



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB2837

Introduced 1/24/2012, by Sen. Pamela J. Althoff

#### SYNOPSIS AS INTRODUCED:

15 ILCS 335/4	from Ch. 124, par. 24
15 ILCS 335/5	from Ch. 124, par. 25
15 ILCS 335/11	from Ch. 124, par. 31
625 ILCS 5/2-123	from Ch. 95 1/2, par. 2-123
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 Identification Card Act and Illinois Vehicle Code to provide that: the Secretary of State must inquire as to whether an applicant for a State identification card or driver's license is a veteran for purposes of issuing a State identification card or driver's license with a veteran designation; the Secretary shall determine by rule what forms of proof of a person's status as a veteran are acceptable; and the Secretary may disclose an individual's social security number or associated information to the Illinois Department of Veterans' Affairs for the purpose of confirming veteran status. Defines "veteran" and other terms. Effective January 1, 2013.

LRB097 17144 HEP 62342 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning the Secretary of State.

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, 5, and 11 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 and signature  
23 or mark of the applicant. However, the Secretary of State may

1 provide by rule for the issuance of Illinois Identification  
2 Cards without photographs if the applicant has a bona fide  
3 religious objection to being photographed or to the display of  
4 his or her photograph. The Illinois Identification Card may be  
5 used for identification purposes in any lawful situation only  
6 by the person to whom it was issued. As used in this Act,  
7 "photograph" means any color photograph or digitally produced  
8 and captured image of an applicant for an identification card.  
9 As used in this Act, "signature" means the name of a person as  
10 written by that person and captured in a manner acceptable to  
11 the Secretary of State.

12 (a-5) If an applicant for an identification card has a  
13 current driver's license or instruction permit issued by the  
14 Secretary of State, the Secretary may require the applicant to  
15 utilize the same residence address and name on the  
16 identification card, driver's license, and instruction permit  
17 records maintained by the Secretary. The Secretary may  
18 promulgate rules to implement this provision.

19 (b) The Secretary of State shall issue a special Illinois  
20 Identification Card, which shall be known as an Illinois  
21 Disabled Person Identification Card, to any natural person who  
22 is a resident of the State of Illinois, who is a disabled  
23 person as defined in Section 4A of this Act, who applies for  
24 such card, or renewal thereof. No Disabled Person  
25 Identification Card shall be issued to any person who holds a  
26 valid foreign state identification card, license, or permit

1 unless the person first surrenders to the Secretary of State  
2 the valid foreign state identification card, license, or  
3 permit. The Secretary of State shall charge no fee to issue  
4 such card. The card shall be prepared and supplied by the  
5 Secretary of State, and shall include a photograph and  
6 signature or mark of the applicant, a designation indicating  
7 that the card is an Illinois Disabled Person Identification  
8 Card, and shall include a comprehensible designation of the  
9 type and classification of the applicant's disability as set  
10 out in Section 4A of this Act. However, the Secretary of State  
11 may provide by rule for the issuance of Illinois Disabled  
12 Person Identification Cards without photographs if the  
13 applicant has a bona fide religious objection to being  
14 photographed or to the display of his or her photograph. If the  
15 applicant so requests, the card shall include a description of  
16 the applicant's disability and any information about the  
17 applicant's disability or medical history which the Secretary  
18 determines would be helpful to the applicant in securing  
19 emergency medical care. If a mark is used in lieu of a  
20 signature, such mark shall be affixed to the card in the  
21 presence of two witnesses who attest to the authenticity of the  
22 mark. The Illinois Disabled Person Identification Card may be  
23 used for identification purposes in any lawful situation by the  
24 person to whom it was issued.

25 The Illinois Disabled Person Identification Card may be  
26 used as adequate documentation of disability in lieu of a

1 physician's determination of disability, a determination of  
2 disability from a physician assistant who has been delegated  
3 the authority to make this determination by his or her  
4 supervising physician, a determination of disability from an  
5 advanced practice nurse who has a written collaborative  
6 agreement with a collaborating physician that authorizes the  
7 advanced practice nurse to make this determination, or any  
8 other documentation of disability whenever any State law  
9 requires that a disabled person provide such documentation of  
10 disability, however an Illinois Disabled Person Identification  
11 Card shall not qualify the cardholder to participate in any  
12 program or to receive any benefit which is not available to all  
13 persons with like disabilities. Notwithstanding any other  
14 provisions of law, an Illinois Disabled Person Identification  
15 Card, or evidence that the Secretary of State has issued an  
16 Illinois Disabled Person Identification Card, shall not be used  
17 by any person other than the person named on such card to prove  
18 that the person named on such card is a disabled person or for  
19 any other purpose unless the card is used for the benefit of  
20 the person named on such card, and the person named on such  
21 card consents to such use at the time the card is so used.

22 An optometrist's determination of a visual disability  
23 under Section 4A of this Act is acceptable as documentation for  
24 the purpose of issuing an Illinois Disabled Person  
25 Identification Card.

26 When medical information is contained on an Illinois

1 Disabled Person Identification Card, the Office of the  
2 Secretary of State shall not be liable for any actions taken  
3 based upon that medical information.

4 (c) Beginning January 1, 1986, the Secretary of State shall  
5 provide that each original or renewal Illinois Identification  
6 Card or Illinois Disabled Person Identification Card issued to  
7 a person under the age of 21, shall be of a distinct nature  
8 from those Illinois Identification Cards or Illinois Disabled  
9 Person Identification Cards issued to individuals 21 years of  
10 age or older. The color designated for Illinois Identification  
11 Cards or Illinois Disabled Person Identification Cards for  
12 persons under the age of 21 shall be at the discretion of the  
13 Secretary of State.

14 (c-1) Beginning January 1, 2003, each original or renewal  
15 Illinois Identification Card or Illinois Disabled Person  
16 Identification Card issued to a person under the age of 21  
17 shall display the date upon which the person becomes 18 years  
18 of age and the date upon which the person becomes 21 years of  
19 age.

20 (c-5) The Secretary of State shall designate a space on  
21 each original or renewal identification card where, at the  
22 request of the applicant, the word "veteran" shall be placed.  
23 The veteran designation shall be available to a person  
24 identified as a veteran under subsection (b) of Section 5 of  
25 this Act who was discharged or separated under honorable  
26 conditions.

1 (d) The Secretary of State may issue a Senior Citizen  
2 discount card, to any natural person who is a resident of the  
3 State of Illinois who is 60 years of age or older and who  
4 applies for such a card or renewal thereof. The Secretary of  
5 State shall charge no fee to issue such card. The card shall be  
6 issued in every county and applications shall be made available  
7 at, but not limited to, nutrition sites, senior citizen centers  
8 and Area Agencies on Aging. The applicant, upon receipt of such  
9 card and prior to its use for any purpose, shall have affixed  
10 thereon in the space provided therefor his signature or mark.

11 (e) The Secretary of State, in his or her discretion, may  
12 designate on each Illinois Identification Card or Illinois  
13 Disabled Person Identification Card a space where the card  
14 holder may place a sticker or decal, issued by the Secretary of  
15 State, of uniform size as the Secretary may specify, that shall  
16 indicate in appropriate language that the card holder has  
17 renewed his or her Illinois Identification Card or Illinois  
18 Disabled Person Identification Card.

19 (Source: P.A. 96-146, eff. 1-1-10; 96-328, eff. 8-11-09;  
20 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12.)

21 (15 ILCS 335/5) (from Ch. 124, par. 25)

22 Sec. 5. Applications.

23 (a) Any natural person who is a resident of the State of  
24 Illinois, may file an application for an identification card or  
25 for the renewal thereof, in a manner prescribed by the

1 Secretary. Each original application shall be completed by the  
2 applicant in full and shall set forth the legal name, residence  
3 address and zip code, social security number, birth date, sex  
4 and a brief description of the applicant. The applicant shall  
5 be photographed, unless the Secretary of State has provided by  
6 rule for the issuance of identification cards without  
7 photographs and the applicant is deemed eligible for an  
8 identification card without a photograph under the terms and  
9 conditions imposed by the Secretary of State, and he or she  
10 shall also submit any other information as the Secretary may  
11 deem necessary or such documentation as the Secretary may  
12 require to determine the identity of the applicant. In addition  
13 to the residence address, the Secretary may allow the applicant  
14 to provide a mailing address. An applicant for a disabled  
15 persons card must also submit with each original or renewal  
16 application, on forms prescribed by the Secretary, such  
17 documentation as the Secretary may require, establishing that  
18 the applicant is a "disabled person" as defined in Section 4A  
19 of this Act, and setting forth the applicant's type and class  
20 of disability as set forth in Section 4A of this Act.

21 (b) For each original or renewal identification card  
22 application under this Act, the Secretary shall inquire as to  
23 whether the applicant is a veteran for purposes of issuing an  
24 identification card with a veteran designation under  
25 subsection (c-5) of Section 4 of this Act. The acceptable forms  
26 of proof shall include, but are not limited to, Department of



1 Defense form DD-214. The Secretary shall determine by rule what  
2 other forms of proof of a person's status as a veteran are  
3 acceptable.

4 For purposes of this subsection (b):

5 "Active duty" means active duty under an executive order of  
6 the President of the United States, an Act of the Congress of  
7 the United States, or an order of the Governor.

8 "Armed forces" means any of the Armed Forces of the United  
9 States, including a member of any reserve component or National  
10 Guard unit called to active duty.

11 "Veteran" means a person who has served on active duty in  
12 the armed forces and was discharged or separated under  
13 honorable conditions.

14 (Source: P.A. 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12.)

15 (15 ILCS 335/11) (from Ch. 124, par. 31)

16 Sec. 11. The Secretary may make a search of his records and  
17 furnish information as to whether a person has a current  
18 Standard Illinois Identification Card or an Illinois Disabled  
19 Person Identification Card then on file, upon receipt of a  
20 written application therefor accompanied with the prescribed  
21 fee. However, the Secretary may not disclose medical  
22 information concerning an individual to any person, public  
23 agency, private agency, corporation or governmental body  
24 unless the individual has submitted a written request for the  
25 information or unless the individual has given prior written

1 consent for the release of the information to a specific person  
2 or entity. This exception shall not apply to: (1) offices and  
3 employees of the Secretary who have a need to know the medical  
4 information in performance of their official duties, or (2)  
5 orders of a court of competent jurisdiction. When medical  
6 information is disclosed by the Secretary in accordance with  
7 the provisions of this Section, no liability shall rest with  
8 the Office of the Secretary of State as the information is  
9 released for informational purposes only.

10 The Secretary may release personally identifying  
11 information or highly restricted personal information only to:

12 (1) officers and employees of the Secretary who have a  
13 need to know that information;

14 (2) other governmental agencies for use in their  
15 official governmental functions;

16 (3) law enforcement agencies that need the information  
17 for a criminal or civil investigation; or

18 (4) any entity that the Secretary has authorized, by  
19 rule, to receive this information.

20 The Secretary may not disclose an individual's social  
21 security number or any associated information obtained from the  
22 Social Security Administration without the written request or  
23 consent of the individual except: (i) to officers and employees  
24 of the Secretary who have a need to know the social security  
25 number in the performance of their official duties; (ii) to law  
26 enforcement officials for a lawful civil or criminal law

1 enforcement investigation if the head of the law enforcement  
2 agency has made a written request to the Secretary specifying  
3 the law enforcement investigation for which the social security  
4 number is being sought; ~~or~~ (iii) under a lawful court order  
5 signed by a judge; or (iv) to the Illinois Department of  
6 Veterans' Affairs for the purpose of confirming veteran status.  
7 (Source: P.A. 93-895, eff. 1-1-05.)

8 Section 10. The Illinois Vehicle Code is amended by  
9 changing Sections 2-123, 6-106, and 6-110 as follows:

10 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

11 Sec. 2-123. Sale and Distribution of Information.

12 (a) Except as otherwise provided in this Section, the  
13 Secretary may make the driver's license, vehicle and title  
14 registration lists, in part or in whole, and any statistical  
15 information derived from these lists available to local  
16 governments, elected state officials, state educational  
17 institutions, and all other governmental units of the State and  
18 Federal Government requesting them for governmental purposes.  
19 The Secretary shall require any such applicant for services to  
20 pay for the costs of furnishing such services and the use of  
21 the equipment involved, and in addition is empowered to  
22 establish prices and charges for the services so furnished and  
23 for the use of the electronic equipment utilized.

24 (b) The Secretary is further empowered to and he may, in

1 his discretion, furnish to any applicant, other than listed in  
2 subsection (a) of this Section, vehicle or driver data on a  
3 computer tape, disk, other electronic format or computer  
4 processable medium, or printout at a fixed fee of \$250 for  
5 orders received before October 1, 2003 and \$500 for orders  
6 received on or after October 1, 2003, in advance, and require  
7 in addition a further sufficient deposit based upon the  
8 Secretary of State's estimate of the total cost of the  
9 information requested and a charge of \$25 for orders received  
10 before October 1, 2003 and \$50 for orders received on or after  
11 October 1, 2003, per 1,000 units or part thereof identified or  
12 the actual cost, whichever is greater. The Secretary is  
13 authorized to refund any difference between the additional  
14 deposit and the actual cost of the request. This service shall  
15 not be in lieu of an abstract of a driver's record nor of a  
16 title or registration search. This service may be limited to  
17 entities purchasing a minimum number of records as required by  
18 administrative rule. The information sold pursuant to this  
19 subsection shall be the entire vehicle or driver data list, or  
20 part thereof. The information sold pursuant to this subsection  
21 shall not contain personally identifying information unless  
22 the information is to be used for one of the purposes  
23 identified in subsection (f-5) of this Section. Commercial  
24 purchasers of driver and vehicle record databases shall enter  
25 into a written agreement with the Secretary of State that  
26 includes disclosure of the commercial use of the information to

1 be purchased.

2 (b-1) The Secretary is further empowered to and may, in his  
3 or her discretion, furnish vehicle or driver data on a computer  
4 tape, disk, or other electronic format or computer processible  
5 medium, at no fee, to any State or local governmental agency  
6 that uses the information provided by the Secretary to transmit  
7 data back to the Secretary that enables the Secretary to  
8 maintain accurate driving records, including dispositions of  
9 traffic cases. This information may be provided without fee not  
10 more often than once every 6 months.

11 (c) Secretary of State may issue registration lists. The  
12 Secretary of State may compile a list of all registered  
13 vehicles. Each list of registered vehicles shall be arranged  
14 serially according to the registration numbers assigned to  
15 registered vehicles and may contain in addition the names and  
16 addresses of registered owners and a brief description of each  
17 vehicle including the serial or other identifying number  
18 thereof. Such compilation may be in such form as in the  
19 discretion of the Secretary of State may seem best for the  
20 purposes intended.

21 (d) The Secretary of State shall furnish no more than 2  
22 current available lists of such registrations to the sheriffs  
23 of all counties and to the chiefs of police of all cities and  
24 villages and towns of 2,000 population and over in this State  
25 at no cost. Additional copies may be purchased by the sheriffs  
26 or chiefs of police at the fee of \$500 each or at the cost of

1 producing the list as determined by the Secretary of State.  
2 Such lists are to be used for governmental purposes only.

3 (e) (Blank).

4 (e-1) (Blank).

5 (f) The Secretary of State shall make a title or  
6 registration search of the records of his office and a written  
7 report on the same for any person, upon written application of  
8 such person, accompanied by a fee of \$5 for each registration  
9 or title search. The written application shall set forth the  
10 intended use of the requested information. No fee shall be  
11 charged for a title or registration search, or for the  
12 certification thereof requested by a government agency. The  
13 report of the title or registration search shall not contain  
14 personally identifying information unless the request for a  
15 search was made for one of the purposes identified in  
16 subsection (f-5) of this Section. The report of the title or  
17 registration search shall not contain highly restricted  
18 personal information unless specifically authorized by this  
19 Code.

20 The Secretary of State shall certify a title or  
21 registration record upon written request. The fee for  
22 certification shall be \$5 in addition to the fee required for a  
23 title or registration search. Certification shall be made under  
24 the signature of the Secretary of State and shall be  
25 authenticated by Seal of the Secretary of State.

26 The Secretary of State may notify the vehicle owner or

1 registrant of the request for purchase of his title or  
2 registration information as the Secretary deems appropriate.

3 No information shall be released to the requestor until  
4 expiration of a 10 day period. This 10 day period shall not  
5 apply to requests for information made by law enforcement  
6 officials, government agencies, financial institutions,  
7 attorneys, insurers, employers, automobile associated  
8 businesses, persons licensed as a private detective or firms  
9 licensed as a private detective agency under the Private  
10 Detective, Private Alarm, Private Security, Fingerprint  
11 Vendor, and Locksmith Act of 2004, who are employed by or are  
12 acting on behalf of law enforcement officials, government  
13 agencies, financial institutions, attorneys, insurers,  
14 employers, automobile associated businesses, and other  
15 business entities for purposes consistent with the Illinois  
16 Vehicle Code, the vehicle owner or registrant or other entities  
17 as the Secretary may exempt by rule and regulation.

18 Any misrepresentation made by a requestor of title or  
19 vehicle information shall be punishable as a petty offense,  
20 except in the case of persons licensed as a private detective  
21 or firms licensed as a private detective agency which shall be  
22 subject to disciplinary sanctions under Section 40-10 of the  
23 Private Detective, Private Alarm, Private Security,  
24 Fingerprint Vendor, and Locksmith Act of 2004.

25 (f-5) The Secretary of State shall not disclose or  
26 otherwise make available to any person or entity any personally

1 identifying information obtained by the Secretary of State in  
2 connection with a driver's license, vehicle, or title  
3 registration record unless the information is disclosed for one  
4 of the following purposes:

5 (1) For use by any government agency, including any  
6 court or law enforcement agency, in carrying out its  
7 functions, or any private person or entity acting on behalf  
8 of a federal, State, or local agency in carrying out its  
9 functions.

10 (2) For use in connection with matters of motor vehicle  
11 or driver safety and theft; motor vehicle emissions; motor  
12 vehicle product alterations, recalls, or advisories;  
13 performance monitoring of motor vehicles, motor vehicle  
14 parts, and dealers; and removal of non-owner records from  
15 the original owner records of motor vehicle manufacturers.

16 (3) For use in the normal course of business by a  
17 legitimate business or its agents, employees, or  
18 contractors, but only:

19 (A) to verify the accuracy of personal information  
20 submitted by an individual to the business or its  
21 agents, employees, or contractors; and

22 (B) if such information as so submitted is not  
23 correct or is no longer correct, to obtain the correct  
24 information, but only for the purposes of preventing  
25 fraud by, pursuing legal remedies against, or  
26 recovering on a debt or security interest against, the



1 individual.

2 (4) For use in research activities and for use in  
3 producing statistical reports, if the personally  
4 identifying information is not published, redisclosed, or  
5 used to contact individuals.

6 (5) For use in connection with any civil, criminal,  
7 administrative, or arbitral proceeding in any federal,  
8 State, or local court or agency or before any  
9 self-regulatory body, including the service of process,  
10 investigation in anticipation of litigation, and the  
11 execution or enforcement of judgments and orders, or  
12 pursuant to an order of a federal, State, or local court.

13 (6) For use by any insurer or insurance support  
14 organization or by a self-insured entity or its agents,  
15 employees, or contractors in connection with claims  
16 investigation activities, antifraud activities, rating, or  
17 underwriting.

18 (7) For use in providing notice to the owners of towed  
19 or impounded vehicles.

20 (8) For use by any person licensed as a private  
21 detective or firm licensed as a private detective agency  
22 under the Private Detective, Private Alarm, Private  
23 Security, Fingerprint Vendor, and Locksmith Act of 2004,  
24 private investigative agency or security service licensed  
25 in Illinois for any purpose permitted under this  
26 subsection.

1           (9) For use by an employer or its agent or insurer to  
2 obtain or verify information relating to a holder of a  
3 commercial driver's license that is required under chapter  
4 313 of title 49 of the United States Code.

5           (10) For use in connection with the operation of  
6 private toll transportation facilities.

7           (11) For use by any requester, if the requester  
8 demonstrates it has obtained the written consent of the  
9 individual to whom the information pertains.

10          (12) For use by members of the news media, as defined  
11 in Section 1-148.5, for the purpose of newsgathering when  
12 the request relates to the operation of a motor vehicle or  
13 public safety.

14          (13) For any other use specifically authorized by law,  
15 if that use is related to the operation of a motor vehicle  
16 or public safety.

17          (f-6) The Secretary of State shall not disclose or  
18 otherwise make available to any person or entity any highly  
19 restricted personal information obtained by the Secretary of  
20 State in connection with a driver's license, vehicle, or title  
21 registration record unless specifically authorized by this  
22 Code.

23          (g) 1. The Secretary of State may, upon receipt of a  
24 written request and a fee of \$6 before October 1, 2003 and  
25 a fee of \$12 on and after October 1, 2003, furnish to the  
26 person or agency so requesting a driver's record. Such

1 document may include a record of: current driver's license  
2 issuance information, except that the information on  
3 judicial driving permits shall be available only as  
4 otherwise provided by this Code; convictions; orders  
5 entered revoking, suspending or cancelling a driver's  
6 license or privilege; and notations of accident  
7 involvement. All other information, unless otherwise  
8 permitted by this Code, shall remain confidential.  
9 Information released pursuant to a request for a driver's  
10 record shall not contain personally identifying  
11 information, unless the request for the driver's record was  
12 made for one of the purposes set forth in subsection (f-5)  
13 of this Section. The Secretary of State may, without fee,  
14 allow a parent or guardian of a person under the age of 18  
15 years, who holds an instruction permit or graduated  
16 driver's license, to view that person's driving record  
17 online, through a computer connection. The parent or  
18 guardian's online access to the driving record will  
19 terminate when the instruction permit or graduated  
20 driver's license holder reaches the age of 18.

21 2. The Secretary of State shall not disclose or  
22 otherwise make available to any person or entity any highly  
23 restricted personal information obtained by the Secretary  
24 of State in connection with a driver's license, vehicle, or  
25 title registration record unless specifically authorized  
26 by this Code. The Secretary of State may certify an

1 abstract of a driver's record upon written request  
2 therefor. Such certification shall be made under the  
3 signature of the Secretary of State and shall be  
4 authenticated by the Seal of his office.

5 3. All requests for driving record information shall be  
6 made in a manner prescribed by the Secretary and shall set  
7 forth the intended use of the requested information.

8 The Secretary of State may notify the affected driver  
9 of the request for purchase of his driver's record as the  
10 Secretary deems appropriate.

11 No information shall be released to the requester until  
12 expiration of a 10 day period. This 10 day period shall not  
13 apply to requests for information made by law enforcement  
14 officials, government agencies, financial institutions,  
15 attorneys, insurers, employers, automobile associated  
16 businesses, persons licensed as a private detective or  
17 firms licensed as a private detective agency under the  
18 Private Detective, Private Alarm, Private Security,  
19 Fingerprint Vendor, and Locksmith Act of 2004, who are  
20 employed by or are acting on behalf of law enforcement  
21 officials, government agencies, financial institutions,  
22 attorneys, insurers, employers, automobile associated  
23 businesses, and other business entities for purposes  
24 consistent with the Illinois Vehicle Code, the affected  
25 driver or other entities as the Secretary may exempt by  
26 rule and regulation.

1           Any misrepresentation made by a requestor of driver  
2 information shall be punishable as a petty offense, except  
3 in the case of persons licensed as a private detective or  
4 firms licensed as a private detective agency which shall be  
5 subject to disciplinary sanctions under Section 40-10 of  
6 the Private Detective, Private Alarm, Private Security,  
7 Fingerprint Vendor, and Locksmith Act of 2004.

8           4. The Secretary of State may furnish without fee, upon  
9 the written request of a law enforcement agency, any  
10 information from a driver's record on file with the  
11 Secretary of State when such information is required in the  
12 enforcement of this Code or any other law relating to the  
13 operation of motor vehicles, including records of  
14 dispositions; documented information involving the use of  
15 a motor vehicle; whether such individual has, or previously  
16 had, a driver's license; and the address and personal  
17 description as reflected on said driver's record.

18           5. Except as otherwise provided in this Section, the  
19 Secretary of State may furnish, without fee, information  
20 from an individual driver's record on file, if a written  
21 request therefor is submitted by any public transit system  
22 or authority, public defender, law enforcement agency, a  
23 state or federal agency, or an Illinois local  
24 intergovernmental association, if the request is for the  
25 purpose of a background check of applicants for employment  
26 with the requesting agency, or for the purpose of an

1 official investigation conducted by the agency, or to  
2 determine a current address for the driver so public funds  
3 can be recovered or paid to the driver, or for any other  
4 purpose set forth in subsection (f-5) of this Section.

5 The Secretary may also furnish the courts a copy of an  
6 abstract of a driver's record, without fee, subsequent to  
7 an arrest for a violation of Section 11-501 or a similar  
8 provision of a local ordinance. Such abstract may include  
9 records of dispositions; documented information involving  
10 the use of a motor vehicle as contained in the current  
11 file; whether such individual has, or previously had, a  
12 driver's license; and the address and personal description  
13 as reflected on said driver's record.

14 6. Any certified abstract issued by the Secretary of  
15 State or transmitted electronically by the Secretary of  
16 State pursuant to this Section, to a court or on request of  
17 a law enforcement agency, for the record of a named person  
18 as to the status of the person's driver's license shall be  
19 prima facie evidence of the facts therein stated and if the  
20 name appearing in such abstract is the same as that of a  
21 person named in an information or warrant, such abstract  
22 shall be prima facie evidence that the person named in such  
23 information or warrant is the same person as the person  
24 named in such abstract and shall be admissible for any  
25 prosecution under this Code and be admitted as proof of any  
26 prior conviction or proof of records, notices, or orders

1 recorded on individual driving records maintained by the  
2 Secretary of State.

3 7. Subject to any restrictions contained in the  
4 Juvenile Court Act of 1987, and upon receipt of a proper  
5 request and a fee of \$6 before October 1, 2003 and a fee of  
6 \$12 on or after October 1, 2003, the Secretary of State  
7 shall provide a driver's record to the affected driver, or  
8 the affected driver's attorney, upon verification. Such  
9 record shall contain all the information referred to in  
10 paragraph 1 of this subsection (g) plus: any recorded  
11 accident involvement as a driver; information recorded  
12 pursuant to subsection (e) of Section 6-117 and paragraph  
13 (4) of subsection (a) of Section 6-204 of this Code. All  
14 other information, unless otherwise permitted by this  
15 Code, shall remain confidential.

16 (h) The Secretary shall not disclose social security  
17 numbers or any associated information obtained from the Social  
18 Security Administration except pursuant to a written request  
19 by, or with the prior written consent of, the individual  
20 except: (1) to officers and employees of the Secretary who have  
21 a need to know the social security numbers in performance of  
22 their official duties, (2) to law enforcement officials for a  
23 lawful, civil or criminal law enforcement investigation, and if  
24 the head of the law enforcement agency has made a written  
25 request to the Secretary specifying the law enforcement  
26 investigation for which the social security numbers are being

1 sought, (3) to the United States Department of Transportation,  
2 or any other State, pursuant to the administration and  
3 enforcement of the Commercial Motor Vehicle Safety Act of 1986,  
4 (4) pursuant to the order of a court of competent jurisdiction,  
5 (5) to the Department of Healthcare and Family Services  
6 (formerly Department of Public Aid) for utilization in the  
7 child support enforcement duties assigned to that Department  
8 under provisions of the Illinois Public Aid Code after the  
9 individual has received advanced meaningful notification of  
10 what redisclosure is sought by the Secretary in accordance with  
11 the federal Privacy Act, (5.5) to the Department of Healthcare  
12 and Family Services and the Department of Human Services solely  
13 for the purpose of verifying Illinois residency where such  
14 residency is an eligibility requirement for benefits under the  
15 Illinois Public Aid Code or any other health benefit program  
16 administered by the Department of Healthcare and Family  
17 Services or the Department of Human Services, or (6) to the  
18 Illinois Department of Revenue solely for use by the Department  
19 in the collection of any tax or debt that the Department of  
20 Revenue is authorized or required by law to collect, provided  
21 that the Department shall not disclose the social security  
22 number to any person or entity outside of the Department, or  
23 (7) to the Illinois Department of Veterans' Affairs for the  
24 purpose of confirming veteran status.

25 (i) (Blank).

26 (j) Medical statements or medical reports received in the



1 Secretary of State's Office shall be confidential. Except as  
2 provided in this Section, no confidential information may be  
3 open to public inspection or the contents disclosed to anyone,  
4 except officers and employees of the Secretary who have a need  
5 to know the information contained in the medical reports and  
6 the Driver License Medical Advisory Board, unless so directed  
7 by an order of a court of competent jurisdiction. If the  
8 Secretary receives a medical report regarding a driver that  
9 does not address a medical condition contained in a previous  
10 medical report, the Secretary may disclose the unaddressed  
11 medical condition to the driver or his or her physician, or  
12 both, solely for the purpose of submission of a medical report  
13 that addresses the condition.

14 (k) All fees collected under this Section shall be paid  
15 into the Road Fund of the State Treasury, except that (i) for  
16 fees collected before October 1, 2003, \$3 of the \$6 fee for a  
17 driver's record shall be paid into the Secretary of State  
18 Special Services Fund, (ii) for fees collected on and after  
19 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall  
20 be paid into the Secretary of State Special Services Fund and  
21 \$6 shall be paid into the General Revenue Fund, and (iii) for  
22 fees collected on and after October 1, 2003, 50% of the amounts  
23 collected pursuant to subsection (b) shall be paid into the  
24 General Revenue Fund.

25 (l) (Blank).

26 (m) Notations of accident involvement that may be disclosed

1 under this Section shall not include notations relating to  
2 damage to a vehicle or other property being transported by a  
3 tow truck. This information shall remain confidential,  
4 provided that nothing in this subsection (m) shall limit  
5 disclosure of any notification of accident involvement to any  
6 law enforcement agency or official.

7 (n) Requests made by the news media for driver's license,  
8 vehicle, or title registration information may be furnished  
9 without charge or at a reduced charge, as determined by the  
10 Secretary, when the specific purpose for requesting the  
11 documents is deemed to be in the public interest. Waiver or  
12 reduction of the fee is in the public interest if the principal  
13 purpose of the request is to access and disseminate information  
14 regarding the health, safety, and welfare or the legal rights  
15 of the general public and is not for the principal purpose of  
16 gaining a personal or commercial benefit. The information  
17 provided pursuant to this subsection shall not contain  
18 personally identifying information unless the information is  
19 to be used for one of the purposes identified in subsection  
20 (f-5) of this Section.

21 (o) The redisclosure of personally identifying information  
22 obtained pursuant to this Section is prohibited, except to the  
23 extent necessary to effectuate the purpose for which the  
24 original disclosure of the information was permitted.

25 (p) The Secretary of State is empowered to adopt rules to  
26 effectuate this Section.

1 (Source: P.A. 96-1383, eff. 1-1-11; 96-1501, eff. 1-25-11;  
2 97-229, eff. 7-28-11.)

3 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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

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

1 determine the applicant's competency and eligibility. The  
2 Secretary of State may, in his discretion, by rule or  
3 regulation, provide that an application for a drivers license  
4 or permit may include a suitable photograph of the applicant in  
5 the form prescribed by the Secretary, and he may further  
6 provide that each drivers license shall include a photograph of  
7 the driver. The Secretary of State may utilize a photograph  
8 process or system most suitable to deter alteration or improper  
9 reproduction of a drivers license and to prevent substitution  
10 of another photo thereon.

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

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

1 signature on the application serves as an indication that the  
2 applicant either has already registered with the Selective  
3 Service System or that he is authorizing the Secretary to  
4 forward to the Selective Service System the necessary  
5 information for registration. The Secretary must notify the  
6 applicant at the time of application that his signature  
7 constitutes consent to registration with the Selective Service  
8 System, if he is not already registered.

9 (e) For each original or renewal driver's license  
10 application under this Act, the Secretary shall inquire as to  
11 whether the applicant is a veteran for purposes of issuing a  
12 driver's license with a veteran designation under subsection  
13 (e-5) of Section 6-110 of this Chapter. The acceptable forms of  
14 proof shall include, but are not limited to, Department of  
15 Defense form DD-214. The Secretary shall determine by rule what  
16 other forms of proof of a person's status as a veteran are  
17 acceptable.

18 For purposes of this subsection (e):

19 "Active duty" means active duty under an executive order of  
20 the President of the United States, an Act of the Congress of  
21 the United States, or an order of the Governor.

22 "Armed forces" means any of the Armed Forces of the United  
23 States, including a member of any reserve component or National  
24 Guard unit called to active duty.

25 "Veteran" means a person who has served on active duty in  
26 the armed forces and was discharged or separated under

1 honorable conditions.

2 (Source: P.A. 96-1231, eff. 7-23-10; 97-263, eff. 8-5-11.)

3 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

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

5 (a) The Secretary of State shall issue to every qualifying  
6 applicant a driver's license as applied for, which license  
7 shall bear a distinguishing number assigned to the licensee,  
8 the legal name, signature, zip code, date of birth, residence  
9 address, and a brief description of the licensee.

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

12 A driver's license issued may, in the discretion of the  
13 Secretary, include a suitable photograph of a type prescribed  
14 by the Secretary.

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

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

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

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

24 (a-2) The driver's license of a person under the age of 18  
25 shall not be invalid as described in subsection (a-1) of this

1 Section if the licensee under the age of 18 was:

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

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

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

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

9 (5) involved in an emergency;

10 (6) going to or returning home from, without any detour  
11 or stop, an official school, religious, or other  
12 recreational activity supervised by adults and sponsored  
13 by a government or governmental agency, a civic  
14 organization, or another similar entity that takes  
15 responsibility for the licensee, without any detour or  
16 stop;

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

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

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

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

4           (2) the sponsoring organization carries liability  
5           insurance covering the program.

6           (a-3) If a graduated driver's license holder over the age  
7           of 18 committed an offense against traffic regulations  
8           governing the movement of vehicles or any violation of Section  
9           6-107 or Section 12-603.1 of this Code in the 6 months prior to  
10          the graduated driver's license holder's 18th birthday, and was  
11          subsequently convicted of the offense, the provisions of  
12          subsection (a-1) shall continue to apply until such time as a  
13          period of 6 consecutive months has elapsed without an  
14          additional violation and subsequent conviction of an offense  
15          against traffic regulations governing the movement of vehicles  
16          or Section 6-107 or Section 12-603.1 of this Code.

17          (a-4) If an applicant for a driver's license or instruction  
18          permit has a current identification card issued by the  
19          Secretary of State, the Secretary may require the applicant to  
20          utilize the same residence address and name on the  
21          identification card, driver's license, and instruction permit  
22          records maintained by the Secretary. The Secretary may  
23          promulgate rules to implement this provision.

24          (b) Until the Secretary of State establishes a First Person  
25          Consent organ and tissue donor registry under Section 6-117 of  
26          this Code, the Secretary of State shall provide a format on the



1 reverse of each driver's license issued which the licensee may  
2 use to execute a document of gift conforming to the provisions  
3 of the Illinois Anatomical Gift Act. The format shall allow the  
4 licensee to indicate the gift intended, whether specific  
5 organs, any organ, or the entire body, and shall accommodate  
6 the signatures of the donor and 2 witnesses. The Secretary  
7 shall also inform each applicant or licensee of this format,  
8 describe the procedure for its execution, and may offer the  
9 necessary witnesses; provided that in so doing, the Secretary  
10 shall advise the applicant or licensee that he or she is under  
11 no compulsion to execute a document of gift. A brochure  
12 explaining this method of executing an anatomical gift document  
13 shall be given to each applicant or licensee. The brochure  
14 shall advise the applicant or licensee that he or she is under  
15 no compulsion to execute a document of gift, and that he or she  
16 may wish to consult with family, friends or clergy before doing  
17 so. The Secretary of State may undertake additional efforts,  
18 including education and awareness activities, to promote organ  
19 and tissue donation.

20 (c) The Secretary of State shall designate on each driver's  
21 license issued a space where the licensee may place a sticker  
22 or decal of the uniform size as the Secretary may specify,  
23 which sticker or decal may indicate in appropriate language  
24 that the owner of the license carries an Emergency Medical  
25 Information Card.

26 The sticker may be provided by any person, hospital,

1 school, medical group, or association interested in assisting  
2 in implementing the Emergency Medical Information Card, but  
3 shall meet the specifications as the Secretary may by rule or  
4 regulation require.

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

8 (e) The Secretary of State shall provide that each original  
9 or renewal driver's license issued to a licensee under 21 years  
10 of age shall be of a distinct nature from those driver's  
11 licenses issued to individuals 21 years of age and older. The  
12 color designated for driver's licenses for licensees under 21  
13 years of age shall be at the discretion of the Secretary of  
14 State.

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

19 (e-5) The Secretary of State shall designate a space on  
20 each original or renewal driver's license where, at the request  
21 of the applicant, the word "veteran" shall be placed. The  
22 veteran designation shall be available to a person identified  
23 as a veteran under subsection (e) of paragraph 6-106 of this  
24 Chapter who was discharged or separated under honorable  
25 conditions.

26 (f) The Secretary of State shall inform all Illinois

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

15 (g) The Secretary of State shall designate on a driver's  
16 license issued, a space where the licensee may indicate that he  
17 or she has drafted a living will in accordance with the  
18 Illinois Living Will Act or a durable power of attorney for  
19 health care in accordance with the Illinois Power of Attorney  
20 Act.

21 (g-1) The Secretary of State, in his or her discretion, may  
22 designate on each driver's license issued a space where the  
23 licensee may place a sticker or decal, issued by the Secretary  
24 of State, of uniform size as the Secretary may specify, that  
25 shall indicate in appropriate language that the owner of the  
26 license has renewed his or her driver's license.

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

5           (Source: P.A. 96-607, eff. 8-24-09; 96-1231, eff. 7-23-10;  
6 97-263, eff. 8-5-11.)

7           Section 99. Effective date. This Act takes effect January  
8 1, 2013.