



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1650

Introduced 2/8/2023, by Sen. Rachel Ventura

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-105.1	
625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-110.2	
625 ILCS 5/6-115	from Ch. 95 1/2, par. 6-115

Amends the Illinois Vehicle Code. Deletes a provision requiring foreign nationals to present documents issued by United States Citizenship and Immigration Services, authorizing the person's presence in the country in order to obtain a temporary visitor's driver's license. Deletes a provision requiring the submission of an unexpired passport or valid unexpired consular identification card document issued by a consulate of the applicant's country in order to obtain a temporary visitor's driver's license. Deletes a provision requiring an applicant to submit a social security number as part of the driver's license application process. Provides that every applicant for a REAL ID compliant driver's license or permit shall provide proof of residency (rather than proof of lawful status in the United States). Provides that no (rather than every) REAL ID compliant driver's license issued to an applicant who is not a United States citizen or permanent resident, or an individual who has an approved application for asylum in the United States or has entered the United States in refugee status, shall be marked "Limited Term".

LRB103 28916 MXP 55302 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 6-105.1, 6-106, 6-110.2, and 6-115 as
6 follows:

7 (625 ILCS 5/6-105.1)

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

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

15 (a-5) The Secretary of State may issue a temporary
16 visitor's driver's license to an applicant who (i) has resided
17 in this State for a period in excess of one year, (ii) is
18 ineligible to obtain a social security number, and (iii) is
19 unable to present documentation issued by the United States
20 Citizenship and Immigration Services authorizing the person's
21 presence in this country. ~~The applicant shall submit a valid~~
22 ~~unexpired passport from the applicant's country of citizenship~~
23 ~~or a valid unexpired consular identification document issued~~

1 ~~by a consulate of that country as defined in Section 5 of the~~
2 ~~Consular Identification Document Act (5 ILCS 230/5).~~

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

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

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

19 (c) The Secretary shall adopt rules for implementing this
20 Section, including rules:

21 (1) regarding the design and content of the temporary
22 visitor's driver's license;

23 (2) establishing criteria for proof of identification
24 and residency of an individual applying under subsection
25 (a-5);

26 (3) designating acceptable evidence that an applicant

1 is not eligible for a social security number; and

2 (4) regarding the issuance of temporary visitor's
3 instruction permits.

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

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

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

22 (f) There is created in the State treasury a special fund
23 to be known as the Driver Services Administration Fund. All
24 fees collected for the issuance of temporary visitor's
25 driver's licenses shall be deposited into the Fund. These
26 funds shall, subject to appropriation, be used by the Office

1 of the Secretary of State for costs related to the issuance of
2 temporary visitor's driver's licenses, and other operational
3 costs, including personnel, facilities, computer programming,
4 and data transmission.

5 (Source: P.A. 97-1157, eff. 11-28-13.)

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

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

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

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

1 the applicant to provide a mailing address. In the case of an
2 applicant who is a judicial officer or peace officer, the
3 Secretary may allow the applicant to provide an office or work
4 address in lieu of a residence or mailing address. The
5 application form may also require the statement of such
6 additional relevant information as the Secretary of State
7 shall deem necessary to determine the applicant's competency
8 and eligibility. The Secretary of State may, in his
9 discretion, by rule or regulation, provide that an application
10 for a drivers license or permit may include a suitable
11 photograph of the applicant in the form prescribed by the
12 Secretary, and he may further provide that each drivers
13 license shall include a photograph of the driver. The
14 Secretary of State may utilize a photograph process or system
15 most suitable to deter alteration or improper reproduction of
16 a drivers license and to prevent substitution of another photo
17 thereon. For the purposes of this subsection (b), "peace
18 officer" means any person who by virtue of his or her office or
19 public employment is vested by law with a duty to maintain
20 public order or to make arrests for a violation of any penal
21 statute of this State, whether that duty extends to all
22 violations or is limited to specific violations.

23 (b-3) Upon the first issuance of a request for proposals
24 for a digital driver's license and identification card
25 issuance and facial recognition system issued after January 1,
26 2020 (the effective date of Public Act 101-513), and upon

1 implementation of a new or revised system procured pursuant to
2 that request for proposals, the Secretary shall permit
3 applicants to choose between "male", "female" or "non-binary"
4 when designating the applicant's sex on the driver's license
5 application form. The sex designated by the applicant shall be
6 displayed on the driver's license issued to the applicant.

7 (b-5) Every applicant for a REAL ID compliant driver's
8 license or permit shall provide proof of residency in the
9 State ~~lawful status in the United States as defined in 6 CFR~~
10 ~~37.3, as amended~~. Applicants who are unable to provide the
11 Secretary with proof of lawful status may apply for a driver's
12 license or permit under Section 6-105.1 of this Code.

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

20 (d) Any male United States citizen or immigrant who
21 applies for any permit or license authorized to be issued
22 under this Code or for a renewal of any permit or license, and
23 who is at least 18 years of age but less than 26 years of age,
24 must be registered in compliance with the requirements of the
25 federal Military Selective Service Act. The Secretary of State
26 must forward in an electronic format the necessary personal

1 information regarding the applicants identified in this
2 subsection (d) to the Selective Service System. The
3 applicant's signature on the application serves as an
4 indication that the applicant either has already registered
5 with the Selective Service System or that he is authorizing
6 the Secretary to forward to the Selective Service System the
7 necessary information for registration. The Secretary must
8 notify the applicant at the time of application that his
9 signature constitutes consent to registration with the
10 Selective Service System, if he is not already registered.

11 (e) Beginning on or before July 1, 2015, for each original
12 or renewal driver's license application under this Code, the
13 Secretary shall inquire as to whether the applicant is a
14 veteran for purposes of issuing a driver's license with a
15 veteran designation under subsection (e-5) of Section 6-110 of
16 this Code. The acceptable forms of proof shall include, but
17 are not limited to, Department of Defense form DD-214,
18 Department of Defense form DD-256 for applicants who did not
19 receive a form DD-214 upon the completion of initial basic
20 training, Department of Defense form DD-2 (Retired), an
21 identification card issued under the federal Veterans
22 Identification Card Act of 2015, or a United States Department
23 of Veterans Affairs summary of benefits letter. If the
24 document cannot be stamped, the Illinois Department of
25 Veterans' Affairs shall provide a certificate to the veteran
26 to provide to the Secretary of State. The Illinois Department

1 of Veterans' Affairs shall advise the Secretary as to what
2 other forms of proof of a person's status as a veteran are
3 acceptable.

4 For each applicant who is issued a driver's license with a
5 veteran designation, the Secretary shall provide the
6 Department of Veterans' Affairs with the applicant's name,
7 address, date of birth, gender and such other demographic
8 information as agreed to by the Secretary and the Department.
9 The Department may take steps necessary to confirm the
10 applicant is a veteran. If after due diligence, including
11 writing to the applicant at the address provided by the
12 Secretary, the Department is unable to verify the applicant's
13 veteran status, the Department shall inform the Secretary, who
14 shall notify the applicant that he or she must confirm status
15 as a veteran, or the driver's license will be cancelled.

16 For purposes of this subsection (e):

17 "Armed forces" means any of the Armed Forces of the United
18 States, including a member of any reserve component or
19 National Guard unit.

20 "Veteran" means a person who has served in the armed
21 forces and was discharged or separated under honorable
22 conditions.

23 (Source: P.A. 101-106, eff. 1-1-20; 101-287, eff. 8-9-19;
24 101-513, eff. 1-1-20; 102-558, eff. 8-20-21.)

25 (625 ILCS 5/6-110.2)

1 Sec. 6-110.2. Confidentiality of documents submitted with
2 an application for a driver's license. Documents required to
3 be submitted with an application for a driver's license to
4 prove the applicant's identity (name and date of birth),
5 ~~social security number,~~ written signature, and residency, ~~and,~~
6 ~~as applicable, proof of lawful status~~ shall be confidential
7 and shall not be disclosed except to the following persons:

8 (1) the individual to whom the driver's license or
9 permit was issued, upon written request;

10 (2) officers and employees of the Secretary of State
11 who have a need to have access to the stored images for
12 purposes of issuing and controlling driver's licenses,
13 permits, or identification cards and investigation of
14 fraud or misconduct;

15 (3) law enforcement officials for a civil or criminal
16 law enforcement investigation;

17 (4) other entities that the Secretary may authorize by
18 rule.

19 (Source: P.A. 101-326, eff. 8-9-19.)

20 (625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

21 Sec. 6-115. Expiration of driver's license.

22 (a) Except as provided elsewhere in this Section, every
23 driver's license issued under the provisions of this Code
24 shall expire 4 years from the date of its issuance, or at such
25 later date, as the Secretary of State may by proper rule and

1 regulation designate, not to exceed 12 calendar months; in the
2 event that an applicant for renewal of a driver's license
3 fails to apply prior to the expiration date of the previous
4 driver's license, the renewal driver's license shall expire 4
5 years from the expiration date of the previous driver's
6 license, or at such later date as the Secretary of State may by
7 proper rule and regulation designate, not to exceed 12
8 calendar months.

9 The Secretary of State may, however, issue to a person not
10 previously licensed as a driver in Illinois a driver's license
11 which will expire not less than 4 years nor more than 5 years
12 from date of issuance, except as provided elsewhere in this
13 Section.

14 (a-5) Every driver's license issued under this Code to an
15 applicant who is not a United States citizen or permanent
16 resident, or an individual who has an approved application for
17 asylum in the United States or has entered the United States in
18 refugee status, shall expire on whichever is the earlier date
19 of the following:

20 (1) as provided under subsection (a), (f), (g), or (i)
21 of this Section;

22 (2) on the date the applicant's authorized stay in the
23 United States terminates; or

24 (3) if the applicant's authorized stay is indefinite
25 and the applicant is applying for a Limited Term REAL ID
26 compliant driver's license, one year from the date of

1 issuance of the license.

2 (a-10) No ~~Every~~ REAL ID compliant driver's license issued
3 under this Code to an applicant who is not a United States
4 citizen or permanent resident, or an individual who has an
5 approved application for asylum in the United States or has
6 entered the United States in refugee status, shall be marked
7 "Limited Term".

8 (b) Before the expiration of a driver's license, except
9 those licenses expiring on the individual's 21st birthday, or
10 3 months after the individual's 21st birthday, the holder
11 thereof may apply for a renewal thereof, subject to all the
12 provisions of Section 6-103, and the Secretary of State may
13 require an examination of the applicant. A licensee whose
14 driver's license expires on his 21st birthday, or 3 months
15 after his 21st birthday, may not apply for a renewal of his
16 driving privileges until he reaches the age of 21.

17 (c) The Secretary of State shall, 30 days prior to the
18 expiration of a driver's license, forward to each person whose
19 license is to expire a notification of the expiration of said
20 license which may be presented at the time of renewal of said
21 license.

22 There may be included with such notification information
23 explaining the anatomical gift and Emergency Medical
24 Information Card provisions of Section 6-110. The format and
25 text of such information shall be prescribed by the Secretary.

26 There shall be included with such notification, for a

1 period of 4 years beginning January 1, 2000 information
2 regarding the Illinois Adoption Registry and Medical
3 Information Exchange established in Section 18.1 of the
4 Adoption Act.

5 (d) The Secretary may defer the expiration of the driver's
6 license of a licensee, spouse, and dependent children who are
7 living with such licensee while on active duty, serving in the
8 Armed Forces of the United States outside of the State of
9 Illinois, and 120 days thereafter, upon such terms and
10 conditions as the Secretary may prescribe.

11 (d-5) The Secretary may defer the expiration of the
12 driver's license of a licensee, or of a spouse or dependent
13 children living with the licensee, serving as a civilian
14 employee of the United States Armed Forces or the United
15 States Department of Defense, outside of the State of
16 Illinois, and 120 days thereafter, upon such terms and
17 conditions as the Secretary may prescribe.

18 (e) The Secretary of State may decline to process a
19 renewal of a driver's license of any person who has not paid
20 any fee or tax due under this Code and is not paid upon
21 reasonable notice and demand.

22 (f) The Secretary shall provide that each original or
23 renewal driver's license issued to a licensee under 21 years
24 of age shall expire 3 months after the licensee's 21st
25 birthday. Persons whose current driver's licenses expire on
26 their 21st birthday on or after January 1, 1986 shall not renew

1 their driver's license before their 21st birthday, and their
2 current driver's license will be extended for an additional
3 term of 3 months beyond their 21st birthday. Thereafter, the
4 expiration and term of the driver's license shall be governed
5 by subsection (a) hereof.

6 (g) The Secretary shall provide that each original or
7 renewal driver's license issued to a licensee 81 years of age
8 through age 86 shall expire 2 years from the date of issuance,
9 or at such later date as the Secretary may by rule and
10 regulation designate, not to exceed an additional 12 calendar
11 months. The Secretary shall also provide that each original or
12 renewal driver's license issued to a licensee 87 years of age
13 or older shall expire 12 months from the date of issuance, or
14 at such later date as the Secretary may by rule and regulation
15 designate, not to exceed an additional 12 calendar months.

16 (h) The Secretary of State shall provide that each special
17 restricted driver's license issued under subsection (g) of
18 Section 6-113 of this Code shall expire 12 months from the date
19 of issuance. The Secretary shall adopt rules defining renewal
20 requirements.

21 (i) The Secretary of State shall provide that each
22 driver's license issued to a person convicted of a sex offense
23 as defined in Section 2 of the Sex Offender Registration Act
24 shall expire 12 months from the date of issuance or at such
25 date as the Secretary may by rule designate, not to exceed an
26 additional 12 calendar months. The Secretary may adopt rules

1 defining renewal requirements.

2 (Source: P.A. 101-185, eff. 1-1-20; 102-659, eff. 1-1-22.)