquisition and development of bike paths as provided
30 for in Section 805-420 of the Department of Natural Resources

1 (Conservation) Law (20 ILCS 805/805-420).

2 Beginning January 1, 2000, of the moneys collected for each
3 certificate of title, duplicate certificate of title, and
4 corrected certificate of title, \$48 shall be deposited into the
5 Road Fund and \$4 shall be deposited into the Motor Vehicle
6 License Plate Fund, except that if the balance in the Motor
7 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
8 of a calendar month, then during the next calendar month the \$4
9 shall instead be deposited into the Road Fund.

10 Except as otherwise provided in this Code, all remaining
11 moneys collected for certificates of title, and all moneys
12 collected for filing of security interests, shall be placed in
13 the General Revenue Fund in the State Treasury.

14 (c) All moneys collected for that portion of a driver's
15 license fee designated for driver education under Section 6-118
16 shall be placed in the Driver Education Fund in the State
17 Treasury.

18 (d) Beginning January 1, 1999, of the monies collected as a
19 registration fee for each motorcycle, motor driven cycle and
20 motorized pedalcycle, 27% of each annual registration fee for
21 such vehicle and 27% of each semiannual registration fee for
22 such vehicle is deposited in the Cycle Rider Safety Training
23 Fund.

24 (e) Of the monies received by the Secretary of State as
25 registration fees or taxes or as payment of any other fee, as
26 provided in this Act, except fees received by the Secretary
27 under paragraph (7) of subsection (b) of Section 5-101 and
28 Section 5-109 of this Code, 37% shall be deposited into the
29 State Construction Fund.

30 (f) Of the total money collected for a CDL instruction
31 permit or original or renewal issuance of a commercial driver's
32 license (CDL) pursuant to the Uniform Commercial Driver's
33 License Act (UCDLA): (i) \$6 of the total fee for an original or
34 renewal CDL, and \$6 of the total CDL instruction permit fee
35 when such permit is issued to any person holding a valid
36 Illinois driver's license, shall be paid into the

1 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
2 Information System/American Association of Motor Vehicle
3 Administrators network Trust Fund) and shall be used for the
4 purposes provided in Section 6z-23 of the State Finance Act and
5 (ii) \$20 of the total fee for an original or renewal CDL or
6 commercial driver instruction permit shall be paid into the
7 Motor Carrier Safety Inspection Fund, which is hereby created
8 as a special fund in the State Treasury, to be used by the
9 Department of State Police, subject to appropriation, to hire
10 additional officers to conduct motor carrier safety
11 inspections pursuant to Chapter 18b of this Code.

12 (g) All remaining moneys received by the Secretary of State
13 as registration fees or taxes or as payment of any other fee,
14 as provided in this Act, except fees received by the Secretary
15 under paragraph (7) (A) of subsection (b) of Section 5-101 and
16 Section 5-109 of this Code, shall be deposited in the Road Fund
17 in the State Treasury. Moneys in the Road Fund shall be used
18 for the purposes provided in Section 8.3 of the State Finance
19 Act.

20 (h) (Blank).

21 (i) (Blank).

22 (j) (Blank).

23 (k) There is created in the State Treasury a special fund
24 to be known as the Secretary of State Special License Plate
25 Fund. Money deposited into the Fund shall, subject to
26 appropriation, be used by the Office of the Secretary of State
27 (i) to help defray plate manufacturing and plate processing
28 costs for the issuance and, when applicable, renewal of any new
29 or existing registration plates authorized under this Code and
30 (ii) for grants made by the Secretary of State to benefit
31 Illinois Veterans Home libraries.

32 On or before October 1, 1995, the Secretary of State shall
33 direct the State Comptroller and State Treasurer to transfer
34 any unexpended balance in the Special Environmental License
35 Plate Fund, the Special Korean War Veteran License Plate Fund,
36 and the Retired Congressional License Plate Fund to the

1 Secretary of State Special License Plate Fund.

2 (l) The Motor Vehicle Review Board Fund is created as a
3 special fund in the State Treasury. Moneys deposited into the
4 Fund under paragraph (7) of subsection (b) of Section 5-101 and
5 Section 5-109 shall, subject to appropriation, be used by the
6 Office of the Secretary of State to administer the Motor
7 Vehicle Review Board, including without limitation payment of
8 compensation and all necessary expenses incurred in
9 administering the Motor Vehicle Review Board under the Motor
10 Vehicle Franchise Act.

11 (m) Effective July 1, 1996, there is created in the State
12 Treasury a special fund to be known as the Family
13 Responsibility Fund. Moneys deposited into the Fund shall,
14 subject to appropriation, be used by the Office of the
15 Secretary of State for the purpose of enforcing the Family
16 Financial Responsibility Law.

17 (n) The Illinois Fire Fighters' Memorial Fund is created as
18 a special fund in the State Treasury. Moneys deposited into the
19 Fund shall, subject to appropriation, be used by the Office of
20 the State Fire Marshal for construction of the Illinois Fire
21 Fighters' Memorial to be located at the State Capitol grounds
22 in Springfield, Illinois. Upon the completion of the Memorial,
23 moneys in the Fund shall be used in accordance with Section
24 3-634.

25 (o) Of the money collected for each certificate of title
26 for all-terrain vehicles and off-highway motorcycles, \$17
27 shall be deposited into the Off-Highway Vehicle Trails Fund.

28 (p) For audits conducted on or after July 1, 2003 pursuant
29 to Section 2-124(d) of this Code, 50% of the money collected as
30 audit fees shall be deposited into the General Revenue Fund.

31 (q) The Secretary of State Immigrant License Fund is
32 created as a special fund in the State treasury. Moneys
33 deposited into the fund shall, subject to appropriation, be
34 used by the Secretary of State to pay for the increase in the
35 costs associated with additional immigrant applicants for
36 drivers licenses and costs associated with specialized

1 verification procedures regarding those applicants.

2 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03.)

3 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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

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

26 (b-1) The Secretary of State may in his discretion
27 substitute a federal tax number in lieu of a social security
28 number, or he may instead assign an additional distinctive
29 number in lieu thereof, where an applicant is prohibited by
30 bona fide religious convictions from applying or is exempt from
31 applying for a social security number. The Secretary of State
32 shall, however, determine which religious orders or sects have
33 such bona fide religious convictions.

34 (b-2) The Secretary of State shall issue a drivers license
35 to an applicant who is an immigrant and ineligible for a social

1 security number if the applicant has (i) provided the Secretary
2 with an individual tax identification number; (ii) filed with
3 the Secretary, at the time of application, an affidavit stating
4 that the applicant is an immigrant and not eligible for a
5 social security number and that the applicant will file an
6 application to become a permanent resident of the United States
7 at the earliest opportunity the applicant is eligible to do so;
8 (iii) provided a current foreign passport and a foreign birth
9 certificate; (iv) filed with the Secretary of State proof
10 provided to the applicant by the Illinois State Police that a
11 set of the applicant's fingerprints have been collected (costs
12 associated with this fingerprinting shall be paid by the
13 applicant at the time of collection); and (v) surrendered all
14 illegally obtained forms of drivers licenses or State
15 identification cards issued to the applicant by the Secretary.
16 Relinquishment of State issued identification shall be handled
17 by the Secretary at his or her discretion. The Secretary of
18 State shall provide to the Department of Revenue all
19 information, including the individual tax identification
20 number, captured on the application. If the Department of
21 Revenue determines that the licensee is not in compliance with
22 any applicable tax laws administered by the Department of
23 Revenue, the Department of Revenue shall request that the
24 Secretary of State suspend or revoke the license. The Secretary
25 may also require any combination of additional documents, as
26 set forth by administrative rule, as sufficient proof of
27 residency or identification. The foreign passport and foreign
28 birth certificate and any additional documents required may be
29 accepted only if: (i) the passport and birth certificate and
30 any additional documents are difficult to duplicate and (ii)
31 the passport and birth certificate and any additional documents
32 are verifiable with the issuing agency. A person denied a
33 driver's license under this subsection (b-2) may seek review
34 under the Administrative Review Law. This amendatory Act of the
35 93rd General Assembly does not affect the issuance of any
36 commercial driver's license or school bus driver's permit under

1 the Illinois Vehicle Code or any State identification card
2 under the Illinois Identification Card Act. A driver's license
3 issued under this subsection (b-2) may not be used to obtain a
4 Firearm Owner's Identification Card and may not be used to
5 obtain a driver's license in another state. A driver licensed
6 under this subsection (b-2) shall, within 30 days of receiving
7 a license, provide to the Secretary of State proof of insurance
8 and is subject to the mandatory insurance requirements of this
9 Code.

10 (b-3) The Secretary of State may, in his discretion, by
11 rule or regulation, provide that an application for a drivers
12 license or permit may include a suitable photograph of the
13 applicant in the form prescribed by the Secretary, and he may
14 further provide that each drivers license shall include a
15 photograph of the driver. The Secretary of State may utilize a
16 photograph process or system most suitable to deter alteration
17 or improper reproduction of a drivers license and to prevent
18 substitution of another photo thereon.

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

26 (d) Any male United States citizen or immigrant who applies
27 for any permit or license authorized to be issued under this
28 Act or for a renewal of any permit or license, and who is at
29 least 18 years of age but less than 26 years of age, must be
30 registered in compliance with the requirements of the federal
31 Military Selective Service Act. The Secretary of State must
32 forward in an electronic format the necessary personal
33 information regarding the applicants identified in this
34 subsection (d) to the Selective Service System. The applicant's
35 signature on the application serves as an indication that the
36 applicant either has already registered with the Selective

1 Service System or that he is authorizing the Secretary to
2 forward to the Selective Service System the necessary
3 information for registration. The Secretary must notify the
4 applicant at the time of application that his signature
5 constitutes consent to registration with the Selective Service
6 System, if he is not already registered.

7 (Source: P.A. 92-117, eff. 1-1-02.)

8 (625 ILCS 5/6-107.4 new)

9 Sec. 6-107.4. Visual difference; driver's licenses; social
10 security numbers. The Secretary of State shall provide that
11 there shall be a clear and distinct visual difference between
12 driver's licenses issued to individuals without social
13 security numbers and driver's licenses issued to individuals
14 with social security numbers.

15 (625 ILCS 5/6-107.5 new)

16 Sec. 6-107.5. Ineligible applicants for Firearms Owner's
17 Identification Cards. The Secretary of State shall, in
18 conjunction with the Illinois State Police, establish
19 administrative procedures for determining and identifying
20 ineligible Firearm Owner's Identification Card applicants
21 through information provided to the Secretary of State, through
22 the driver's license application process, to ensure compliance
23 with the Firearm Owners Identification Card Act.

24 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

25 Sec. 6-118. Fees.

26 (a) The fee for licenses and permits under this Article is
27 as follows:

28 Original driver's license

29 issued to a person who has provided
30 the Secretary with his or her social
31 security number or a person who has
32 not provided a social security number
33 for religious reasons or because he or

1 she is exempt from applying for a
2 social security number \$10
3 Original or renewal driver's license
4 issued to 18, 19 and 20 year olds 5
5 All driver's licenses for persons
6 age 69 through age 80 5
7 All driver's licenses for persons
8 age 81 through age 86 2
9 All driver's licenses for persons
10 age 87 or older 0
11 Renewal driver's license (except for
12 applicants ages 18, 19 and 20 or
13 age 69 and older)10
14 Original instruction permit issued to
15 persons (except those age 69 and older)
16 who do not hold or have not previously
17 held an Illinois instruction permit or
18 driver's license20
19 Instruction permit issued to any person
20 holding an Illinois driver's license
21 who wishes a change in classifications,
22 other than at the time of renewal 5
23 Any instruction permit issued to a person
24 age 69 and older 5
25 Instruction permit issued to any person,
26 under age 69, not currently holding a
27 valid Illinois driver's license or
28 instruction permit but who has
29 previously been issued either document
30 in Illinois10
31 Restricted driving permit 8
32 Duplicate or corrected driver's license
33 or permit 5
34 Duplicate or corrected restricted
35 driving permit 5
36 Original or renewal M or L endorsement..... 5

1 The fee for an original drivers license issued to a person
 2 who has not provided the Secretary with a social security
 3 number because the person is an immigrant and is not eligible
 4 to receive a social security number shall be \$10 and, through
 5 the date that is 3 years after the effective date of this
 6 amendatory act of the 93rd General Assembly, an additional fee
 7 of not less than \$50, to be set by the Secretary by rule, to
 8 cover the additional costs associated with issuing those
 9 drivers licenses.

10 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

11 The fees for commercial driver licenses and permits
 12 under Article V shall be as follows:

13 Commercial driver's license:

- 14 \$6 for the CDLIS/AAMVAnet Fund
- 15 (Commercial Driver's License Information
- 16 System/American Association of Motor Vehicle
- 17 Administrators network Trust Fund);
- 18 \$20 for the Motor Carrier Safety Inspection Fund;
- 19 \$10 for the driver's license;
- 20 and \$24 for the CDL: \$60

21 Renewal commercial driver's license:

- 22 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 23 \$20 for the Motor Carrier Safety Inspection Fund;
- 24 \$10 for the driver's license; and
- 25 \$24 for the CDL: \$60

26 Commercial driver instruction permit

- 27 issued to any person holding a valid
- 28 Illinois driver's license for the
- 29 purpose of changing to a
- 30 CDL classification: \$6 for the
- 31 CDLIS/AAMVAnet Trust Fund;
- 32 \$20 for the Motor Carrier
- 33 Safety Inspection Fund; and
- 34 \$24 for the CDL classification \$50

35 Commercial driver instruction permit

36 issued to any person holding a valid

1 Illinois CDL for the purpose of
 2 making a change in a classification,
 3 endorsement or restriction\$5
 4 CDL duplicate or corrected license\$5

5 In order to ensure the proper implementation of the Uniform
 6 Commercial Driver License Act, Article V of this Chapter, the
 7 Secretary of State is empowered to pro-rate the \$24 fee for the
 8 commercial driver's license proportionate to the expiration
 9 date of the applicant's Illinois driver's license.

10 The fee for any duplicate license or permit shall be waived
 11 for any person age 60 or older who presents the Secretary of
 12 State's office with a police report showing that his license or
 13 permit was stolen.

14 No additional fee shall be charged for a driver's license,
 15 or for a commercial driver's license, when issued to the holder
 16 of an instruction permit for the same classification or type of
 17 license who becomes eligible for such license.

18 (b) Any person whose license or privilege to operate a
 19 motor vehicle in this State has been suspended or revoked under
 20 any provision of Chapter 6, Chapter 11, or Section 7-205,
 21 7-303, or 7-702 of the Family Financial Responsibility Law of
 22 this Code, shall in addition to any other fees required by this
 23 Code, pay a reinstatement fee as follows:

24 Summary suspension under Section 11-501.1 ...\$250 Other
 25 suspension \$70
 26 Revocation\$500

27 However, any person whose license or privilege to operate a
 28 motor vehicle in this State has been suspended or revoked for a
 29 second or subsequent time for a violation of Section 11-501 or
 30 11-501.1 of this Code or a similar provision of a local
 31 ordinance or a similar out-of-state offense or Section 9-3 of
 32 the Criminal Code of 1961 and each suspension or revocation was
 33 for a violation of Section 11-501 or 11-501.1 of this Code or a
 34 similar provision of a local ordinance or a similar
 35 out-of-state offense or Section 9-3 of the Criminal Code of
 36 1961 shall pay, in addition to any other fees required by this

1 Code, a reinstatement fee as follows:

2 Summary suspension under Section 11-501.1\$500

3 Revocation\$500

4 (c) All fees collected under the provisions of this Chapter
5 shall be paid into the Road Fund in the State Treasury except
6 as follows:

7 1. The following amounts shall be paid into the Driver
8 Education Fund:

9 (A) \$16 of the \$20 fee for an original driver's
10 instruction permit;

11 (B) \$5 of the ~~\$20~~ fee for an original driver's
12 license;

13 (C) \$5 of the \$20 fee for a 4 year renewal driver's
14 license; and

15 (D) \$4 of the \$8 fee for a restricted driving
16 permit.

17 2. \$30 of the \$250 fee for reinstatement of a license
18 summarily suspended under Section 11-501.1 shall be
19 deposited into the Drunk and Drugged Driving Prevention
20 Fund. However, for a person whose license or privilege to
21 operate a motor vehicle in this State has been suspended or
22 revoked for a second or subsequent time for a violation of
23 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
24 the Criminal Code of 1961, \$190 of the \$500 fee for
25 reinstatement of a license summarily suspended under
26 Section 11-501.1, and \$190 of the \$500 fee for
27 reinstatement of a revoked license shall be deposited into
28 the Drunk and Drugged Driving Prevention Fund.

29 3. \$6 of such original or renewal fee for a commercial
30 driver's license and \$6 of the commercial driver
31 instruction permit fee when such permit is issued to any
32 person holding a valid Illinois driver's license, shall be
33 paid into the CDLIS/AAMVAnet Trust Fund.

34 4. \$30 of the \$70 fee for reinstatement of a license
35 suspended under the Family Financial Responsibility Law
36 shall be paid into the Family Responsibility Fund.

1 5. The \$5 fee for each original or renewal M or L
2 endorsement shall be deposited into the Cycle Rider Safety
3 Training Fund.

4 6. \$20 of any original or renewal fee for a commercial
5 driver's license or commercial driver instruction permit
6 shall be paid into the Motor Carrier Safety Inspection
7 Fund.

8 7. The following amounts shall be paid into the General
9 Revenue Fund:

10 (A) \$190 of the \$250 reinstatement fee for a
11 summary suspension under Section 11-501.1;

12 (B) \$40 of the \$70 reinstatement fee for any other
13 suspension provided in subsection (b) of this Section;
14 and

15 (C) \$440 of the \$500 reinstatement fee for a first
16 offense revocation and \$310 of the \$500 reinstatement
17 fee for a second or subsequent revocation.

18 8. The entire amount over \$10 of any fee for an
19 original driver's license issued to an immigrant
20 ineligible to receive a social security number shall be
21 deposited into the Secretary of State Immigrant License
22 Fund.

23 The Secretary of State shall adopt rules setting the fee
24 for issuing a driver's license to an immigrant ineligible to
25 receive a social security number, in light of the additional
26 costs associated with issuing those driver's licenses.

27 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04.)

28 Section 97. Severability. The provisions of this Act are
29 severable under Section 1.31 of the Statute on Statutes.

30 Section 99. Effective date. This Act takes effect July 1,
31 2005.