

94TH GENERAL ASSEMBLY State of Illinois 2005 and 2006 HB4748

Introduced 1/13/2006, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.663 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 5/6-118 from Ch. 95 1/2, par. 6-118

Amends the Illinois Vehicle Code and the State Finance Act. Provides that the Secretary of State, in compliance with the federal REAL ID Act, may issue a driver's certificate that clearly states on its face that it may not be accepted by any Federal agency for federal identification or any other official purpose. Provides that the driver's certificate must be distinguishable from a driver's license or permit. Provides that one of these driver's certificates may be issued to an applicant who is an immigrant residing in this State, is ineligible to obtain a social security number, and is ineligible to receive a driver's license. Establishes requirements for the application. Provides that an applicant for one of these certificates must pay an additional fee of not less than \$50, to be set by the Secretary of State by rule, to be deposited into the Secretary of State Immigrant Driver's Certificate Fund. Creates the Secretary of State Immigrant Driver's Certificate Fund as a special fund in the State treasury. Provides that moneys deposited into the fund shall, subject to appropriation, be used by the Secretary of State to pay for the additional costs associated with immigrant applicants for driver's certificates. Provides that a person denied a driver's certificate may seek administrative review. Provides that a driver's certificate may not be used to obtain a Firearm Owner's Identification Card or a driver's license from another state. 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, to ensure compliance with the Firearm Owners Identification Card Act. Provides for severability of the bill's provisions. Effective immediately.

LRB094 18678 DRH 54038 b

FISCAL NOTE ACT MAY APPLY

1 AN ACT concerning transportation.

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

- 4 Section 5. The State Finance Act is amended by adding
- 5 Section 5.663 as follows:
- 6 (30 ILCS 105/5.663 new)
- 7 <u>Sec. 5.663. The Secretary of State Immigrant Driver's</u>
- 8 Certificate Fund.
- 9 Section 10. The Illinois Vehicle Code is amended by
- 10 changing Sections 2-119, 6-106, and 6-118 and by adding Section
- 11 6-107.4 as follows:
- 12 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)
- 13 Sec. 2-119. Disposition of fees and taxes.
- 14 (a) All moneys received from Salvage Certificates shall be
- deposited in the Common School Fund in the State Treasury.
- 16 (b) Beginning January 1, 1990 and concluding December 31,
- 17 1994, of the money collected for each certificate of title,
- 18 duplicate certificate of title and corrected certificate of
- 19 title, \$0.50 shall be deposited into the Used Tire Management
- Fund. Beginning January 1, 1990 and concluding December 31,
- 21 1994, of the money collected for each certificate of title,
- 22 duplicate certificate of title and corrected certificate of
- 23 title, \$1.50 shall be deposited in the Park and Conservation
- 24 Fund
- Beginning January 1, 1995, of the money collected for each
- 26 certificate of title, duplicate certificate of title and
- 27 corrected certificate of title, \$2 shall be deposited in the
- 28 Park and Conservation Fund. The moneys deposited in the Park
- 29 and Conservation Fund pursuant to this Section shall be used
- 30 for the acquisition and development of bike paths as provided

for in Section 805-420 of the Department of Natural Resources

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

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

Beginning January 1, 2005, of the moneys collected for each delinquent vehicle registration renewal fee, \$20 shall be deposited into the General Revenue Fund.

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

- (c) All moneys collected for that portion of a driver's license fee designated for driver education under Section 6-118 shall be placed in the Driver Education Fund in the State Treasury.
- (d) Beginning January 1, 1999, of the monies collected as a registration fee for each motorcycle, motor driven cycle and motorized pedalcycle, 27% of each annual registration fee for such vehicle and 27% of each semiannual registration fee for such vehicle is deposited in the Cycle Rider Safety Training Fund.
- (e) Of the monies received by the Secretary of State as registration fees or taxes or as payment of any other fee, as provided in this Act, except fees received by the Secretary under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 of this Code, 37% shall be deposited into the State Construction Fund.
- (f) Of the total money collected for a CDL instruction permit or original or renewal issuance of a commercial driver's license (CDL) pursuant to the Uniform Commercial Driver's

1 License Act (UCDLA): (i) \$6 of the total fee for an original or 2 renewal CDL, and \$6 of the total CDL instruction permit fee when such permit is issued to any person holding a valid 3 4 driver's license, shall be Illinois paid into 5 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle 6 Administrators network Trust Fund) and shall be used for the 7 purposes provided in Section 6z-23 of the State Finance Act and 8 9 (ii) \$20 of the total fee for an original or renewal CDL or commercial driver instruction permit shall be paid into the 10 11 Motor Carrier Safety Inspection Fund, which is hereby created 12 as a special fund in the State Treasury, to be used by the 13 Department of State Police, subject to appropriation, to hire officers 14 additional to conduct motor carrier safety 15 inspections pursuant to Chapter 18b of this Code.

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

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- 25 (i) (Blank).
- (j) (Blank).
- 27 (k) There is created in the State Treasury a special fund 28 to be known as the Secretary of State Special License Plate 29 Money deposited into the Fund shall, subject 30 appropriation, be used by the Office of the Secretary of State (i) to help defray plate manufacturing and plate processing 31 32 costs for the issuance and, when applicable, renewal of any new or existing registration plates authorized under this Code and 33 (ii) for grants made by the Secretary of State to benefit 34 35 Illinois Veterans Home libraries.
- On or before October 1, 1995, the Secretary of State shall

- direct the State Comptroller and State Treasurer to transfer
- 2 any unexpended balance in the Special Environmental License
- 3 Plate Fund, the Special Korean War Veteran License Plate Fund,
- 4 and the Retired Congressional License Plate Fund to the
- 5 Secretary of State Special License Plate Fund.
- 6 (1) The Motor Vehicle Review Board Fund is created as a
- 7 special fund in the State Treasury. Moneys deposited into the
- 8 Fund under paragraph (7) of subsection (b) of Section 5-101 and
- 9 Section 5-109 shall, subject to appropriation, be used by the
- 10 Office of the Secretary of State to administer the Motor
- 11 Vehicle Review Board, including without limitation payment of
- 12 compensation and all necessary expenses incurred in
- 13 administering the Motor Vehicle Review Board under the Motor
- 14 Vehicle Franchise Act.
- 15 (m) Effective July 1, 1996, there is created in the State
- 16 Treasury a special fund to be known as the Family
- 17 Responsibility Fund. Moneys deposited into the Fund shall,
- 18 subject to appropriation, be used by the Office of the
- 19 Secretary of State for the purpose of enforcing the Family
- 20 Financial Responsibility Law.
- 21 (n) The Illinois Fire Fighters' Memorial Fund is created as
- 22 a special fund in the State Treasury. Moneys deposited into the
- 23 Fund shall, subject to appropriation, be used by the Office of

the State Fire Marshal for construction of the Illinois Fire

- 25 Fighters' Memorial to be located at the State Capitol grounds
- in Springfield, Illinois. Upon the completion of the Memorial,
- 27 moneys in the Fund shall be used in accordance with Section
- 28 3-634.

- 29 (o) Of the money collected for each certificate of title
- 30 for all-terrain vehicles and off-highway motorcycles, \$17
- 31 shall be deposited into the Off-Highway Vehicle Trails Fund.
- 32 (p) For audits conducted on or after July 1, 2003 pursuant
- 33 to Section 2-124(d) of this Code, 50% of the money collected as
- 34 audit fees shall be deposited into the General Revenue Fund.
- 35 (q) The Secretary of State Immigrant Driver's Certificate
- 36 Fund is created as a special fund in the State treasury. Moneys

- 1 deposited into the fund shall, subject to appropriation, be
- 2 used by the Secretary of State to pay for the increased costs
- 3 <u>associated with immigrant applicants for driver's certificates</u>
- 4 <u>issued under subsection (b-2) of Section 6-106 and costs</u>
- 5 <u>associated with specialized verification procedures regarding</u>
- 6 <u>those applicants.</u>
- 7 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840,
- 8 eff. 7-30-04.)
- 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
- to be issued under this Act shall be made upon a form furnished
- 13 by the Secretary of State. Every application shall be
- 14 accompanied by the proper fee and payment of such fee shall
- entitle the applicant to not more than 3 attempts to pass the
- 16 examination within a period of 1 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
- an affirmation by the applicant that all information set forth
- is true and correct; and shall bear the applicant's signature.
- 28 The application form may also require the statement of such
- 29 additional relevant information as the Secretary of State shall
- 30 deem necessary to determine the applicant's competency and
- 31 eligibility.
- 32 <u>(b-1)</u> The Secretary of State may in his discretion
- 33 substitute a federal tax number in lieu of a social security
- number, or he may instead assign an additional distinctive
- number in lieu thereof, where an applicant is prohibited by

1	bona fide religious convictions from applying or is exempt from
2	applying for a social security number. The Secretary of State
3	shall, however, determine which religious orders or sects have
4	such bona fide religious convictions.

(b-2) In compliance with the federal REAL ID Act, Division B of Public Law 109-13, the Secretary of State may issue a driver's certificate that shall (i) clearly state on its face that it may not be accepted by any federal agency for any federal identification or other official purpose ("official purpose" being defined under Section 201 of the federal REAL ID Act) and (ii) use a unique design or color indicator that shall visually distinguish such certificates from driver's licenses and permits issued under the Illinois Vehicle Code so as to alert federal agency and other law enforcement personnel that such certificates may not be accepted for any such purpose.

A driver's certificate may be issued under this subsection (b-2) to an applicant who is an immigrant residing in this State, is ineligible to obtain a social security number, and is ineligible to receive a driver's license under Section 6-105.1 of this Act.

Any applicant for a driver's certificate issued under this subsection (b-2) must:

- (1) provide the Secretary with a valid individual tax identification number issued by the federal Internal Revenue Service;
- (2) file with the Secretary, at the time of application, an affidavit stating that the applicant will file an application to become a permanent resident of the United States at the earliest opportunity the applicant is eligible to do so;
- (3) provide a valid foreign passport and any additional documents, as the Secretary may set forth by administrative rule, such that the passport and additional documents in combination shall include the following:
- (A) a photo identity document, except that a non-photo identity document is acceptable if it

1	includes both the person's full legal name and date of
2	<pre>birth;</pre>
3	(B) documentation showing the person's date of
4	birth; and
5	(C) documentation showing the person's name
6	and address of principal residence; provided that the
7	Secretary shall not accept any foreign document, other
8	than a valid official passport, for purposes of this
9	subparagraph; and provided further that the Secretary
10	shall verify, with the issuing agency, the issuance,
11	validity, and completeness of each document presented
12	by the applicant to satisfy the requirements of this
13	subsection (b-2);
14	(4) file with the Secretary of State proof provided to
15	the applicant by the Illinois State Police that a set of
16	the applicant's fingerprints has been collected (costs
17	associated with this fingerprinting shall be paid by the
18	applicant at the time of collection); and
19	(5) surrender all illegally obtained forms of drivers
20	licenses or State identification cards issued to the
21	applicant by the Secretary. Relinquishment of State issued
22	identification shall be handled by the Secretary at his or
23	her discretion, provided that no applicant shall thereupon
24	be subject to civil or criminal prosecution for the
25	acquisition, possession, use, or distribution of such
26	documents, and provided further that the Secretary shall
27	destroy any such relinquished documents and shall not
28	maintain any records of such documents.
29	The Secretary of State shall provide to the United States
30	Department of Revenue all information, including the
31	individual tax identification number, captured on the
32	application. If the United States Department of Revenue
33	determines that an individual to whom a driver's certificate
34	was issued is not in compliance with any applicable tax laws
35	administered by the United States Department of Revenue, the
36	United States Department of Revenue shall request that the

Secretary of State suspend or revoke the certificate.

A person denied a driver's certificate under this subsection (b-2) may seek review under the Administrative Review Law. This amendatory Act of the 94th General Assembly does not affect the issuance of any commercial driver's license or school bus driver's permit under the Illinois Vehicle Code or any State identification card under the Illinois Identification Card Act. A driver's certificate issued under this subsection (b-2) may not be used to obtain a Firearm Owner's Identification Card and may not be used to obtain a driver's license in another state. A driver issued a driver's certificate under this subsection (b-2) shall, within 30 days of receiving the certificate, provide to the Secretary of State proof of insurance. The holder of a driver's certificate is subject to the mandatory insurance requirements of this Code.

- (b-3) The Secretary of State may, in his discretion, by rule or regulation, provide that an application for a drivers license or permit may include a suitable photograph of the applicant in the form prescribed by the Secretary, and he may further provide that each drivers license shall include a photograph of the driver. The Secretary of State may utilize a photograph process or system most suitable to deter alteration or improper reproduction of a drivers license and to prevent substitution of another photo thereon.
- (c) The application form shall include a notice to the applicant of the registration obligations of sex offenders under the Sex Offender Registration Act. The notice shall be provided in a form and manner prescribed by the Secretary of State. For purposes of this subsection (c), "sex offender" has the meaning ascribed to it in Section 2 of the Sex Offender Registration Act.
- (d) Any male United States citizen or immigrant who applies for any permit or license authorized to be issued under this Act or for a renewal of any permit or license, and who is at least 18 years of age but less than 26 years of age, must be registered in compliance with the requirements of the federal

1 Military Selective Service Act. The Secretary of State must 2 forward in an electronic format the necessary personal 3 information regarding the applicants identified in this subsection (d) to the Selective Service System. The applicant's 4 5 signature on the application serves as an indication that the 6 applicant either has already registered with the Selective Service System or that he is authorizing the Secretary to 7 8 forward to the Selective Service System the necessary 9 information for registration. The Secretary must notify the 10 applicant at the time of application that his signature 11 constitutes consent to registration with the Selective Service

- 12 System, if he is not already registered.
- 13 (Source: P.A. 92-117, eff. 1-1-02; 93-895, eff. 1-1-05.)
- 14 (625 ILCS 5/6-107.4 new)
- Sec. 6-107.4. Driver's license applicants who are ineligible for Firearms Owner's Identification Cards. The
- 17 <u>Secretary of State shall, in conjunction with the Illinois</u>
- 18 <u>State Police, establish administrative procedures for</u>
- 19 <u>determining and identifying ineligible Firearm Owner's</u>
- 20 <u>Identification Card applicants, using information provided to</u>
- 21 <u>the Secretary of State through the driver's license application</u>
- 22 process, to ensure compliance with the Firearm Owners
- 23 <u>Identification Card Act.</u>
- 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:
- Original driver's license <u>issued to a person who has</u>
- 29 provided the Secretary with his or her social security number
- or to a person who has not provided a social security number
- 31 <u>for religious reasons or because he or she is exempt from</u>
- 32 applying for a social security number \$10
- Original or renewal driver's license
- 34 issued to 18, 19 and 20 year olds 5

	All driver's licenses for persons
	age 69 through age 80 5
	All driver's licenses for persons
	age 81 through age 86 2
	All driver's licenses for persons
	age 87 or older 0
	Renewal driver's license (except for
	applicants ages 18, 19 and 20 or
	age 69 and older) 10
	Original instruction permit issued to
	persons (except those age 69 and older)
	who do not hold or have not previously
	held an Illinois instruction permit or
	driver's license
	Instruction permit issued to any person
	holding an Illinois driver's license
	who wishes a change in classifications,
	other than at the time of renewal 5
	Any instruction permit issued to a person
	age 69 and older 5
	Instruction permit issued to any person,
	under age 69, not currently holding a
	valid Illinois driver's license or
	instruction permit but who has
	previously been issued either document
	in Illinois
	Restricted driving permit 8
	Duplicate or corrected driver's license
	or permit 5
	Duplicate or corrected restricted
	driving permit 5
	Original or renewal M or L endorsement 5
	The fee for an original driver's certificate issued under
su	bsection (b-2) of Section 6-106 shall be \$10; and through the

1	of not less than \$50, to be set by the Secretary by rule, shall
2	be paid and deposited into the Secretary of State Immigrant
3	Driver's Certificate Fund, to cover the additional costs
4	associated with issuing those driver's certificates.
5	SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE
6	The fees for commercial driver licenses and permits
7	under Article V shall be as follows:
8	Commercial driver's license:
9	\$6 for the CDLIS/AAMVAnet Fund
. 0	(Commercial Driver's License Information
.1	System/American Association of Motor Vehicle
L2	Administrators network Trust Fund);
.3	\$20 for the Motor Carrier Safety Inspection Fund;
L 4	\$10 for the driver's license;
L5	and \$24 for the CDL: \$60
L 6	Renewal commercial driver's license:
_7	\$6 for the CDLIS/AAMVAnet Trust Fund;
-8	\$20 for the Motor Carrier Safety Inspection Fund;
. 9	\$10 for the driver's license; and
20	\$24 for the CDL: \$60
21	Commercial driver instruction permit
22	issued to any person holding a valid
23	Illinois driver's license for the
2.4	purpose of changing to a
2.5	CDL classification: \$6 for the
:6	CDLIS/AAMVAnet Trust Fund;
27	\$20 for the Motor Carrier
28	Safety Inspection Fund; and
29	\$24 for the CDL classification \$50
80	Commercial driver instruction permit
31	issued to any person holding a valid
32	Illinois CDL for the purpose of
33	making a change in a classification,
34	endorsement or restriction\$5
5	CDL duplicate or corrected license\$5
36	In order to ensure the proper implementation of the Uniform

1	Commercial Driver License Act, Article V of this Chapter, th
2	Secretary of State is empowered to pro-rate the \$24 fee for the
3	commercial driver's license proportionate to the expiration

date of the applicant's Illinois driver's license.

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

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

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

However, any person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 1961 shall pay, in addition to any other fees required by this Code, a reinstatement fee as follows:

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

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- 2 1. The following amounts shall be paid into the Driver 3 Education Fund:
 - (A) \$16 of the \$20 fee for an original driver's instruction permit;
 - (B) \$5 of the \$10 fee for an original driver's license;
 - (C) \$5 of the \$10 fee for a 4 year renewal driver's license; and
 - (D) \$4 of the \$8 fee for a restricted driving permit.
 - 2. \$30 of the \$250 fee for reinstatement of a license summarily suspended under Section 11-501.1 shall deposited into the Drunk and Drugged Driving Prevention Fund. However, for a person whose license or privilege to operate a motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3 of the Criminal Code of 1961, \$190 of the \$500 fee for reinstatement of a license summarily suspended under 11-501.1, \$190 of the \$500 fee Section and reinstatement of a revoked license shall be deposited into the Drunk and Drugged Driving Prevention Fund.
 - 3. \$6 of such original or renewal fee for a commercial driver's license and \$6 of the commercial driver instruction permit fee when such permit is issued to any person holding a valid Illinois driver's license, shall be paid into the CDLIS/AAMVAnet Trust Fund.
 - 4. \$30 of the \$70 fee for reinstatement of a license suspended under the Family Financial Responsibility Law shall be paid into the Family Responsibility Fund.
 - 5. The \$5 fee for each original or renewal M or L endorsement shall be deposited into the Cycle Rider Safety Training Fund.
 - 6. \$20 of any original or renewal fee for a commercial driver's license or commercial driver instruction permit

1	shall be paid into the Motor Carrier Safety Inspection
2	Fund.
3	7. The following amounts shall be paid into the General
4	Revenue Fund:
5	(A) \$190 of the \$250 reinstatement fee for a
6	summary suspension under Section 11-501.1;
7	(B) \$40 of the \$70 reinstatement fee for any other
8	suspension provided in subsection (b) of this Section;
9	and
10	(C) \$440 of the \$500 reinstatement fee for a first
11	offense revocation and \$310 of the \$500 reinstatement
12	fee for a second or subsequent revocation.
13	8. The entire amount over \$10 of any fee for an
14	original driver's certificate issued under subsection
15	(b-2) of Section 6-106 shall be deposited into the
16	Secretary of State Immigrant Driver's Certificate Fund.
17	The Secretary of State shall adopt rules setting the fee
18	for issuing a driver's certificate, based on the additional
19	costs associated with issuing those driver's certificates.
20	(Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,
21	eff. 1-1-05.)
22	Section 97. Severability. The provisions of this Act are

- 23 severable under Section 1.31 of the Statute on Statutes.
- 24 Section 99. Effective date. This Act takes effect upon 25 becoming law.