



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB3430

by Rep. Kambium Buckner

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-101

from Ch. 95 1/2, par. 6-101

Amends the Illinois Vehicle Code. Provides that a person may drive a motor vehicle if in possession of a digitized driver's license. Defines "digitized driver's license". Provides that a person shall not be issued a citation for driving a motor vehicle without a physical driver's license in his or her possession if the person presents a digitized driver's license to a law enforcement officer in connection with a traffic stop or checkpoint. Provides that the display of a digitized driver's license shall not serve as consent or authorization for a law enforcement officer, or any other person, to search, view, or access any other data or application on the mobile device, and that the fee to install the application to display a digitized driver's license shall not exceed \$6. Effective immediately.

LRB101 09994 TAE 55096 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 Illinois Vehicle Code is amended by changing  
5 Section 6-101 as follows:

6 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

7 Sec. 6-101. Drivers must have licenses or permits.

8 (a) No person, except those expressly exempted by Section  
9 6-102, shall drive any motor vehicle upon a highway in this  
10 State unless such person has a valid license or permit,  
11 digitized driver's license as provided in this Section, or a  
12 restricted driving permit, issued under the provisions of this  
13 Act.

14 (b) No person shall drive a motor vehicle unless he holds a  
15 valid license digitized driver's license as provided in this  
16 Section, ~~or~~ permit, or a restricted driving permit issued under  
17 the provisions of Section 6-205, 6-206, or 6-113 of this Act.  
18 Any person to whom a license is issued under the provisions of  
19 this Act must surrender to the Secretary of State all valid  
20 licenses or permits, except that an applicant for a  
21 non-domiciled commercial learner's permit or commercial  
22 driver's license shall not be required to surrender a license  
23 or permit issued by the applicant's state or country of

1 domicile. No drivers license or instruction permit shall be  
2 issued to any person who holds a valid Foreign State license,  
3 identification card, or permit unless such person first  
4 surrenders to the Secretary of State any such valid Foreign  
5 State license, identification card, or permit.

6 (b-5) Any person who commits a violation of subsection (a)  
7 or (b) of this Section is guilty of a Class A misdemeanor, if  
8 at the time of the violation the person's driver's license or  
9 permit was cancelled under clause (a)9 of Section 6-201 of this  
10 Code.

11 (c) Any person licensed as a driver hereunder shall not be  
12 required by any city, village, incorporated town or other  
13 municipal corporation to obtain any other license to exercise  
14 the privilege thereby granted.

15 (d) In addition to other penalties imposed under this  
16 Section, any person in violation of this Section who is also in  
17 violation of Section 7-601 of this Code relating to mandatory  
18 insurance requirements shall have his or her motor vehicle  
19 immediately impounded by the arresting law enforcement  
20 officer. The motor vehicle may be released to any licensed  
21 driver upon a showing of proof of insurance for the motor  
22 vehicle that was impounded and the notarized written consent  
23 for the release by the vehicle owner.

24 (e) In addition to other penalties imposed under this  
25 Section, the vehicle of any person in violation of this Section  
26 who is also in violation of Section 7-601 of this Code relating

1 to mandatory insurance requirements and who, in violating this  
2 Section, has caused death or personal injury to another person  
3 is subject to forfeiture under Sections 36-1 and 36-2 of the  
4 Criminal Code of 2012. For the purposes of this Section, a  
5 personal injury shall include any type A injury as indicated on  
6 the traffic accident report completed by a law enforcement  
7 officer that requires immediate professional attention in  
8 either a doctor's office or a medical facility. A type A injury  
9 shall include severely bleeding wounds, distorted extremities,  
10 and injuries that require the injured party to be carried from  
11 the scene.

12 (f) As used in this Section:

13 (1) "Digitized driver's license" means a data file  
14 available on any mobile device that has connectivity to the  
15 internet through an application that allows the mobile  
16 device to download the data file from the Secretary of  
17 State, contains all of the data elements visible on the  
18 face and back of a driver's license, and displays the  
19 current status of the license. "Digitized driver's  
20 license" does not include a digital copy, photograph, or  
21 image of a driver's license that is not downloaded through  
22 the application on a mobile device.

23 (2) "Current status" includes, but is not limited to, a  
24 status designation of valid, expired, canceled, suspended,  
25 disqualified, hardship, or interlock device.

26 A person shall not be issued a citation for driving a motor

1 vehicle without a physical driver's license in his or her  
2 possession if the person presents a digitized driver's license  
3 to a law enforcement officer in connection with a traffic stop  
4 or checkpoint in this State. However, in connection with  
5 requests for identification not associated with traffic stops  
6 or checkpoints, a person may be required to produce a physical  
7 driver's license to a law enforcement officer, a representative  
8 of a State or federal department or agency, or a private entity  
9 when so requested and is subject to all applicable laws and  
10 consequences for failure to produce such a license.

11 The Secretary of State shall adopt such rules as are  
12 necessary to implement a digitized driver's license. No  
13 digitized driver's license shall be valid until the Secretary  
14 has adopted such rules.

15 The display of a digitized driver's license shall not serve  
16 as consent or authorization for a law enforcement officer, or  
17 any other person, to search, view, or access any other data or  
18 application on the mobile device. If a person presents his or  
19 her mobile device to a law enforcement officer for purposes of  
20 displaying a digitized driver's license, the law enforcement  
21 officer shall promptly return the mobile device to the person  
22 once the officer has had an opportunity to verify the identity  
23 and license status of the person.

24 The fee to install the application to display a digitized  
25 driver's license as defined in this subsection shall not exceed  
26 \$6.

1 (Source: P.A. 97-229, eff. 7-28-11; 97-1150, eff. 1-25-13;  
2 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A.  
3 99-414 for the effective date of changes made by P.A. 98-176).)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.