



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB4200

Introduced 2/27/2009, by Rep. Michael P. McAuliffe

#### SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Vehicle Code and Illinois Identification Card Act to provide that for every applicant who applies for an identification card (a State identification card or driver's license), the Secretary of State must inquire as to whether the applicant is a service member for purposes of issuing a distinct identification card. Provides that the Secretary of State shall determine by rule what forms of proof of a person's status as a service member are acceptable, and the design of the distinct identification card is in the Secretary of State's discretion. Defines "service member" to mean a member of the armed services or reserve forces of the United States or a member of the Illinois National Guard. Effective January 1, 2010.

LRB096 08768 AJT 18900 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning identification cards.

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

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

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

7 Sec. 4. Identification Card.

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

1 its use for any purpose, shall affix his signature thereon in  
2 the space provided therefor. The Illinois Identification Card  
3 may be used for identification purposes in any lawful situation  
4 only by the person to whom it was issued. As used in this Act,  
5 "photograph" means any color photograph or digitally produced  
6 and captured image of an applicant for an identification card.  
7 As used in this Act, "signature" means the name of a person as  
8 written by that person and captured in a manner acceptable to  
9 the Secretary of State.

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

1 Section 4A of this Act. If the applicant so requests, the card  
2 shall include a description of the applicant's disability and  
3 any information about the applicant's disability or medical  
4 history which the Secretary determines would be helpful to the  
5 applicant in securing emergency medical care. The applicant,  
6 upon receipt of such a card and prior to its use for any  
7 purpose, shall have affixed thereon in the space provided  
8 therefor his signature or mark. If a mark is used in lieu of a  
9 signature, such mark shall be affixed to the card in the  
10 presence of two witnesses who attest to the authenticity of the  
11 mark. The Illinois Disabled Person Identification Card may be  
12 used for identification purposes in any lawful situation by the  
13 person to whom it was issued.

14 The Illinois Disabled Person Identification Card may be  
15 used as adequate documentation of disability in lieu of a  
16 physician's determination of disability, a determination of  
17 disability from a physician assistant who has been delegated  
18 the authority to make this determination by his or her  
19 supervising physician, a determination of disability from an  
20 advanced practice nurse who has a written collaborative  
21 agreement with a collaborating physician that authorizes the  
22 advanced practice nurse to make this determination, or any  
23 other documentation of disability whenever any State law  
24 requires that a disabled person provide such documentation of  
25 disability, however an Illinois Disabled Person Identification  
26 Card shall not qualify the cardholder to participate in any

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

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

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

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

1 persons under the age of 21 shall be at the discretion of the  
2 Secretary of State.

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

9 (c-5) The Secretary of State shall provide that each  
10 original or renewal identification card issued to a person  
11 identified as a service member pursuant to subsection (b) of  
12 Section 5 of this Act be of a distinct nature from all other  
13 identification cards. The design of the distinction shall be at  
14 the discretion of the Secretary of State.

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

25 (e) The Secretary of State, in his or her discretion, may  
26 designate on each Illinois Identification Card or Illinois

1 Disabled Person Identification Card a space where the card  
2 holder may place a sticker or decal, issued by the Secretary of  
3 State, of uniform size as the Secretary may specify, that shall  
4 indicate in appropriate language that the card holder has  
5 renewed his or her Illinois Identification Card or Illinois  
6 Disabled Person Identification Card.

7 (Source: P.A. 95-762, eff. 1-1-09; 95-779, eff. 1-1-09; revised  
8 9-5-08.)

9 (15 ILCS 335/5) (from Ch. 124, par. 25)

10 Sec. 5. Applications.

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

1 setting forth the applicant's type and class of disability as  
2 set forth in Section 4A of this Act.

3 (b) For each original or renewal identification card  
4 application under this Act, the Secretary shall inquire as to  
5 whether the applicant is a service member for purposes of  
6 issuing a distinct identification card under subsection (c-5)  
7 of Section 4 of this Act. The Secretary shall determine by rule  
8 what forms of proof of a person's status as a service member  
9 are acceptable.

10 For purposes of this subsection (b), "service member" means  
11 a member of the armed services or reserve forces of the United  
12 States or a member of the Illinois National Guard.

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

14 Section 10. The Illinois Vehicle Code is amended by  
15 changing Sections 6-106 and 6-110 as follows:

16 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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



1           (b) Every application shall state the legal name, social  
2 security number, zip code, date of birth, sex, and residence  
3 address of the applicant; briefly describe the applicant; state  
4 whether the applicant has theretofore been licensed as a  
5 driver, and, if so, when and by what state or country, and  
6 whether any such license has ever been cancelled, suspended,  
7 revoked or refused, and, if so, the date and reason for such  
8 cancellation, suspension, revocation or refusal; shall include  
9 an affirmation by the applicant that all information set forth  
10 is true and correct; and shall bear the applicant's signature.  
11 The application form may also require the statement of such  
12 additional relevant information as the Secretary of State shall  
13 deem necessary to determine the applicant's competency and  
14 eligibility. The Secretary of State may in his discretion  
15 substitute a federal tax number in lieu of a social security  
16 number, or he may instead assign an additional distinctive  
17 number in lieu thereof, where an applicant is prohibited by  
18 bona fide religious convictions from applying or is exempt from  
19 applying for a social security number. The Secretary of State  
20 shall, however, determine which religious orders or sects have  
21 such bona fide religious convictions. The Secretary of State  
22 may, in his discretion, by rule or regulation, provide that an  
23 application for a drivers license or permit may include a  
24 suitable photograph of the applicant in the form prescribed by  
25 the Secretary, and he may further provide that each drivers  
26 license shall include a photograph of the driver. The Secretary

1 of State may utilize a photograph process or system most  
2 suitable to deter alteration or improper reproduction of a  
3 drivers license and to prevent substitution of another photo  
4 thereon.

5 (c) The application form shall include a notice to the  
6 applicant of the registration obligations of sex offenders  
7 under the Sex Offender Registration Act. The notice shall be  
8 provided in a form and manner prescribed by the Secretary of  
9 State.

10 For purposes of this subsection (c), "sex offender" has the  
11 meaning ascribed to it in Section 2 of the Sex Offender  
12 Registration Act.

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

1 applicant at the time of application that his signature  
2 constitutes consent to registration with the Selective Service  
3 System, if he is not already registered.

4 (e) For each original or renewal driver's license  
5 application under this Section, the Secretary of State shall  
6 inquire as to whether the applicant is a service member for  
7 purposes of issuing a distinct identification card under  
8 subsection (e-5) of Section 6-110 of this Code. The Secretary  
9 shall determine by rule what forms of proof of a person's  
10 status as a service member are acceptable.

11 For purposes of this subsection (e), "service member" means  
12 a member of the armed services or reserve forces of the United  
13 States or a member of the Illinois National Guard.

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

15 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

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

17 (a) The Secretary of State shall issue to every qualifying  
18 applicant a driver's license as applied for, which license  
19 shall bear a distinguishing number assigned to the licensee,  
20 the legal name, zip code, date of birth, residence address, and  
21 a brief description of the licensee, and a space where the  
22 licensee may write his usual signature.

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

25 In lieu of the social security number, the Secretary may in

1 his discretion substitute a federal tax number or other  
2 distinctive number.

3 A driver's license issued may, in the discretion of the  
4 Secretary, include a suitable photograph of a type prescribed  
5 by the Secretary.

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

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

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

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

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

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

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

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

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

25 (5) involved in an emergency;

26 (6) going to or returning home from, without any detour

1 or stop, an official school, religious, or other  
2 recreational activity supervised by adults and sponsored  
3 by a government or governmental agency, a civic  
4 organization, or another similar entity that takes  
5 responsibility for the licensee, without any detour or  
6 stop;

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

10 (8) married or had been married or is an emancipated  
11 minor under the Emancipation of Minors Act.

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

17 (1) the program is sponsored by the Boy Scouts of  
18 America or another national public service organization;  
19 and

20 (2) the sponsoring organization carries liability  
21 insurance covering the program.

22 (a-3) If a graduated driver's license holder over the age  
23 of 18 committed an offense against traffic regulations  
24 governing the movement of vehicles or any violation of Section  
25 6-107 or Section 12-603.1 of this Code in the 6 months prior to  
26 the graduated driver's license holder's 18th birthday, and was

1 subsequently convicted of the offense, the provisions of  
2 subsection (a-1) shall continue to apply until such time as a  
3 period of 6 consecutive months has elapsed without an  
4 additional violation and subsequent conviction of an offense  
5 against traffic regulations governing the movement of vehicles  
6 or Section 6-107 or Section 12-603.1 of this Code.

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

1 including education and awareness activities, to promote organ  
2 and tissue donation.

3 (c) The Secretary of State shall designate on each driver's  
4 license issued a space where the licensee may place a sticker  
5 or decal of the uniform size as the Secretary may specify,  
6 which sticker or decal may indicate in appropriate language  
7 that the owner of the license carries an Emergency Medical  
8 Information Card.

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

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

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

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

1 upon which the person becomes 21 years of age.

2 (e-5) The Secretary of State shall provide that each  
3 original or renewal driver's license issued to a person  
4 identified as a service member pursuant to subsection (e) of  
5 Section 6-106 of this Code be of a distinct nature from all  
6 other driver's licenses. The design of the distinction shall be  
7 at the discretion of the Secretary of State.

8 (f) The Secretary of State shall inform all Illinois  
9 licensed commercial motor vehicle operators of the  
10 requirements of the Uniform Commercial Driver License Act,  
11 Article V of this Chapter, and shall make provisions to insure  
12 that all drivers, seeking to obtain a commercial driver's  
13 license, be afforded an opportunity prior to April 1, 1992, to  
14 obtain the license. The Secretary is authorized to extend  
15 driver's license expiration dates, and assign specific times,  
16 dates and locations where these commercial driver's tests shall  
17 be conducted. Any applicant, regardless of the current  
18 expiration date of the applicant's driver's license, may be  
19 subject to any assignment by the Secretary. Failure to comply  
20 with the Secretary's assignment may result in the applicant's  
21 forfeiture of an opportunity to receive a commercial driver's  
22 license prior to April 1, 1992.

23 (g) The Secretary of State shall designate on a driver's  
24 license issued, a space where the licensee may indicate that he  
25 or she has drafted a living will in accordance with the  
26 Illinois Living Will Act or a durable power of attorney for



1 health care in accordance with the Illinois Power of Attorney  
2 Act.

3 (g-1) The Secretary of State, in his or her discretion, may  
4 designate on each driver's license issued a space where the  
5 licensee may place a sticker or decal, issued by the Secretary  
6 of State, of uniform size as the Secretary may specify, that  
7 shall indicate in appropriate language that the owner of the  
8 license has renewed his or her driver's license.

9 (h) A person who acts in good faith in accordance with the  
10 terms of this Section is not liable for damages in any civil  
11 action or subject to prosecution in any criminal proceeding for  
12 his or her act.

13 (Source: P.A. 94-75, eff. 1-1-06; 94-930, eff. 6-26-06; 95-310,  
14 eff. 1-1-08; 95-747, eff. 7-22-08.)

15 Section 99. Effective date. This Act takes effect January  
16 1, 2010.