



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### HB1219

by Rep. Adam Brown

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.826 rep.

625 ILCS 5/6-105.1

625 ILCS 5/6-601

5 ILCS 230/10

from Ch. 95 1/2, par. 6-601

Amends the State Finance Act, the Illinois Vehicle Code, and the Consular Identification Document Act by deleting or repealing all of the provisions added by Public Act 97-1157. Effective immediately.

LRB098 08723 MLW 38848 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 (30 ILCS 105/5.826 rep.)

5 Section 5. The State Finance Act is amended by repealing  
6 Section 5.826 as added by Public Act 97-1157.

7 Section 10. The Illinois Vehicle Code is amended by  
8 changing Sections 6-105.1 and 6-601 as follows:

9 (625 ILCS 5/6-105.1)

10 Sec. 6-105.1. Temporary visitor's driver's license.

11 (a) The Secretary of State may issue a temporary visitor's  
12 driver's license to a foreign national who (i) resides in this  
13 State, (ii) is ineligible to obtain a social security number,  
14 and (iii) presents to the Secretary documentation, issued by  
15 United States Citizenship and Immigration Services,  
16 authorizing the person's presence in this country.

17 ~~(a-5) The Secretary of State may issue a temporary~~  
18 ~~visitor's driver's license to an applicant who (i) has resided~~  
19 ~~in this State for a period in excess of one year, (ii) is~~  
20 ~~ineligible to obtain a social security number, and (iii) is~~  
21 ~~unable to present documentation issued by the United States~~  
22 ~~Citizenship and Immigration Services authorizing the person's~~

1 ~~presence in this country. The applicant shall submit a valid~~  
2 ~~unexpired passport from the applicant's country of citizenship~~  
3 ~~or a valid unexpired consular identification document issued by~~  
4 ~~a consulate of that country as defined in Section 5 of the~~  
5 ~~Consular Identification Document Act (5 ILCS 230/5).~~

6 ~~(a 10) Applicants for a temporary visitor's driver's~~  
7 ~~license who are under 18 years of age at the time of~~  
8 ~~application shall be subject to the provisions of Sections~~  
9 ~~6 107 and 6 108 of this Code.~~

10 (b) A temporary visitor's driver's license ~~issued under~~  
11 ~~subsection (a)~~ is valid for 3 years, or for the period of time  
12 the individual is authorized to remain in this country,  
13 whichever ends sooner. ~~A temporary visitor's driver's license~~  
14 ~~issued under subsection (a 5) shall be valid for a period of 3~~  
15 ~~years.~~

16 ~~(b 5) A temporary visitor's driver's license issued under~~  
17 ~~this Section may not be accepted for proof of the holder's~~  
18 ~~identity. A temporary visitor's driver's license issued under~~  
19 ~~this Section shall contain a notice on its face, in capitalized~~  
20 ~~letters, stating that the temporary visitor's driver's license~~  
21 ~~may not be accepted for proof of identity.~~

22 (c) The Secretary shall adopt rules for implementing this  
23 Section, including rules~~+~~

24 ~~(1) regarding the design and content of the temporary~~  
25 ~~visitor's driver's license~~+~~~~

26 ~~(2) establishing criteria for proof of identification~~

1 ~~and residency of an individual applying under subsection~~  
2 ~~(a-5);~~

3 ~~(3) designating acceptable evidence that an applicant~~  
4 ~~is not eligible for a social security number; and~~

5 ~~(4) regarding the issuance of temporary visitor's~~  
6 ~~instruction permits.~~

7 ~~(d) Any person to whom the Secretary of State may issue a~~  
8 ~~temporary visitor's driver's license shall be subject to any~~  
9 ~~and all provisions of this Code and any and all implementing~~  
10 ~~regulations issued by the Secretary of State to the same extent~~  
11 ~~as any person issued a driver's license, unless otherwise~~  
12 ~~provided in this Code or by administrative rule, including but~~  
13 ~~not limited to the examination requirements in Section 6-109 as~~  
14 ~~well as the mandatory insurance requirements and penalties set~~  
15 ~~forth in Article VI of Chapter 7 of this Code.~~

16 ~~(d-5) A temporary visitor's driver's license is invalid if~~  
17 ~~the holder is unable to provide proof of liability insurance as~~  
18 ~~required by Section 7-601 of this Code upon the request of a~~  
19 ~~law enforcement officer, in which case the holder commits a~~  
20 ~~violation of Section 6-101 of this Code.~~

21 ~~(e) Temporary visitor's driver's licenses shall be issued~~  
22 ~~from a central location after the Secretary of State has~~  
23 ~~verified the information provided by the applicant.~~

24 ~~(f) There is created in the State treasury a special fund~~  
25 ~~to be known as the Driver Services Administration Fund. All~~  
26 ~~fees collected for the issuance of temporary visitor's driver's~~

1 ~~licenses shall be deposited into the Fund. These funds shall,~~  
2 ~~subject to appropriation, be used by the Office of the~~  
3 ~~Secretary of State for costs related to the issuance of~~  
4 ~~temporary visitor's driver's licenses, and other operational~~  
5 ~~costs, including personnel, facilities, computer programming,~~  
6 ~~and data transmission.~~

7 (Source: P.A. 97-1157, eff. 11-18-13.)

8 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

9 Sec. 6-601. Penalties.

10 (a) It is a petty offense for any person to violate any of  
11 the provisions of this Chapter unless such violation is by this  
12 Code or other law of this State declared to be a misdemeanor or  
13 a felony.

14 (b) General penalties. Unless another penalty is in this  
15 Code or other laws of this State, every person convicted of a  
16 petty offense for the violation of any provision of this  
17 Chapter shall be punished by a fine of not more than \$500.

18 (c) Unlicensed driving. Except as hereinafter provided a  
19 violation of Section 6-101 shall be:

20 1. A Class A misdemeanor if the person failed to obtain  
21 a driver's license or permit after expiration of a period  
22 of revocation.

23 2. A Class B misdemeanor if the person has been issued  
24 a driver's license or permit, which has expired, and if the  
25 period of expiration is greater than one year; or if the

1 person has never been issued a driver's license or permit,  
2 or is not qualified to obtain a driver's license or permit  
3 because of his age.

4 ~~3. A petty offense if the person has been issued a~~  
5 ~~temporary visitor's driver's license or permit and is~~  
6 ~~unable to provide proof of liability insurance as provided~~  
7 ~~in subsection (d 5) of Section 6-105.1.~~

8 If a licensee under this Code is convicted of violating  
9 Section 6-303 for operating a motor vehicle during a time when  
10 such licensee's driver's license was suspended under the  
11 provisions of Section 6-306.3, then such act shall be a petty  
12 offense (provided the licensee has answered the charge which  
13 was the basis of the suspension under Section 6-306.3), and  
14 there shall be imposed no additional like period of suspension  
15 as provided in paragraph (b) of Section 6-303.

16 (Source: P.A. 96-607, eff. 8-24-09; 97-1157, eff. 11-18-13.)

17 Section 15. The Consular Identification Document Act is  
18 amended by changing Section 10 as follows:

19 (5 ILCS 230/10)

20 Sec. 10. Acceptance of consular identification document.

21 (a) When requiring members of the public to provide  
22 identification, each State agency and officer and unit of local  
23 government shall accept a consular identification document as  
24 valid identification of a person.

1 (b) A consular identification document shall be accepted  
2 for purposes of identification only and does not convey an  
3 independent right to receive benefits of any type.

4 (c) A consular identification document may not be accepted  
5 as identification for obtaining a driver's license, ~~other than~~  
6 ~~a temporary visitor's driver's license,~~ or registering to vote.

7 (d) A consular identification document does not establish  
8 or indicate lawful U.S. immigration status and may not be  
9 viewed as valid for that purpose, nor does a consular  
10 identification document establish a foreign national's right  
11 to be in the United States or remain in the United States.

12 (e) The requirements of subsection (a) do not apply if:

13 (1) a federal law, regulation, or directive or a  
14 federal court decision requires a State agency or officer  
15 or a unit of local government to obtain different  
16 identification;

17 (2) a federal law, regulation, or directive preempts  
18 state regulation of identification requirements; or

19 (3) a State agency or officer or a unit of local  
20 government would be unable to comply with a condition  
21 imposed by a funding source which would cause the State  
22 agency or officer or unit of local government to lose funds  
23 from that source.

24 (f) Nothing in subsection (a) shall be construed to  
25 prohibit a State agency or officer or a unit of local  
26 government from:

1           (1) requiring additional information from persons in  
2           order to verify a current address or other facts that would  
3           enable the State agency or officer or unit of local  
4           government to fulfill its responsibilities, except that  
5           this paragraph (1) does not permit a State agency or  
6           officer or a unit of local government to require additional  
7           information solely in order to establish identification of  
8           the person when the consular identification document is the  
9           form of identification presented;

10          (2) requiring fingerprints for identification purposes  
11          under circumstances where the State agency or officer or  
12          unit of local government also requires fingerprints from  
13          persons who have a driver's license or Illinois  
14          Identification Card; or

15          (3) requiring additional evidence of identification if  
16          the State agency or officer or unit of local government  
17          reasonably believes that: (A) the consular identification  
18          document is forged, fraudulent, or altered; or (B) the  
19          holder does not appear to be the same person on the  
20          consular identification document.

21         (Source: P.A. 97-1157, eff. 11-18-13.)

22           Section 99. Effective date. This Act takes effect upon  
23           becoming law.