



## 93RD GENERAL ASSEMBLY

### State of Illinois

#### 2003 and 2004

Introduced 02/09/04, by Kenneth Dunkin

#### SYNOPSIS AS INTRODUCED:

15 ILCS 335/5	from Ch. 124, par. 25
15 ILCS 335/6	from Ch. 124, par. 26
15 ILCS 335/7	from Ch. 124, par. 27
625 ILCS 5/1-159.2	
625 ILCS 5/6-106.1	from Ch. 95 1/2, par. 6-106.1
625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110
625 ILCS 5/6-114	from Ch. 95 1/2, par. 6-114
625 ILCS 5/6-116	from Ch. 95 1/2, par. 6-116

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that a driver's license or permit, school bus driver permit, or State identification card issued by the Secretary of State shall contain the person's current residential address (instead of the person's address). Provides that a person holding a driver's license or permit or a State identification card must notify the Secretary of State within 10 days of any change in the person's residential address (instead of the person's address). Provides that a post office box number is not a sufficient residential address under these provisions. Provides that a person seeking a change of his or her name on a license or permit or identification card must personally appear at a driver services facility and present sufficient documentation to show that his or her name has been legally changed. Effective immediately.

LRB093 20709 DRH 46596 b

1 AN ACT concerning identification.

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 5, 6, and 7 and as follows:

6 (15 ILCS 335/5) (from Ch. 124, par. 25)

7 Sec. 5. Applications. Any natural person who is a resident  
8 of the State of Illinois, may file an application for an  
9 identification card or for the renewal thereof, in a manner  
10 prescribed by the Secretary. Each original application shall be  
11 completed by the applicant in full and shall set forth the  
12 name, current residential address and zip code, social security  
13 number, birth date, sex and a brief description of the  
14 applicant. The current residential address provided by the  
15 applicant may not be a post office box number. The applicant  
16 shall be photographed and he shall also submit any other  
17 information as the Secretary may deem necessary or such  
18 documentation as the Secretary may require to determine the  
19 identity of the applicant. An applicant for a disabled persons  
20 card must also submit with each original or renewal  
21 application, on forms prescribed by the Secretary, such  
22 documentation as the Secretary may require, establishing that  
23 the applicant is a "disabled person" as defined in Section 4A  
24 of this Act, and setting forth the applicant's type and class  
25 of disability as set forth in Section 4A of this Act.

26 (Source: P.A. 89-569, eff. 1-1-97.)

27 (15 ILCS 335/6) (from Ch. 124, par. 26)

28 Sec. 6. Change of name or residential address. Whenever a  
29 person holding a card moves, or has a change of name, such  
30 person shall within 10 days, notify the Secretary of State of  
31 the person's new name or residential address thereof, in

1 writing. The person, and he may then obtain a corrected card if  
2 he or she is seeking a change of residential address only and  
3 has provided an address other than a post office box number. A  
4 post office box number is not a sufficient residential address  
5 under this Section. A person seeking a change of his or her  
6 name may not obtain a corrected card unless he or she  
7 personally appears at a driver services facility and presents  
8 sufficient documentation to show that his or her name has been  
9 legally changed.

10 (Source: P.A. 79-1161.)

11 (15 ILCS 335/7) (from Ch. 124, par. 27)

12 Sec. 7. Duplicate and corrected cards. In the event an  
13 identification card is lost or destroyed, or if there is a  
14 change of name or current residential address, or a change in  
15 the type or class of disability of a holder of a disabled  
16 person card, the person named on the card may apply for a  
17 duplicate or substitute card, or for a corrected card. Any  
18 application for a corrected card shall be accompanied by the  
19 original card being corrected. A post office box number is not  
20 a sufficient residential address under this Section.

21 (Source: P.A. 83-1421.)

22 Section 10. The Illinois Vehicle Code is amended by  
23 changing Sections 1-159.2, 6-106.1, 6-110, 6-114, and 6-116 as  
24 follows:

25 (625 ILCS 5/1-159.2)

26 Sec. 1-159.2. Personally identifying information.  
27 Information that identifies an individual, including his or her  
28 photograph, social security number, driver identification  
29 number, name, current residential address (but not the 5 digit  
30 zip code), telephone number, and medical or disability  
31 information, but "personally identifying information" does not  
32 include information on vehicular accidents, driving  
33 violations, and driver's status. A post office box number is

1 not a sufficient residential address under this Section.

2 (Source: P.A. 92-32, eff. 7-1-01.)

3 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

4 Sec. 6-106.1. School bus driver permit.

5 (a) The Secretary of State shall issue a school bus driver  
6 permit to those applicants who have met all the requirements of  
7 the application and screening process under this Section to  
8 insure the welfare and safety of children who are transported  
9 on school buses throughout the State of Illinois. Applicants  
10 shall obtain the proper application required by the Secretary  
11 of State from their prospective or current employer and submit  
12 the completed application to the prospective or current  
13 employer along with the necessary fingerprint submission as  
14 required by the Department of State Police to conduct  
15 fingerprint based criminal background checks on current and  
16 future information available in the state system and current  
17 information available through the Federal Bureau of  
18 Investigation's system. Applicants who have completed the  
19 fingerprinting requirements shall not be subjected to the  
20 fingerprinting process when applying for subsequent permits or  
21 submitting proof of successful completion of the annual  
22 refresher course. Individuals who on the effective date of this  
23 Act possess a valid school bus driver permit that has been  
24 previously issued by the appropriate Regional School  
25 Superintendent are not subject to the fingerprinting  
26 provisions of this Section as long as the permit remains valid  
27 and does not lapse. The applicant shall be required to pay all  
28 related application and fingerprinting fees as established by  
29 rule including, but not limited to, the amounts established by  
30 the Department of State Police and the Federal Bureau of  
31 Investigation to process fingerprint based criminal background  
32 investigations. All fees paid for fingerprint processing  
33 services under this Section shall be deposited into the State  
34 Police Services Fund for the cost incurred in processing the  
35 fingerprint based criminal background investigations. All

1 other fees paid under this Section shall be deposited into the  
2 Road Fund for the purpose of defraying the costs of the  
3 Secretary of State in administering this Section. All  
4 applicants must:

5 1. be 21 years of age or older;

6 2. possess a valid and properly classified driver's  
7 license issued by the Secretary of State;

8 3. possess a valid driver's license, which has not been  
9 revoked, suspended, or canceled for 3 years immediately  
10 prior to the date of application, or have not had his or  
11 her commercial motor vehicle driving privileges  
12 disqualified within the 3 years immediately prior to the  
13 date of application;

14 4. successfully pass a written test, administered by  
15 the Secretary of State, on school bus operation, school bus  
16 safety, and special traffic laws relating to school buses  
17 and submit to a review of the applicant's driving habits by  
18 the Secretary of State at the time the written test is  
19 given;

20 5. demonstrate ability to exercise reasonable care in  
21 the operation of school buses in accordance with rules  
22 promulgated by the Secretary of State;

23 6. demonstrate physical fitness to operate school  
24 buses by submitting the results of a medical examination,  
25 including tests for drug use for each applicant not subject  
26 to such testing pursuant to federal law, conducted by a  
27 licensed physician, an advanced practice nurse who has a  
28 written collaborative agreement with a collaborating  
29 physician which authorizes him or her to perform medical  
30 examinations, or a physician assistant who has been  
31 delegated the performance of medical examinations by his or  
32 her supervising physician within 90 days of the date of  
33 application according to standards promulgated by the  
34 Secretary of State;

35 7. affirm under penalties of perjury that he or she has  
36 not made a false statement or knowingly concealed a

1 material fact in any application for permit;

2 8. have completed an initial classroom course,  
3 including first aid procedures, in school bus driver safety  
4 as promulgated by the Secretary of State; and after  
5 satisfactory completion of said initial course an annual  
6 refresher course; such courses and the agency or  
7 organization conducting such courses shall be approved by  
8 the Secretary of State; failure to complete the annual  
9 refresher course, shall result in cancellation of the  
10 permit until such course is completed;

11 9. not have been convicted of 2 or more serious traffic  
12 offenses, as defined by rule, within one year prior to the  
13 date of application that may endanger the life or safety of  
14 any of the driver's passengers within the duration of the  
15 permit period;

16 10. not have been convicted of reckless driving,  
17 driving while intoxicated, or reckless homicide resulting  
18 from the operation of a motor vehicle within 3 years of the  
19 date of application;

20 11. not have been convicted of committing or attempting  
21 to commit any one or more of the following offenses: (i)  
22 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
23 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
24 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,  
25 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
26 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
27 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,  
28 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
29 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
30 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and  
31 33A-2, and in subsection (a) and subsection (b), clause  
32 (1), of Section 12-4 of the Criminal Code of 1961; (ii)  
33 those offenses defined in the Cannabis Control Act except  
34 those offenses defined in subsections (a) and (b) of  
35 Section 4, and subsection (a) of Section 5 of the Cannabis  
36 Control Act; (iii) those offenses defined in the Illinois

1 Controlled Substances Act; (iv) any offense committed or  
2 attempted in any other state or against the laws of the  
3 United States, which if committed or attempted in this  
4 State would be punishable as one or more of the foregoing  
5 offenses; (v) the offenses defined in Section 4.1 and 5.1  
6 of the Wrongs to Children Act and (vi) those offenses  
7 defined in Section 6-16 of the Liquor Control Act of 1934;

8 12. not have been repeatedly involved as a driver in  
9 motor vehicle collisions or been repeatedly convicted of  
10 offenses against laws and ordinances regulating the  
11 movement of traffic, to a degree which indicates lack of  
12 ability to exercise ordinary and reasonable care in the  
13 safe operation of a motor vehicle or disrespect for the  
14 traffic laws and the safety of other persons upon the  
15 highway;

16 13. not have, through the unlawful operation of a motor  
17 vehicle, caused an accident resulting in the death of any  
18 person; and

19 14. not have, within the last 5 years, been adjudged to  
20 be afflicted with or suffering from any mental disability  
21 or disease.

22 (b) A school bus driver permit shall be valid for a period  
23 specified by the Secretary of State as set forth by rule. It  
24 shall be renewable upon compliance with subsection (a) of this  
25 Section.

26 (c) A school bus driver permit shall contain the holder's  
27 driver's license number, name, current residential address,  
28 zip code, social security number and date of birth, a brief  
29 description of the holder and a space for signature. The  
30 current residential address contained in the permit may not be  
31 a post office box number. The Secretary of State may require a  
32 suitable photograph of the holder.

33 (d) The employer shall be responsible for conducting a  
34 pre-employment interview with prospective school bus driver  
35 candidates, distributing school bus driver applications and  
36 medical forms to be completed by the applicant, and submitting

1 the applicant's fingerprint cards to the Department of State  
2 Police that are required for the criminal background  
3 investigations. The employer shall certify in writing to the  
4 Secretary of State that all pre-employment conditions have been  
5 successfully completed including the successful completion of  
6 an Illinois specific criminal background investigation through  
7 the Department of State Police and the submission of necessary  
8 fingerprints to the Federal Bureau of Investigation for  
9 criminal history information available through the Federal  
10 Bureau of Investigation system. The applicant shall present the  
11 certification to the Secretary of State at the time of  
12 submitting the school bus driver permit application.

13 (e) Permits shall initially be provisional upon receiving  
14 certification from the employer that all pre-employment  
15 conditions have been successfully completed, and upon  
16 successful completion of all training and examination  
17 requirements for the classification of the vehicle to be  
18 operated, the Secretary of State shall provisionally issue a  
19 School Bus Driver Permit. The permit shall remain in a  
20 provisional status pending the completion of the Federal Bureau  
21 of Investigation's criminal background investigation based  
22 upon fingerprinting specimens submitted to the Federal Bureau  
23 of Investigation by the Department of State Police. The Federal  
24 Bureau of Investigation shall report the findings directly to  
25 the Secretary of State. The Secretary of State shall remove the  
26 bus driver permit from provisional status upon the applicant's  
27 successful completion of the Federal Bureau of Investigation's  
28 criminal background investigation.

29 (f) A school bus driver permit holder shall notify the  
30 employer and the Secretary of State if he or she is convicted  
31 in another state of an offense that would make him or her  
32 ineligible for a permit under subsection (a) of this Section.  
33 The written notification shall be made within 5 days of the  
34 entry of the conviction. Failure of the permit holder to  
35 provide the notification is punishable as a petty offense for a  
36 first violation and a Class B misdemeanor for a second or



1 subsequent violation.

2 (g) Cancellation; suspension; notice and procedure.

3 (1) The Secretary of State shall cancel a school bus  
4 driver permit of an applicant whose criminal background  
5 investigation discloses that he or she is not in compliance  
6 with the provisions of subsection (a) of this Section.

7 (2) The Secretary of State shall cancel a school bus  
8 driver permit when he or she receives notice that the  
9 permit holder fails to comply with any provision of this  
10 Section or any rule promulgated for the administration of  
11 this Section.

12 (3) The Secretary of State shall cancel a school bus  
13 driver permit if the permit holder's restricted commercial  
14 or commercial driving privileges are withdrawn or  
15 otherwise invalidated.

16 (4) The Secretary of State may not issue a school bus  
17 driver permit for a period of 3 years to an applicant who  
18 fails to obtain a negative result on a drug test as  
19 required in item 6 of subsection (a) of this Section or  
20 under federal law.

21 (5) The Secretary of State shall forthwith suspend a  
22 school bus driver permit for a period of 3 years upon  
23 receiving notice that the holder has failed to obtain a  
24 negative result on a drug test as required in item 6 of  
25 subsection (a) of this Section or under federal law.

26 The Secretary of State shall notify the State  
27 Superintendent of Education and the permit holder's  
28 prospective or current employer that the applicant has (1) has  
29 failed a criminal background investigation or (2) is no longer  
30 eligible for a school bus driver permit; and of the related  
31 cancellation of the applicant's provisional school bus driver  
32 permit. The cancellation shall remain in effect pending the  
33 outcome of a hearing pursuant to Section 2-118 of this Code.  
34 The scope of the hearing shall be limited to the issuance  
35 criteria contained in subsection (a) of this Section. A  
36 petition requesting a hearing shall be submitted to the

1 Secretary of State and shall contain the reason the individual  
2 feels he or she is entitled to a school bus driver permit. The  
3 permit holder's employer shall notify in writing to the  
4 Secretary of State that the employer has certified the removal  
5 of the offending school bus driver from service prior to the  
6 start of that school bus driver's next workshift. An employing  
7 school board that fails to remove the offending school bus  
8 driver from service is subject to the penalties defined in  
9 Section 3-14.23 of the School Code. A school bus contractor who  
10 violates a provision of this Section is subject to the  
11 penalties defined in Section 6-106.11.

12 All valid school bus driver permits issued under this  
13 Section prior to January 1, 1995, shall remain effective until  
14 their expiration date unless otherwise invalidated.

15 (Source: P.A. 91-500, eff. 8-13-99; 92-703, eff. 7-19-02.)

16 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

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

18 (a) The Secretary of State shall issue to every qualifying  
19 applicant a driver's license as applied for, which license  
20 shall bear a distinguishing number assigned to the licensee,  
21 the name, social security number, zip code, date of birth,  
22 current residential address, and a brief description of the  
23 licensee, and a space where the licensee may write his usual  
24 signature. The current residential address displayed on the  
25 license may not be a post office box number.

26 If the licensee is less than 17 years of age, the license  
27 shall, as a matter of law, be invalid for the operation of any  
28 motor vehicle during any time the licensee is prohibited from  
29 being on any street or highway under the provisions of the  
30 Child Curfew Act.

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

33 In lieu of the social security number, the Secretary may in  
34 his discretion substitute a federal tax number or other  
35 distinctive number.

1 A driver's license issued may, in the discretion of the  
2 Secretary, include a suitable photograph of a type prescribed  
3 by the Secretary.

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

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

30 The sticker may be provided by any person, hospital,  
31 school, medical group, or association interested in assisting  
32 in implementing the Emergency Medical Information Card, but  
33 shall meet the specifications as the Secretary may by rule or  
34 regulation require.

35 (d) The Secretary of State shall designate on each driver's  
36 license issued a space where the licensee may indicate his

1 blood type and RH factor.

2 (e) The Secretary of State shall provide that each original  
3 or renewal driver's license issued to a licensee under 21 years  
4 of age shall be of a distinct nature from those driver's  
5 licenses issued to individuals 21 years of age and older. The  
6 color designated for driver's licenses for licensees under 21  
7 years of age shall be at the discretion of the Secretary of  
8 State.

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

13 (f) The Secretary of State shall inform all Illinois  
14 licensed commercial motor vehicle operators of the  
15 requirements of the Uniform Commercial Driver License Act,  
16 Article V of this Chapter, and shall make provisions to insure  
17 that all drivers, seeking to obtain a commercial driver's  
18 license, be afforded an opportunity prior to April 1, 1992, to  
19 obtain the license. The Secretary is authorized to extend  
20 driver's license expiration dates, and assign specific times,  
21 dates and locations where these commercial driver's tests shall  
22 be conducted. Any applicant, regardless of the current  
23 expiration date of the applicant's driver's license, may be  
24 subject to any assignment by the Secretary. Failure to comply  
25 with the Secretary's assignment may result in the applicant's  
26 forfeiture of an opportunity to receive a commercial driver's  
27 license prior to April 1, 1992.

28 (g) The Secretary of State shall designate on a driver's  
29 license issued, a space where the licensee may indicate that he  
30 or she has drafted a living will in accordance with the  
31 Illinois Living Will Act or a durable power of attorney for  
32 health care in accordance with the Illinois Power of Attorney  
33 Act.

34 (g-1) The Secretary of State, in his or her discretion, may  
35 designate on each driver's license issued a space where the  
36 licensee may place a sticker or decal, issued by the Secretary

1 of State, of uniform size as the Secretary may specify, that  
2 shall indicate in appropriate language that the owner of the  
3 license has renewed his or her driver's license.

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

8 (Source: P.A. 91-357, eff. 7-29-99; 92-689, eff. 1-1-03.)

9 (625 ILCS 5/6-114) (from Ch. 95 1/2, par. 6-114)

10 Sec. 6-114. Duplicate and Corrected Licenses and Permits.

11 (a) In the event that a drivers license or permit issued  
12 under the provisions of this Act is lost or destroyed, the  
13 person to whom the same was issued may upon application and  
14 payment of the required fee obtain a duplicate or substitute  
15 thereof, upon furnishing evidence satisfactory to the  
16 Secretary of State that such permit or license has been lost or  
17 destroyed and if such applicant is not then ineligible under  
18 Section 6-103 of this Act. Subject to subsection (b), any  
19 person to whom has been issued a drivers license or permit  
20 under the provisions of this Act and who desires to obtain a  
21 corrected permit or license to indicate a change of name or  
22 current residential address or to correct a statement appearing  
23 upon the original permit or license may upon application and  
24 payment of the required fee obtain a corrected permit or  
25 license. A post office box number is not a sufficient  
26 residential address under this Section. The original permit or  
27 license must accompany the application for correction or  
28 evidence must be furnished satisfactory to the Secretary of  
29 State that such permit or license has been lost or destroyed.

30 (b) A person who seeks a change of his or her name must  
31 personally appear at a driver services facility and present  
32 sufficient documentation to show that his or her name has been  
33 legally changed.

34 (Source: P.A. 76-1586.)

1 (625 ILCS 5/6-116) (from Ch. 95 1/2, par. 6-116)

2 Sec. 6-116. Notice of Change of Address or Name. Whenever  
3 any person after applying for or receiving a drivers license or  
4 permit moves from the residential address named in such  
5 application or on the license or permit issued to him or when  
6 the name of a licensee or permittee is changed by marriage or  
7 otherwise such person shall within 10 days thereafter notify  
8 the Drivers Services Department of the Secretary of State's  
9 Office in writing of his old and current residential ~~new~~  
10 addresses or of such former and new names and of the number of  
11 any license or permit then held by him. A post office box  
12 number is not a sufficient residential address under this  
13 Section. Such person may obtain a corrected license or permit  
14 as provided in Section 6-114.

15 (Source: P.A. 79-1141.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.