



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB5344

by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code and the State Finance Act. Provides for issuance of a driver's certificate that states that it may not be accepted by a federal agency for a federal identification or other official purpose and uses a unique design or color indicator that visually distinguishes it from driver's licenses and permits. Provides that an applicant for a driver's certificate must: be at least 18 years of age; provide a valid federal individual tax identification number or social security number; provide a valid passport and additional specified documents; file proof provided to the applicant by the Illinois State Police that a set of the applicant's fingerprints has been collected; and surrender all false driver's licenses or State identification cards in the applicant's possession. Contains provisions regarding: destruction of certain documents; exchanges of information by the Secretary of State and the Illinois Department of Revenue and the Illinois State Police; applicability of the Code to a driver's certificate holder or applicant; mandatory insurance; review of a denial of a driver's certificate; other licenses and identification; photographs; fees; revocation; and other matters. Creates the Secretary of State Driver's Certificate Fund as a special fund in the State treasury and provides that the Fund shall be used for the increase in costs associated with additional applicants for driver's certificates and costs associated with specialized verification procedures regarding those applicants. Makes other changes. Makes certain provisions inoperative 5 years after the effective date of the amendatory Act but provides that a document issued under those provisions remains valid until the date on the document. Effective January 1, 2009.

LRB095 19540 WGH 45861 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation, which may be referred to
2 as the Roadway Safety and Mandatory Insurance Coverage
3 Amendments of 2008.

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

6 Section 5. The State Finance Act is amended by adding
7 Section 5.708 as follows:

8 (30 ILCS 105/5.708 new)

9 Sec. 5.708. The Secretary of State Driver's Certificate
10 Fund.

11 Section 10. The Illinois Vehicle Code is amended by
12 changing Sections 2-119, 6-106, 6-118, and 6-205 and by adding
13 Section 6-107.5 as follows:

14 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

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

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

18 (b) Beginning January 1, 1990 and concluding December 31,
19 1994, of the money collected for each certificate of title,
20 duplicate certificate of title and corrected certificate of
21 title, \$0.50 shall be deposited into the Used Tire Management

1 Fund. Beginning January 1, 1990 and concluding December 31,
2 1994, of the money collected for each certificate of title,
3 duplicate certificate of title and corrected certificate of
4 title, \$1.50 shall be deposited in the Park and Conservation
5 Fund.

6 Beginning January 1, 1995, of the money collected for each
7 certificate of title, duplicate certificate of title and
8 corrected certificate of title, \$2 shall be deposited in the
9 Park and Conservation Fund. The moneys deposited in the Park
10 and Conservation Fund pursuant to this Section shall be used
11 for the acquisition and development of bike paths as provided
12 for in Section 805-420 of the Department of Natural Resources
13 (Conservation) Law (20 ILCS 805/805-420).

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

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

25 Except as otherwise provided in this Code, all remaining
26 moneys collected for certificates of title, and all moneys

1 collected for filing of security interests, shall be placed in
2 the General Revenue Fund in the State Treasury.

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

7 (d) Beginning January 1, 1999, of the monies collected as a
8 registration fee for each motorcycle, motor driven cycle and
9 motorized pedalcycle, 27% of each annual registration fee for
10 such vehicle and 27% of each semiannual registration fee for
11 such vehicle is deposited in the Cycle Rider Safety Training
12 Fund.

13 (e) Of the monies received by the Secretary of State as
14 registration fees or taxes or as payment of any other fee, as
15 provided in this Act, except fees received by the Secretary
16 under paragraph (7) of subsection (b) of Section 5-101 and
17 Section 5-109 of this Code, 37% shall be deposited into the
18 State Construction Fund.

19 (f) Of the total money collected for a CDL instruction
20 permit or original or renewal issuance of a commercial driver's
21 license (CDL) pursuant to the Uniform Commercial Driver's
22 License Act (UCDLA): (i) \$6 of the total fee for an original or
23 renewal CDL, and \$6 of the total CDL instruction permit fee
24 when such permit is issued to any person holding a valid
25 Illinois driver's license, shall be paid into the
26 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License

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

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

19 (h) (Blank).

20 (i) (Blank).

21 (j) (Blank).

22 (k) There is created in the State Treasury a special fund
23 to be known as the Secretary of State Special License Plate
24 Fund. Money deposited into the Fund shall, subject to
25 appropriation, be used by the Office of the Secretary of State
26 (i) to help defray plate manufacturing and plate processing

1 costs for the issuance and, when applicable, renewal of any new
2 or existing registration plates authorized under this Code and
3 (ii) for grants made by the Secretary of State to benefit
4 Illinois Veterans Home libraries.

5 On or before October 1, 1995, the Secretary of State shall
6 direct the State Comptroller and State Treasurer to transfer
7 any unexpended balance in the Special Environmental License
8 Plate Fund, the Special Korean War Veteran License Plate Fund,
9 and the Retired Congressional License Plate Fund to the
10 Secretary of State Special License Plate Fund.

11 (l) The Motor Vehicle Review Board Fund is created as a
12 special fund in the State Treasury. Moneys deposited into the
13 Fund under paragraph (7) of subsection (b) of Section 5-101 and
14 Section 5-109 shall, subject to appropriation, be used by the
15 Office of the Secretary of State to administer the Motor
16 Vehicle Review Board, including without limitation payment of
17 compensation and all necessary expenses incurred in
18 administering the Motor Vehicle Review Board under the Motor
19 Vehicle Franchise Act.

20 (m) Effective July 1, 1996, there is created in the State
21 Treasury a special fund to be known as the Family
22 Responsibility Fund. Moneys deposited into the Fund shall,
23 subject to appropriation, be used by the Office of the
24 Secretary of State for the purpose of enforcing the Family
25 Financial Responsibility Law.

26 (n) The Illinois Fire Fighters' Memorial Fund is created as

1 a special fund in the State Treasury. Moneys deposited into the
2 Fund shall, subject to appropriation, be used by the Office of
3 the State Fire Marshal for construction of the Illinois Fire
4 Fighters' Memorial to be located at the State Capitol grounds
5 in Springfield, Illinois. Upon the completion of the Memorial,
6 moneys in the Fund shall be used in accordance with Section
7 3-634.

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

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

14 (q) The Secretary of State Driver's Certificate Fund is
15 created as a special fund in the State treasury. Moneys
16 deposited into the Fund shall, subject to appropriation, be
17 used by the Secretary of State to pay for the increase in the
18 costs associated with additional applicants for driver's
19 certificates issued under subsection (b-2) of Section 6-106 and
20 costs associated with specialized verification procedures
21 regarding those applicants.

22 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840,
23 eff. 7-30-04.)

24 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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

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

22 (b-1) The Secretary of State may in his discretion
23 substitute a federal tax number in lieu of a social security
24 number, or he may instead assign an additional distinctive
25 number in lieu thereof, where an applicant is prohibited by
26 bona fide religious convictions from applying or is exempt from

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

4 (b-2) (1) In compliance with the federal REAL ID Act,
5 Division B of Public Law 109-13, the Secretary of State, on
6 and after the effective date of this amendatory Act of the
7 95th General Assembly, shall issue to any Illinois resident
8 who meets the requirements of this subsection (b-2) a
9 driver's certificate that shall:

10 (A) clearly state on its face that it may not be
11 accepted by any federal agency for any federal
12 identification or other official purpose ("official
13 purpose" being defined under Section 201 of the federal
14 REAL ID Act); and

15 (B) use a unique design or color indicator that
16 shall visually distinguish these certificates from
17 driver's licenses and permits issued under the
18 Illinois Vehicle Code so as to alert federal agency and
19 other law enforcement personnel that these
20 certificates may not be accepted for any federal
21 identification or other official purpose.

22 (2) Any applicant for a driver's certificate issued
23 under this subsection (b-2) must be at least 18 years of
24 age and must:

25 (A) provide the Secretary with a valid individual
26 tax identification number issued by the federal

1 Internal Revenue Service or social security number
2 issued by the federal Social Security Administration;

3 (B) provide a valid passport and any additional
4 documents, as the Secretary may set forth by
5 administrative rule, such that the passport and
6 additional documents in combination shall include the
7 following:

8 (i) a photo identity document, except that a
9 non-photo identity document is acceptable if it
10 includes both the person's full legal name and date
11 of birth;

12 (ii) documentation showing the person's date
13 of birth;

14 (iii) documentation showing the person's name
15 and address of principal residence; provided that
16 the Secretary shall not accept any foreign
17 document, other than a valid official passport,
18 for purposes of this subparagraph; and provided
19 further that the Secretary shall verify, in a
20 manner and form prescribed by the Secretary in
21 administrative rule, the issuance, validity, and
22 completeness of each document presented by the
23 applicant, to satisfy the requirements of this
24 subdivision (b-2) (2) (B); and provided further that
25 the Secretary has the right to reject any document
26 presented by the applicant that cannot be

1 verified; and

2 (C) file with the Secretary of State proof provided
3 to the applicant by the Illinois State Police that a
4 set of the applicant's fingerprints has been collected
5 (costs associated with this fingerprinting shall be
6 paid by the applicant at the time of collection); and

7 (D) surrender all false driver's licenses or State
8 identification cards in the applicant's possession.
9 The Secretary shall handle the surrender of these
10 documents at the Secretary's discretion, provided that
11 no applicant shall be subject to civil or criminal
12 prosecution for the acquisition, possession, use, or
13 distribution of these documents, and provided further
14 that the Secretary shall destroy any relinquished
15 documents within 24 hours of receipt and shall not
16 maintain any records of those documents, except that
17 this requirement does not apply if the Secretary of
18 State can identify a bona fide law enforcement purpose
19 for retaining such documents.

20 (3) The Secretary of State shall provide to the
21 Illinois Department of Revenue all information, including
22 the individual tax identification number, captured on the
23 application. If the Illinois Department of Revenue
24 determines that an individual to whom a driver's
25 certificate was issued is not in compliance with any
26 applicable tax laws administered by the Department of

1 Revenue, the Department of Revenue shall request that the
2 Secretary of State revoke the certificate.

3 (4) Any applicant for or the bearer of a driver's
4 certificate issued under this subsection (b-2) shall be
5 subject to any and all provisions of this Code and any and
6 all implementing regulations issued by the Secretary of
7 State to the same extent as any driver issued a driver's
8 license, including but not limited to the mandatory
9 insurance requirements and penalties set forth in Chapter
10 7, Article VI of this Code, unless otherwise specified in
11 this subsection (b-2). To the extent that any driver is
12 required by law to have a valid Illinois driver's license
13 in order to purchase insurance to comply with the mandatory
14 insurance provisions of this Code, a driver's certificate
15 issued under this subsection (b-2) shall satisfy that
16 requirement. Within 30 days of receiving a certificate, the
17 driver shall provide to the Secretary of State, in a manner
18 and form prescribed by the Secretary, proof of liability
19 insurance coverage for the driver and for any and all
20 vehicles to which the driver has title of ownership; if the
21 driver fails to provide that proof within 30 days, the
22 Secretary is authorized to suspend the certificate until
23 the driver provides that proof.

24 (5) A person denied a driver's certificate under this
25 subsection (b-2) may seek review under the Administrative
26 Review Law. This amendatory Act of the 95th General

1 Assembly does not affect the issuance of any commercial
2 driver's license or school bus driver's permit under the
3 Illinois Vehicle Code or any State identification card
4 under the Illinois Identification Card Act. A driver's
5 certificate issued under this subsection (b-2) may not be
6 used to obtain a Firearm Owner's Identification Card and
7 may not be used to obtain a driver's license in another
8 state.

9 (6) The Secretary of State may provide, in his or her
10 discretion, by rule that an application for a driver's
11 certificate under this subsection (b-2) may include a
12 suitable photograph of the applicant in the form prescribed
13 by the Secretary, and the Secretary of State shall further
14 provide that each driver's certificate shall include a
15 photograph of the driver. The Secretary of State shall
16 utilize a photographic process or system most suitable to
17 deter alteration or improper reproduction of a driver's
18 certificate issued under this subsection (b-2) and to
19 prevent substitution of another photo on the certificate.

20 (b-3) Subsection (b-2) becomes inoperative 5 years after
21 the effective date of this amendatory Act of the 95th General
22 Assembly; however, any document issued under subsection (b-2)
23 shall remain valid until the date set forth on the document by
24 the Secretary of State.

25 (b-4) The Secretary of State may, in his discretion, by
26 rule or regulation, provide that an application for a drivers

1 license or permit may include a suitable photograph of the
2 applicant in the form prescribed by the Secretary, and he may
3 further provide that each drivers license shall include a
4 photograph of the driver. The Secretary of State may utilize a
5 photograph process or system most suitable to deter alteration
6 or improper reproduction of a drivers license and to prevent
7 substitution of another photo thereon.

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

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

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

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

7 (625 ILCS 5/6-107.5 new)

8 Sec. 6-107.5. Ineligible applicants for Firearm Owner's
 9 Identification Cards. The Secretary of State shall, in
 10 conjunction with the Illinois State Police, establish
 11 administrative procedures for determining and identifying
 12 ineligible Firearm Owner's Identification Card applicants
 13 through information provided to the Secretary of State, through
 14 the driver's license and driver's certificate application
 15 process, to ensure compliance with the Firearm Owners
 16 Identification Card Act.

17 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

18 Sec. 6-118. Fees.

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

- 21 Original driver's license \$10
- 22 Original or renewal driver's license
- 23 issued to 18, 19 and 20 year olds 5
- 24 All driver's licenses for persons

1 age 69 through age 80 5

2 All driver's licenses for persons

3 age 81 through age 86 2

4 All driver's licenses for persons

5 age 87 or older 0

6 Renewal driver's license (except for

7 applicants ages 18, 19 and 20 or

8 age 69 and older) 10

9 Original instruction permit issued to

10 persons (except those age 69 and older)

11 who do not hold or have not previously

12 held an Illinois instruction permit or

13 driver's license 20

14 Instruction permit issued to any person

15 holding an Illinois driver's license

16 who wishes a change in classifications,

17 other than at the time of renewal 5

18 Any instruction permit issued to a person

19 age 69 and older 5

20 Instruction permit issued to any person,

21 under age 69, not currently holding a

22 valid Illinois driver's license or

23 instruction permit but who has

24 previously been issued either document

25 in Illinois 10

26 Restricted driving permit 8

1 Duplicate or corrected driver's license

2 or permit 5

3 Duplicate or corrected restricted

4 driving permit 5

5 Original or renewal M or L endorsement..... 5

6 The fee for a driver's certificate issued under subsection

7 (b-2) of Section 6-106 shall be \$10 plus an additional fee of

8 not less than \$50, to be set by the Secretary by rule, to cover

9 the additional costs associated with issuing those driver's

10 certificates.

11 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

12 The fees for commercial driver licenses and permits

13 under Article V shall be as follows:

14 Commercial driver's license:

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

22 Renewal commercial driver's license:

- 23 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 24 \$20 for the Motor Carrier Safety Inspection Fund;
- 25 \$10 for the driver's license; and
- 26 \$24 for the CDL: \$60

1 Commercial driver instruction permit
 2 issued to any person holding a valid
 3 Illinois driver's license for the
 4 purpose of changing to a
 5 CDL classification: \$6 for the
 6 CDLIS/AAMVAnet Trust Fund;
 7 \$20 for the Motor Carrier
 8 Safety Inspection Fund; and
 9 \$24 for the CDL classification \$50

10 Commercial driver instruction permit
 11 issued to any person holding a valid
 12 Illinois CDL for the purpose of
 13 making a change in a classification,
 14 endorsement or restriction \$5
 15 CDL duplicate or corrected license \$5

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

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

25 No additional fee shall be charged for a driver's license,
 26 or for a commercial driver's license, when issued to the holder

1 of an instruction permit for the same classification or type of
2 license who becomes eligible for such license.

3 (b) Any person whose license or privilege to operate a
4 motor vehicle in this State has been suspended or revoked under
5 Section 3-707, any provision of Chapter 6, Chapter 11, or
6 Section 7-205, 7-303, or 7-702 of the Family Financial
7 Responsibility Law of this Code, shall in addition to any other
8 fees required by this Code, pay a reinstatement fee as follows:

9	Suspension under Section 3-707	\$100
10	Summary suspension under Section 11-501.1	\$250
11	Other suspension	\$70
12	Revocation	\$500

13 However, any person whose license or privilege to operate a
14 motor vehicle in this State has been suspended or revoked for a
15 second or subsequent time for a violation of Section 11-501 or
16 11-501.1 of this Code or a similar provision of a local
17 ordinance or a similar out-of-state offense or Section 9-3 of
18 the Criminal Code of 1961 and each suspension or revocation was
19 for a violation of Section 11-501 or 11-501.1 of this Code or a
20 similar provision of a local ordinance or a similar
21 out-of-state offense or Section 9-3 of the Criminal Code of
22 1961 shall pay, in addition to any other fees required by this
23 Code, a reinstatement fee as follows:

24	Summary suspension under Section 11-501.1	\$500
25	Revocation	\$500

26 (c) All fees collected under the provisions of this Chapter

1 6 shall be paid into the Road Fund in the State Treasury except
2 as follows:

3 1. The following amounts shall be paid into the Driver
4 Education Fund:

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

7 (B) \$5 of the \$10 fee for an original driver's
8 license;

9 (C) \$5 of the \$10 fee for a 4 year renewal driver's
10 license; and

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

13 2. \$30 of the \$250 fee for reinstatement of a license
14 summarily suspended under Section 11-501.1 shall be
15 deposited into the Drunk and Drugged Driving Prevention
16 Fund. However, for a person whose license or privilege to
17 operate a motor vehicle in this State has been suspended or
18 revoked for a second or subsequent time for a violation of
19 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
20 the Criminal Code of 1961, \$190 of the \$500 fee for
21 reinstatement of a license summarily suspended under
22 Section 11-501.1, and \$190 of the \$500 fee for
23 reinstatement of a revoked license shall be deposited into
24 the Drunk and Drugged Driving Prevention Fund.

25 3. \$6 of such original or renewal fee for a commercial
26 driver's license and \$6 of the commercial driver

1 instruction permit fee when such permit is issued to any
2 person holding a valid Illinois driver's license, shall be
3 paid into the CDLIS/AAMVAnet Trust Fund.

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

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

10 6. \$20 of any original or renewal fee for a commercial
11 driver's license or commercial driver instruction permit
12 shall be paid into the Motor Carrier Safety Inspection
13 Fund.

14 7. The following amounts shall be paid into the General
15 Revenue Fund:

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

18 (B) \$40 of the \$70 reinstatement fee for any other
19 suspension provided in subsection (b) of this Section;
20 and

21 (C) \$440 of the \$500 reinstatement fee for a first
22 offense revocation and \$310 of the \$500 reinstatement
23 fee for a second or subsequent revocation.

24 8. The entire amount more than \$10 of any fee for a
25 driver's certificate issued under subsection (b-2) of
26 Section 6-106 shall be deposited into the Secretary of

1 State Driver's Certificate Fund. The Secretary of State
2 shall adopt rules setting the fee for issuing a driver's
3 certificate, in light of the additional costs associated
4 with issuing those driver's certificates.

5 (Source: P.A. 93-32, eff. 1-1-04; 93-788, eff. 1-1-05; 94-1035,
6 eff. 7-1-07.)

7 (625 ILCS 5/6-205) (from Ch. 95 1/2, par. 6-205)

8 (Text of Section after amendment by P.A. 95-337 and 95-627)

9 Sec. 6-205. Mandatory revocation of license or permit;
10 Hardship cases.

11 (a) Except as provided in this Section, the Secretary of
12 State shall immediately revoke the license, permit, or driving
13 privileges of any driver upon receiving a report of the
14 driver's conviction of any of the following offenses:

15 1. Reckless homicide resulting from the operation of a
16 motor vehicle;

17 2. Violation of Section 11-501 of this Code or a
18 similar provision of a local ordinance relating to the
19 offense of operating or being in physical control of a
20 vehicle while under the influence of alcohol, other drug or
21 drugs, intoxicating compound or compounds, or any
22 combination thereof;

23 3. Any felony under the laws of any State or the
24 federal government in the commission of which a motor
25 vehicle was used;

1 4. Violation of Section 11-401 of this Code relating to
2 the offense of leaving the scene of a traffic accident
3 involving death or personal injury;

4 5. Perjury or the making of a false affidavit or
5 statement under oath to the Secretary of State under this
6 Code or under any other law relating to the ownership or
7 operation of motor vehicles;

8 6. Conviction upon 3 charges of violation of Section
9 11-503 of this Code relating to the offense of reckless
10 driving committed within a period of 12 months;

11 7. Conviction of any offense defined in Section 4-102
12 of this Code;

13 8. Violation of Section 11-504 of this Code relating to
14 the offense of drag racing;

15 9. Violation of Chapters 8 and 9 of this Code;

16 10. Violation of Section 12-5 of the Criminal Code of
17 1961 arising from the use of a motor vehicle;

18 11. Violation of Section 11-204.1 of this Code relating
19 to aggravated fleeing or attempting to elude a peace
20 officer;

21 12. Violation of paragraph (1) of subsection (b) of
22 Section 6-507, or a similar law of any other state,
23 relating to the unlawful operation of a commercial motor
24 vehicle;

25 13. Violation of paragraph (a) of Section 11-502 of
26 this Code or a similar provision of a local ordinance if

1 the driver has been previously convicted of a violation of
2 that Section or a similar provision of a local ordinance
3 and the driver was less than 21 years of age at the time of
4 the offense;

5 14. Violation of Section 11-506 of this Code or a
6 similar provision of a local ordinance relating to the
7 offense of street racing.

8 (a-5) The Secretary of State shall immediately revoke the
9 driver's certificate issued under subdivision (b-2)(1) of
10 Section 6-106 of this Code, upon notification from the Illinois
11 Department of Revenue that the holder of the driver's
12 certificate is not in compliance with any applicable tax laws
13 administered by the Department of Revenue.

14 (b) The Secretary of State shall also immediately revoke
15 the license or permit of any driver in the following
16 situations:

17 1. Of any minor upon receiving the notice provided for
18 in Section 5-901 of the Juvenile Court Act of 1987 that the
19 minor has been adjudicated under that Act as having
20 committed an offense relating to motor vehicles prescribed
21 in Section 4-103 of this Code;

22 2. Of any person when any other law of this State
23 requires either the revocation or suspension of a license
24 or permit;

25 3. Of any person adjudicated under the Juvenile Court
26 Act of 1987 based on an offense determined to have been

1 committed in furtherance of the criminal activities of an
2 organized gang as provided in Section 5-710 of that Act,
3 and that involved the operation or use of a motor vehicle
4 or the use of a driver's license or permit. The revocation
5 shall remain in effect for the period determined by the
6 court. Upon the direction of the court, the Secretary shall
7 issue the person a judicial driving permit, also known as a
8 JDP. The JDP shall be subject to the same terms as a JDP
9 issued under Section 6-206.1, except that the court may
10 direct that a JDP issued under this subdivision (b) (3) be
11 effective immediately.

12 (c) (1) Except as provided in subsection (c-5), whenever a
13 person is convicted of any of the offenses enumerated in this
14 Section, the court may recommend and the Secretary of State in
15 his discretion, without regard to whether the recommendation is
16 made by the court may, upon application, issue to the person a
17 restricted driving permit granting the privilege of driving a
18 motor vehicle between the petitioner's residence and
19 petitioner's place of employment or within the scope of the
20 petitioner's employment related duties, or to allow
21 transportation for the petitioner or a household member of the
22 petitioner's family for the receipt of necessary medical care
23 or~~r~~ provide transportation for the petitioner to and from
24 alcohol or drug remedial or rehabilitative activity
25 recommended by a licensed service provider, or for the
26 petitioner to attend classes, as a student, in an accredited

1 educational institution; if the petitioner is able to
2 demonstrate that no alternative means of transportation is
3 reasonably available and that the petitioner will not endanger
4 the public safety or welfare; provided that the Secretary's
5 discretion shall be limited to cases where undue hardship, as
6 defined by the rules of the Secretary of State, would result
7 from a failure to issue the restricted driving permit. Those
8 multiple offenders identified in subdivision (b)4 of Section
9 6-208 of this Code, however, shall not be eligible for the
10 issuance of a restricted driving permit.

11 (2) If a person's license or permit is revoked or
12 suspended due to 2 or more convictions of violating Section
13 11-501 of this Code or a similar provision of a local
14 ordinance or a similar out-of-state offense, or Section 9-3
15 of the Criminal Code of 1961, where the use of alcohol or
16 other drugs is recited as an element of the offense, or a
17 similar out-of-state offense, or a combination of these
18 offenses, arising out of separate occurrences, that
19 person, if issued a restricted driving permit, may not
20 operate a vehicle unless it has been equipped with an
21 ignition interlock device as defined in Section 1-129.1.

22 (3) If:

23 (A) a person's license or permit is revoked or
24 suspended 2 or more times within a 10 year period due
25 to any combination of:

26 (i) ~~(A)~~ a single conviction of violating

1 Section 11-501 of this Code or a similar provision
2 of a local ordinance or a similar out-of-state
3 offense, or Section 9-3 of the Criminal Code of
4 1961, where the use of alcohol or other drugs is
5 recited as an element of the offense, or a similar
6 out-of-state offense; or

7 (ii) ~~(B)~~ a statutory summary suspension under
8 Section 11-501.1; or

9 (iii) ~~(C)~~ a suspension pursuant to Section
10 6-203.1~~;~~

11 arising out of separate occurrences~~;~~ or

12 (B) ~~if~~ a person has been convicted of one violation
13 of Section 6-303 of this Code committed while his or
14 her driver's license, permit, or privilege was revoked
15 because of a violation of Section 9-3 of the Criminal
16 Code of 1961, relating to the offense of reckless
17 homicide, or a similar provision of a law of another
18 state~~;~~

19 that person, if issued a restricted driving permit, may not
20 operate a vehicle unless it has been equipped with an
21 ignition interlock device as defined in Section 1-129.1.

22 (4) The person must pay to the Secretary of State DUI
23 Administration Fund an amount not to exceed \$20 per month.
24 The Secretary shall establish by rule the amount and the
25 procedures, terms, and conditions relating to these fees.

26 (5) If the restricted driving permit is issued for

1 employment purposes, then the prohibition against
2 operating a motor vehicle that is not equipped with an
3 ignition interlock device does not apply to the operation
4 of an occupational vehicle owned or leased by that person's
5 employer when used solely for employment purposes.

6 (6) In each case the Secretary of State may issue a
7 restricted driving permit for a period he deems
8 appropriate, except that the permit shall expire within one
9 year from the date of issuance. The Secretary may not,
10 however, issue a restricted driving permit to any person
11 whose current revocation is the result of a second or
12 subsequent conviction for a violation of Section 11-501 of
13 this Code or a similar provision of a local ordinance or
14 any similar out-of-state offense, or Section 9-3 of the
15 Criminal Code of 1961, where the use of alcohol or other
16 drugs is recited as an element of the offense, or any
17 similar out-of-state offense, or any combination of these
18 offenses, until the expiration of at least one year from
19 the date of the revocation. A restricted driving permit
20 issued under this Section shall be subject to cancellation,
21 revocation, and suspension by the Secretary of State in
22 like manner and for like cause as a driver's license issued
23 under this Code may be cancelled, revoked, or suspended;
24 except that a conviction upon one or more offenses against
25 laws or ordinances regulating the movement of traffic shall
26 be deemed sufficient cause for the revocation, suspension,

1 or cancellation of a restricted driving permit. The
2 Secretary of State may, as a condition to the issuance of a
3 restricted driving permit, require the petitioner to
4 participate in a designated driver remedial or
5 rehabilitative program. The Secretary of State is
6 authorized to cancel a restricted driving permit if the
7 permit holder does not successfully complete the program.
8 However, if an individual's driving privileges have been
9 revoked in accordance with paragraph 13 of subsection (a)
10 of this Section, no restricted driving permit shall be
11 issued until the individual has served 6 months of the
12 revocation period.

13 (c-5) The Secretary may not issue a restricted driving
14 permit to any person who has been convicted of a second or
15 subsequent violation of Section 6-303 of this Code committed
16 while his or her driver's license, permit, or privilege was
17 revoked because of a violation of Section 9-3 of the Criminal
18 Code of 1961, relating to the offense of reckless homicide, or
19 a similar provision of a law of another state.

20 (d) (1) Whenever a person under the age of 21 is convicted
21 under Section 11-501 of this Code or a similar provision of a
22 local ordinance, or a similar out-of-state offense, the
23 Secretary of State shall revoke the driving privileges of that
24 person. One year after the date of revocation, and upon
25 application, the Secretary of State may, if satisfied that the
26 person applying will not endanger the public safety or welfare,

1 issue a restricted driving permit granting the privilege of
2 driving a motor vehicle only between the hours of 5 a.m. and 9
3 p.m. or as otherwise provided by this Section for a period of
4 one year. After this one year period, and upon reapplication
5 for a license as provided in Section 6-106, upon payment of the
6 appropriate reinstatement fee provided under paragraph (b) of
7 Section 6-118, the Secretary of State, in his discretion, may
8 reinstate the petitioner's driver's license and driving
9 privileges, or extend the restricted driving permit as many
10 times as the Secretary of State deems appropriate, by
11 additional periods of not more than 12 months each.

12 (2) If a person's license or permit is revoked or
13 suspended due to 2 or more convictions of violating Section
14 11-501 of this Code or a similar provision of a local
15 ordinance or a similar out-of-state offense, or Section 9-3
16 of the Criminal Code of 1961, where the use of alcohol or
17 other drugs is recited as an element of the offense, or a
18 similar out-of-state offense, or a combination of these
19 offenses, arising out of separate occurrences, that
20 person, if issued a restricted driving permit, may not
21 operate a vehicle unless it has been equipped with an
22 ignition interlock device as defined in Section 1-129.1.

23 (3) If a person's license or permit is revoked or
24 suspended 2 or more times within a 10 year period due to
25 any combination of:

26 (A) a single conviction of violating Section

1 11-501 of this Code or a similar provision of a local
2 ordinance or a similar out-of-state offense, or
3 Section 9-3 of the Criminal Code of 1961, where the use
4 of alcohol or other drugs is recited as an element of
5 the offense, or a similar out-of-state offense; or

6 (B) a statutory summary suspension under Section
7 11-501.1; or

8 (C) a suspension pursuant to Section 6-203.1~~17~~
9 arising out of separate occurrences, that person, if issued
10 a restricted driving permit, may not operate a vehicle
11 unless it has been equipped with an ignition interlock
12 device as defined in Section 1-129.1.

13 (4) The person must pay to the Secretary of State DUI
14 Administration Fund an amount not to exceed \$20 per month.
15 The Secretary shall establish by rule the amount and the
16 procedures, terms, and conditions relating to these fees.

17 (5) If the restricted driving permit is issued for
18 employment purposes, then the prohibition against driving
19 a vehicle that is not equipped with an ignition interlock
20 device does not apply to the operation of an occupational
21 vehicle owned or leased by that person's employer when used
22 solely for employment purposes.

23 (6) A restricted driving permit issued under this
24 Section shall be subject to cancellation, revocation, and
25 suspension by the Secretary of State in like manner and for
26 like cause as a driver's license issued under this Code may

1 be cancelled, revoked, or suspended; except that a
2 conviction upon one or more offenses against laws or
3 ordinances regulating the movement of traffic shall be
4 deemed sufficient cause for the revocation, suspension, or
5 cancellation of a restricted driving permit.

6 (d-5) The revocation of the license, permit, or driving
7 privileges of a person convicted of a third or subsequent
8 violation of Section 6-303 of this Code committed while his or
9 her driver's license, permit, or privilege was revoked because
10 of a violation of Section 9-3 of the Criminal Code of 1961,
11 relating to the offense of reckless homicide, or a similar
12 provision of a law of another state, is permanent. The
13 Secretary may not, at any time, issue a license or permit to
14 that person.

15 (e) This Section is subject to the provisions of the Driver
16 License Compact.

17 (f) Any revocation imposed upon any person under
18 subsections 2 and 3 of paragraph (b) that is in effect on
19 December 31, 1988 shall be converted to a suspension for a like
20 period of time.

21 (g) The Secretary of State shall not issue a restricted
22 driving permit to a person under the age of 16 years whose
23 driving privileges have been revoked under any provisions of
24 this Code.

25 (h) The Secretary of State shall require the use of
26 ignition interlock devices on all vehicles owned by an

1 individual who has been convicted of a second or subsequent
2 offense under Section 11-501 of this Code or a similar
3 provision of a local ordinance. The Secretary shall establish
4 by rule and regulation the procedures for certification and use
5 of the interlock system.

6 (i) (Blank).

7 (j) In accordance with 49 C.F.R. 384, the Secretary of
8 State may not issue a restricted driving permit for the
9 operation of a commercial motor vehicle to a person holding a
10 CDL whose driving privileges have been revoked, suspended,
11 cancelled, or disqualified under any provisions of this Code.

12 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
13 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;
14 95-627, eff. 6-1-08; revised 2-7-08.)

15 Section 95. No acceleration or delay. Where this Act makes
16 changes in a statute that is represented in this Act by text
17 that is not yet or no longer in effect (for example, a Section
18 represented by multiple versions), the use of that text does
19 not accelerate or delay the taking effect of (i) the changes
20 made by this Act or (ii) provisions derived from any other
21 Public Act.

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 January

1 1, 2009.

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Statutes amended in order of appearance

3

30 ILCS 105/5.708 new

4

625 ILCS 5/2-119

from Ch. 95 1/2, par. 2-119

5

625 ILCS 5/6-106

from Ch. 95 1/2, par. 6-106

6

625 ILCS 5/6-107.5 new

7

625 ILCS 5/6-118

from Ch. 95 1/2, par. 6-118

8

625 ILCS 5/6-205

from Ch. 95 1/2, par. 6-205