



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0988

Introduced 2/10/2009, 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, 2010.

LRB096 07955 AJT 18059 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 Section 5. The State Finance Act is amended by adding
5 Section 5.719 as follows:

6 (30 ILCS 105/5.719 new)

7 Sec. 5.719. The Secretary of State Driver's Certificate
8 Fund.

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

12 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

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

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

16 (b) Beginning January 1, 1990 and concluding December 31,
17 1994, of the money collected for each certificate of title,
18 duplicate certificate of title and corrected certificate of
19 title, \$0.50 shall be deposited into the Used Tire Management
20 Fund. Beginning January 1, 1990 and concluding December 31,
21 1994, of the money collected for each certificate of title,

1 duplicate certificate of title and corrected certificate of
2 title, \$1.50 shall be deposited in the Park and Conservation
3 Fund.

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

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

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

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

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

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

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

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

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

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

17 (h) (Blank).

18 (i) (Blank).

19 (j) (Blank).

20 (k) There is created in the State Treasury a special fund
21 to be known as the Secretary of State Special License Plate
22 Fund. Money deposited into the Fund shall, subject to
23 appropriation, be used by the Office of the Secretary of State
24 (i) to help defray plate manufacturing and plate processing
25 costs for the issuance and, when applicable, renewal of any new
26 or existing registration plates authorized under this Code and

1 (ii) for grants made by the Secretary of State to benefit
2 Illinois Veterans Home libraries.

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

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

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

24 (n) The Illinois Fire Fighters' Memorial Fund is created as
25 a special fund in the State Treasury. Moneys deposited into the
26 Fund shall, subject to appropriation, be used by the Office of

1 the State Fire Marshal for construction of the Illinois Fire
2 Fighters' Memorial to be located at the State Capitol grounds
3 in Springfield, Illinois. Upon the completion of the Memorial,
4 moneys in the Fund shall be used in accordance with Section
5 3-634.

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

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

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

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

22 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

24 (a) Every application for any permit or license authorized
25 to be issued under this Act shall be made upon a form furnished

1 by the Secretary of State. Every application shall be
2 accompanied by the proper fee and payment of such fee shall
3 entitle the applicant to not more than 3 attempts to pass the
4 examination within a period of 1 year after the date of
5 application.

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

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

1 such bona fide religious convictions.

2 (b-2)(1) In compliance with the federal Real ID Act of
3 2005, Division B of Public Law 109-13, the Secretary of State,
4 on and after the effective date of this amendatory Act of the
5 96th General Assembly, shall issue to any Illinois resident who
6 meets the requirements of this subsection (b-2) a driver's
7 certificate that shall:

8 (A) clearly state on its face that it may not be
9 accepted by any federal agency for any federal
10 identification or other official purpose ("official
11 purpose" being defined under Section 201 of the federal
12 Real ID Act of 2005); and

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

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

22 (A) provide the Secretary with a valid individual tax
23 identification number issued by the federal Internal
24 Revenue Service or social security number issued by the
25 federal Social Security Administration;

26 (B) provide a valid passport and any additional

1 documents, as the Secretary may set forth by administrative
2 rule, such that the passport and additional documents in
3 combination shall include the following:

4 (i) a photo identity document, except that a
5 non-photo identity document is acceptable if it
6 includes both the person's full legal name and date of
7 birth;

8 (ii) documentation showing the person's date of
9 birth;

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

22 (C) file with the Secretary of State proof provided to
23 the applicant by the Illinois State Police that a set of
24 the applicant's fingerprints has been collected (costs
25 associated with this fingerprinting shall be paid by the
26 applicant at the time of collection); and

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

13 (3) The Secretary of State shall provide to the Illinois
14 Department of Revenue all information, including the
15 individual tax identification number, captured on the
16 application. If the Illinois Department of Revenue determines
17 that an individual to whom a driver's certificate was issued is
18 not in compliance with any applicable tax laws administered by
19 the Department of Revenue, the Department of Revenue shall
20 request that the Secretary of State revoke the certificate.

21 (4) Any applicant for or the bearer of a driver's
22 certificate issued under this subsection (b-2) shall be subject
23 to any and all provisions of this Code and any and all
24 implementing regulations issued by the Secretary of State to
25 the same extent as any driver issued a driver's license,
26 including but not limited to the mandatory insurance

1 requirements and penalties set forth in Chapter 7, Article VI
2 of this Code, unless otherwise specified in this subsection
3 (b-2). To the extent that any driver is required by law to have
4 a valid Illinois driver's license in order to purchase
5 insurance to comply with the mandatory insurance provisions of
6 this Code, a driver's certificate issued under this subsection
7 (b-2) shall satisfy that requirement. Within 30 days of
8 receiving a certificate, the driver shall provide to the
9 Secretary of State, in a manner and form prescribed by the
10 Secretary, proof of liability insurance coverage for the driver
11 and for any and all vehicles to which the driver has title of
12 ownership; if the driver fails to provide that proof within 30
13 days, the Secretary is authorized to suspend the certificate
14 until the driver provides that proof.

15 (5) A person denied a driver's certificate under this
16 subsection (b-2) may seek review under the Administrative
17 Review Law. This amendatory Act of the 96th General Assembly
18 does not affect the issuance of any commercial driver's license
19 or school bus driver's permit under the Illinois Vehicle Code
20 or any State identification card under the Illinois
21 Identification Card Act. A driver's certificate issued under
22 this subsection (b-2) may not be used to obtain a Firearm
23 Owner's Identification Card and may not be used to obtain a
24 driver's license in another state.

25 (6) The Secretary of State may provide, in his or her
26 discretion, by rule that an application for a driver's

1 certificate under this subsection (b-2) may include a suitable
2 photograph of the applicant in the form prescribed by the
3 Secretary, and the Secretary of State shall further provide
4 that each driver's certificate shall include a photograph of
5 the driver. The Secretary of State shall utilize a photographic
6 process or system most suitable to deter alteration or improper
7 reproduction of a driver's certificate issued under this
8 subsection (b-2) and to prevent substitution of another photo
9 on the certificate.

10 (b-3) Subsection (b-2) becomes inoperative 5 years after
11 the effective date of this amendatory Act of the 96th General
12 Assembly; however, any document issued under subsection (b-2)
13 shall remain valid until the date set forth on the document by
14 the Secretary of State.

15 (b-4) The Secretary of State may, in his discretion, by
16 rule or regulation, provide that an application for a drivers
17 license or permit may include a suitable photograph of the
18 applicant in the form prescribed by the Secretary, and he may
19 further provide that each drivers license shall include a
20 photograph of the driver. The Secretary of State may utilize a
21 photograph process or system most suitable to deter alteration
22 or improper reproduction of a drivers license and to prevent
23 substitution of another photo thereon.

24 (c) The application form shall include a notice to the
25 applicant of the registration obligations of sex offenders
26 under the Sex Offender Registration Act. The notice shall be

1 provided in a form and manner prescribed by the Secretary of
2 State. For purposes of this subsection (c), "sex offender" has
3 the meaning ascribed to it in Section 2 of the Sex Offender
4 Registration Act.

5 (d) Any male United States citizen or immigrant who applies
6 for any permit or license authorized to be issued under this
7 Act or for a renewal of any permit or license, and who is at
8 least 18 years of age but less than 26 years of age, must be
9 registered in compliance with the requirements of the federal
10 Military Selective Service Act. The Secretary of State must
11 forward in an electronic format the necessary personal
12 information regarding the applicants identified in this
13 subsection (d) to the Selective Service System. The applicant's
14 signature on the application serves as an indication that the
15 applicant either has already registered with the Selective
16 Service System or that he is authorizing the Secretary to
17 forward to the Selective Service System the necessary
18 information for registration. The Secretary must notify the
19 applicant at the time of application that his signature
20 constitutes consent to registration with the Selective Service
21 System, if he is not already registered.

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

23 (625 ILCS 5/6-107.5 new)

24 Sec. 6-107.5. Ineligible applicants for Firearm Owner's
25 Identification Cards. The Secretary of State shall, in

1 conjunction with the Illinois State Police, establish
 2 administrative procedures for determining and identifying
 3 ineligible Firearm Owner's Identification Card applicants
 4 through information provided to the Secretary of State, through
 5 the driver's license and driver's certificate application
 6 process, to ensure compliance with the Firearm Owners
 7 Identification Card Act.

8 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
 9 Sec. 6-118. Fees.

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

12	Original driver's license	\$10
13	Original or renewal driver's license	
14	issued to 18, 19 and 20 year olds	5
15	All driver's licenses for persons	
16	age 69 through age 80	5
17	All driver's licenses for persons	
18	age 81 through age 86	2
19	All driver's licenses for persons	
20	age 87 or older	0
21	Renewal driver's license (except for	
22	applicants ages 18, 19 and 20 or	
23	age 69 and older)	10
24	Original instruction permit issued to	
25	persons (except those age 69 and older)	

1 who do not hold or have not previously
2 held an Illinois instruction permit or
3 driver's license 20
4 Instruction permit issued to any person
5 holding an Illinois driver's license
6 who wishes a change in classifications,
7 other than at the time of renewal 5
8 Any instruction permit issued to a person
9 age 69 and older 5
10 Instruction permit issued to any person,
11 under age 69, not currently holding a
12 valid Illinois driver's license or
13 instruction permit but who has
14 previously been issued either document
15 in Illinois 10
16 Restricted driving permit 8
17 Monitoring device driving permit 8
18 Duplicate or corrected driver's license
19 or permit 5
20 Duplicate or corrected restricted
21 driving permit 5
22 Duplicate or corrected monitoring
23 device driving permit 5
24 Original or renewal M or L endorsement..... 5
25 The fee for a driver's certificate issued under subsection
26 (b-2) of Section 6-106 shall be \$10 plus an additional fee of

1 not less than \$50, to be set by the Secretary by rule, to cover
2 the additional costs associated with issuing those driver's
3 certificates.

4 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

5 The fees for commercial driver licenses and permits
6 under Article V shall be as follows:

7 Commercial driver's license:

- 8 \$6 for the CDLIS/AAMVAnet Fund
- 9 (Commercial Driver's License Information
- 10 System/American Association of Motor Vehicle
- 11 Administrators network Trust Fund);
- 12 \$20 for the Motor Carrier Safety Inspection Fund;
- 13 \$10 for the driver's license;
- 14 and \$24 for the CDL: \$60

15 Renewal commercial driver's license:

- 16 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 17 \$20 for the Motor Carrier Safety Inspection Fund;
- 18 \$10 for the driver's license; and
- 19 \$24 for the CDL: \$60

20 Commercial driver instruction permit

21 issued to any person holding a valid
22 Illinois driver's license for the
23 purpose of changing to a
24 CDL classification: \$6 for the
25 CDLIS/AAMVAnet Trust Fund;
26 \$20 for the Motor Carrier

1	Safety Inspection Fund; and	
2	\$24 for the CDL classification	\$50
3	Commercial driver instruction permit	
4	issued to any person holding a valid	
5	Illinois CDL for the purpose of	
6	making a change in a classification,	
7	endorsement or restriction	\$5
8	CDL duplicate or corrected license	\$5

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

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

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

22 (b) Any person whose license or privilege to operate a
23 motor vehicle in this State has been suspended or revoked under
24 Section 3-707, any provision of Chapter 6, Chapter 11, or
25 Section 7-205, 7-303, or 7-702 of the Family Financial
26 Responsibility Law of this Code, shall in addition to any other

1 fees required by this Code, pay a reinstatement fee as follows:

2	Suspension under Section 3-707	\$100
3	Summary suspension under Section 11-501.1	\$250
4	Other suspension	\$70
5	Revocation	\$500

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

17	Summary suspension under Section 11-501.1	\$500
18	Revocation	\$500

19 (c) All fees collected under the provisions of this Chapter
20 6 shall be paid into the Road Fund in the State Treasury except
21 as follows:

22 1. The following amounts shall be paid into the Driver
23 Education Fund:

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

26 (B) \$5 of the \$10 fee for an original driver's

1 license;

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

4 (D) \$4 of the \$8 fee for a restricted driving
5 permit; and

6 (E) \$4 of the \$8 fee for a monitoring device
7 driving permit.

8 2. \$30 of the \$250 fee for reinstatement of a license
9 summarily suspended under Section 11-501.1 shall be
10 deposited into the Drunk and Drugged Driving Prevention
11 Fund. However, for a person whose license or privilege to
12 operate a motor vehicle in this State has been suspended or
13 revoked for a second or subsequent time for a violation of
14 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
15 the Criminal Code of 1961, \$190 of the \$500 fee for
16 reinstatement of a license summarily suspended under
17 Section 11-501.1, and \$190 of the \$500 fee for
18 reinstatement of a revoked license shall be deposited into
19 the Drunk and Drugged Driving Prevention Fund.

20 3. \$6 of such original or renewal fee for a commercial
21 driver's license and \$6 of the commercial driver
22 instruction permit fee when such permit is issued to any
23 person holding a valid Illinois driver's license, shall be
24 paid into the CDLIS/AAMVAnet Trust Fund.

25 4. \$30 of the \$70 fee for reinstatement of a license
26 suspended under the Family Financial Responsibility Law

1 shall be paid into the Family Responsibility Fund.

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

5 6. \$20 of any original or renewal fee for a commercial
6 driver's license or commercial driver instruction permit
7 shall be paid into the Motor Carrier Safety Inspection
8 Fund.

9 7. The following amounts shall be paid into the General
10 Revenue Fund:

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

13 (B) \$40 of the \$70 reinstatement fee for any other
14 suspension provided in subsection (b) of this Section;
15 and

16 (C) \$440 of the \$500 reinstatement fee for a first
17 offense revocation and \$310 of the \$500 reinstatement
18 fee for a second or subsequent revocation.

19 8. The entire amount more than \$10 of any fee for a
20 driver's certificate issued under subsection (b-2) of
21 Section 6-106 shall be deposited into the Secretary of
22 State Driver's Certificate Fund. The Secretary of State
23 shall adopt rules setting the fee for issuing a driver's
24 certificate, in light of the additional costs associated
25 with issuing those driver's certificates.

26 (Source: P.A. 94-1035, eff. 7-1-07; 95-855, eff. 1-1-09.)

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

2 Sec. 6-205. Mandatory revocation of license or permit;
3 Hardship cases.

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

8 1. Reckless homicide resulting from the operation of a
9 motor vehicle;

10 2. Violation of Section 11-501 of this Code or a
11 similar provision of a local ordinance relating to the
12 offense of operating or being in physical control of a
13 vehicle while under the influence of alcohol, other drug or
14 drugs, intoxicating compound or compounds, or any
15 combination thereof;

16 3. Any felony under the laws of any State or the
17 federal government in the commission of which a motor
18 vehicle was used;

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

22 5. Perjury or the making of a false affidavit or
23 statement under oath to the Secretary of State under this
24 Code or under any other law relating to the ownership or
25 operation of motor vehicles;

1 6. Conviction upon 3 charges of violation of Section
2 11-503 of this Code relating to the offense of reckless
3 driving committed within a period of 12 months;

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

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

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

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

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

14 12. Violation of paragraph (1) of subsection (b) of
15 Section 6-507, or a similar law of any other state,
16 relating to the unlawful operation of a commercial motor
17 vehicle;

18 13. Violation of paragraph (a) of Section 11-502 of
19 this Code or a similar provision of a local ordinance if
20 the driver has been previously convicted of a violation of
21 that Section or a similar provision of a local ordinance
22 and the driver was less than 21 years of age at the time of
23 the offense;

24 14. Violation of Section 11-506 of this Code or a
25 similar provision of a local ordinance relating to the
26 offense of street racing.

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

7 (b) The Secretary of State shall also immediately revoke
8 the license or permit of any driver in the following
9 situations:

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

15 2. Of any person when any other law of this State
16 requires either the revocation or suspension of a license
17 or permit;

18 3. Of any person adjudicated under the Juvenile Court
19 Act of 1987 based on an offense determined to have been
20 committed in furtherance of the criminal activities of an
21 organized gang as provided in Section 5-710 of that Act,
22 and that involved the operation or use of a motor vehicle
23 or the use of a driver's license or permit. The revocation
24 shall remain in effect for the period determined by the
25 court. Upon the direction of the court, the Secretary shall
26 issue the person a judicial driving permit, also known as a

1 JDP. The JDP shall be subject to the same terms as a JDP
2 issued under Section 6-206.1, except that the court may
3 direct that a JDP issued under this subdivision (b)(3) be
4 effective immediately.

5 (c)(1) Except as provided in subsection (c-5), whenever a
6 person is convicted of any of the offenses enumerated in this
7 Section, the court may recommend and the Secretary of State in
8 his discretion, without regard to whether the recommendation is
9 made by the court may, upon application, issue to the person a
10 restricted driving permit granting the privilege of driving a
11 motor vehicle between the petitioner's residence and
12 petitioner's place of employment or within the scope of the
13 petitioner's employment related duties, or to allow the
14 petitioner to transport himself or herself or a family member
15 of the petitioner's household to a medical facility for the
16 receipt of necessary medical care or to allow the petitioner to
17 transport himself or herself to and from alcohol or drug
18 remedial or rehabilitative activity recommended by a licensed
19 service provider, or to allow the petitioner to transport
20 himself or herself or a family member of the petitioner's
21 household to classes, as a student, at an accredited
22 educational institution, or to allow the petitioner to
23 transport children living in the petitioner's household to and
24 from daycare; if the petitioner is able to demonstrate that no
25 alternative means of transportation is reasonably available
26 and that the petitioner will not endanger the public safety or

1 welfare; provided that the Secretary's discretion shall be
2 limited to cases where undue hardship, as defined by the rules
3 of the Secretary of State, would result from a failure to issue
4 the restricted driving permit. Those multiple offenders
5 identified in subdivision (b)4 of Section 6-208 of this Code,
6 however, shall not be eligible for the issuance of a restricted
7 driving permit.

8 (2) If a person's license or permit is revoked or
9 suspended due to 2 or more convictions of violating Section
10 11-501 of this Code or a similar provision of a local
11 ordinance or a similar out-of-state offense, or Section 9-3
12 of the Criminal Code of 1961, where the use of alcohol or
13 other drugs is recited as an element of the offense, or a
14 similar out-of-state offense, or a combination of these
15 offenses, arising out of separate occurrences, that
16 person, if issued a restricted driving permit, may not
17 operate a vehicle unless it has been equipped with an
18 ignition interlock device as defined in Section 1-129.1.

19 (3) If:

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

23 (i) a single conviction of violating Section
24 11-501 of this Code or a similar provision of a
25 local ordinance or a similar out-of-state offense,
26 or Section 9-3 of the Criminal Code of 1961, where

1 the use of alcohol or other drugs is recited as an
2 element of the offense, or a similar out-of-state
3 offense; or

4 (ii) a statutory summary suspension under
5 Section 11-501.1; or

6 (iii) a suspension pursuant to Section
7 6-203.1;

8 arising out of separate occurrences; or

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

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

19 (4) The person issued a permit conditioned on the use
20 of an ignition interlock device must pay to the Secretary
21 of State DUI Administration Fund an amount not to exceed
22 \$30 per month. The Secretary shall establish by rule the
23 amount and the procedures, terms, and conditions relating
24 to these fees.

25 (5) If the restricted driving permit is issued for
26 employment purposes, then the prohibition against

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

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

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

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

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

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

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

25 (A) a single conviction of violating Section
26 11-501 of this Code or a similar provision of a local

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

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

7 (C) a suspension pursuant to Section 6-203.1;

8 arising out of separate occurrences, that person, if issued
9 a restricted driving permit, may not operate a vehicle
10 unless it has been equipped with an ignition interlock
11 device as defined in Section 1-129.1.

12 (4) The person issued a permit conditioned upon the use
13 of an interlock device must pay to the Secretary of State
14 DUI Administration Fund an amount not to exceed \$30 per
15 month. The Secretary shall establish by rule the amount and
16 the procedures, terms, and conditions relating to these
17 fees.

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

24 (6) A restricted driving permit issued under this
25 Section shall be subject to cancellation, revocation, and
26 suspension by the Secretary of State in like manner and for

1 like cause as a driver's license issued under this Code may
2 be cancelled, revoked, or suspended; except that a
3 conviction upon one or more offenses against laws or
4 ordinances regulating the movement of traffic shall be
5 deemed sufficient cause for the revocation, suspension, or
6 cancellation of a restricted driving permit.

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

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

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

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

26 (h) The Secretary of State shall require the use of

1 ignition interlock devices on all vehicles owned by a person
2 who has been convicted of a second or subsequent offense under
3 Section 11-501 of this Code or a similar provision of a local
4 ordinance. The person must pay to the Secretary of State DUI
5 Administration Fund an amount not to exceed \$30 for each month
6 that he or she uses the device. The Secretary shall establish
7 by rule and regulation the procedures for certification and use
8 of the interlock system, the amount of the fee, and the
9 procedures, terms, and conditions relating to these fees.

10 (i) (Blank).

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

16 (Source: P.A. 94-307, eff. 9-30-05; 95-310, eff. 1-1-08;
17 95-337, eff. 6-1-08; 95-377, eff. 1-1-08; 95-382, eff. 8-23-07;
18 95-627, eff. 6-1-08; 95-848, eff. 1-1-09; 95-876, eff. 8-21-08;
19 revised 9-10-08.)

20 Section 97. Severability. The provisions of this Act are
21 severable under Section 1.31 of the Statute on Statutes.

22 Section 99. Effective date. This Act takes effect January
23 1, 2010.

1 INDEX

2 Statutes amended in order of appearance

3 30 ILCS 105/5.719 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