



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB0099

Introduced 1/12/2011, by Rep. Lou Lang - William Davis - Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

See Index

Creates the REAL ID Compliant Identification Cards Act. Provides standards for the issuance of REAL ID compliant identification cards (REAL ID cards). Provides that an individual who possesses an Illinois driver's license or Illinois Disabled Person Identification Card may be issued a REAL ID card, but no individual may hold both a REAL ID card and a non-REAL ID card. Provides standards for rejection of applications, revocation and cancellation, violations, and limitations on use. Provides that the fees for REAL ID cards are as follows: original \$75, renewal \$75, corrected \$50, duplicate \$75, and expedited card \$150. Provides that collected fees are deposited in the Secretary of State Identification Security and Theft Prevention Fund and sets forth purposes for the use of those funds. Amends the Secretary of State Act to provide where federal agencies or agencies of any state government impose a fee upon the Secretary of State for the use of any data or communications systems maintained by those agencies, the Secretary of State may impose a reasonable reciprocal fee for any data or services provided to those agencies. Amends the Illinois Identification Card Act and Illinois Vehicle Code to provide that non-REAL ID cards shall have the phrase "Not for REAL ID Purposes" appearing on the face of the card and the color or design of the non-REAL ID cards shall be unique from REAL ID cards. Makes other changes. Effective immediately.

LRB097 02959 HEP 42984 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the REAL
5 ID Compliant Identification Cards Act.

6 Section 5. Issuance of REAL ID compliant identification
7 cards.

8 (a) As used in this Act:

9 "REAL ID compliant identification card" means an
10 identification card issued in compliance with the requirements
11 of the REAL ID Act of 2005.

12 "Secretary" means the Secretary of State of this State.

13 "The REAL ID Act of 2005" means United States P.L. 109-13,
14 as amended.

15 (b) To comply with the requirements of the REAL ID Act of
16 2005, and rules and regulations issued thereunder, the
17 Secretary shall:

18 (1) require applicants for REAL ID compliant
19 identification cards to provide:

20 (A) proof of the applicant's full legal name, as it
21 appears on the applicant's birth certificate,
22 naturalization documents, U.S. passport, immigration
23 documents, court order, or as adopted pursuant to

1 marriage;

2 (B) a photo identification document, or a
3 non-photo identification document if that document
4 includes the applicant's full legal name and date of
5 birth;

6 (C) documentation showing the applicant's date of
7 birth;

8 (D) proof of the applicant's social security
9 account number or verification that the applicant is
10 not eligible for a social security account number;

11 (E) documentation showing the applicant's address
12 of principal residence and mailing address, if
13 different; and

14 (F) documentation verifying the applicant's
15 signature.

16 (2) require applicants for REAL ID compliant
17 identification cards to provide:

18 (A) proof of United States citizenship by
19 presenting a certified copy of the applicant's birth
20 certificate, consular report of birth abroad,
21 naturalization documents, or U.S. passport; or

22 (B) provide valid documentary evidence that the
23 applicant:

24 (i) is an alien lawfully admitted for
25 permanent or temporary residence;

26 (ii) has conditional permanent resident

1 status;

2 (iii) has a valid, unexpired nonimmigrant visa
3 or nonimmigrant visa status for entry;

4 (iv) has a pending or approved application for
5 asylum;

6 (v) has refugee status;

7 (vi) has a pending or approved application for
8 temporary protected status;

9 (vii) has approved deferred action status; or

10 (viii) has a pending application for
11 adjustment of status to that of an alien lawfully
12 admitted for permanent residence or conditional
13 permanent resident status.

14 (3) include on all REAL ID compliant identification
15 cards issued pursuant to this Section the card holder's:

16 (A) full legal name;

17 (B) date of birth;

18 (C) gender;

19 (D) card number;

20 (E) digital photograph;

21 (F) address of principal residence, unless
22 permitted to be kept confidential pursuant to
23 administrative rule;

24 (G) signature;

25 (H) date of issuance; and

26 (I) date of expiration.

1 (4) refuse to issue a REAL ID compliant identification
2 card to an applicant who holds a valid foreign state
3 drivers license, REAL ID card, or other identification card
4 or permit, unless the applicant first surrenders to the
5 Secretary any such valid foreign state drivers license,
6 identification card or permit.

7 (c) An individual who possesses an Illinois driver's
8 license or Illinois Disabled Person Identification Card may be
9 issued a REAL ID compliant identification card. However, no
10 individual may hold both a REAL ID compliant identification
11 card and a non-REAL ID compliant Illinois identification card.

12 (d) The term of REAL ID compliant identification cards
13 shall be as follows:

14 (1) REAL ID compliant identification cards issued to
15 applicants pursuant to subdivision (a)(2)(A) of this Act
16 shall be valid for 8 years from the date of issuance, or
17 for such shorter period as the Secretary may prescribe by
18 rule;

19 (2) REAL ID compliant identification cards issued to
20 applicants pursuant to subdivision (a)(2)(B) of this Act
21 shall be valid for the applicant's authorized period of
22 stay in this country, or for the period of the validity of
23 REAL ID compliant identification cards issued to
24 applicants pursuant to subdivision (a)(2)(A), whichever is
25 shorter. REAL ID compliant identification cards issued to
26 applicants pursuant to subdivision (a)(2)(B), where those

1 applicants have an indefinite authorized period of stay in
2 this country, shall not be valid for more than one year.

3 (e) The Secretary may provide by rule for the staggering of
4 the time at which individuals are eligible to apply for a REAL
5 ID compliant identification card, based upon date of birth,
6 first letter of last name, or such other factors as the
7 Secretary deems appropriate. Such staggering of eligibility
8 shall be designed to spread out the issuance of new cards over
9 a period of years, thereby making the issuance and renewal
10 process more efficient.

11 (f) The Secretary may provide for the printing and
12 distribution of REAL ID compliant identification cards from a
13 centralized location subsequent to the application for the
14 card.

15 (g) The Secretary may provide for the expedited processing
16 of applications and issuance of REAL ID compliant
17 identification cards for an additional fee.

18 (h) The Secretary shall provide by rule for the effective
19 date of the implementation of the provisions set forth in this
20 Section, which date shall be not more than 3 months prior to
21 the date upon which this State is required to come into
22 compliance with the requirements of the REAL ID Act of 2005.

23 (i) The Secretary may promulgate such other rules as are
24 necessary to carry out the provisions of this Section.

25 (j) Any State official or employee who acts in good faith
26 in accordance with the terms of this Act is not liable for

1 damages in any civil action or subject to prosecution in any
2 criminal proceeding for his or her act.

3 Section 10. Rejection of applications and revocation and
4 cancellation of cards.

5 (a) The Secretary may reject or deny any REAL ID compliant
6 identification card application if the Secretary:

7 (1) is not satisfied with the genuineness, regularity
8 or legality of any application;

9 (2) has not been supplied with the required
10 information;

11 (3) is not satisfied with the truth of any information
12 or documentation supplied by an applicant;

13 (4) determines that the applicant is not entitled to
14 the card as applied for;

15 (5) determines that any fraud was committed by the
16 applicant;

17 (6) determines that a signature is not valid or is a
18 forgery;

19 (7) determines that the applicant has not paid the
20 prescribed fee; or

21 (8) cannot verify the accuracy of any information or
22 documentation submitted by the applicant.

23 (b) The Secretary may cancel or revoke any REAL ID
24 compliant identification card issued by the Secretary, upon
25 determining that:

- 1 (1) the holder is not legally entitled to the card;
 - 2 (2) the applicant for the card made a false statement
3 or knowingly concealed a material fact in any application
4 filed by the applicant under this Act;
 - 5 (3) any person has displayed or represented as his or
6 her own a card not issued to the person;
 - 7 (4) any holder has permitted the display or use of the
8 holder's card by any other person;
 - 9 (5) the signature of the applicant was a forgery or
10 that the signature on the card is a forgery;
 - 11 (6) a card has been used for any unlawful or fraudulent
12 purpose;
 - 13 (7) a card has been altered or defaced;
 - 14 (8) a card has been duplicated for any purpose;
 - 15 (9) a card was utilized to counterfeit such cards;
 - 16 (10) the holder failed to appear at a REAL ID card
17 issuance facility for the re-issuance of a card; or
 - 18 (11) the holder has been issued a REAL ID
19 identification document in another jurisdiction subsequent
20 the issuance of the holder's Illinois REAL ID compliant
21 identification card.
- 22 (c) The Secretary shall make a demand for return of any
23 card which has been cancelled or revoked or issued in violation
24 of this Act, and every person to whom such demand is addressed
25 shall promptly, and without delay, return the card to the
26 Secretary pursuant to the Secretary's instructions or

1 surrender the card to the Secretary or any agent of the
2 Secretary upon demand.

3 (d) The Secretary is authorized to take possession of any
4 REAL ID compliant identification card which has been cancelled
5 or revoked, is blank, has been altered, defaced, or duplicated,
6 is counterfeit or contains a forgery, or has been otherwise
7 issued in violation of this Act.

8 (e) The Secretary may confiscate any suspected fraudulent,
9 fictitious, or altered documents submitted by an applicant in
10 support of an application for a REAL ID compliant
11 identification card.

12 Section 15. Fees concerning REAL ID compliant
13 identification cards.

14 (a) The fees required under this Act for a REAL ID
15 compliant identification card must accompany any application
16 as provided for in this Act, and the Secretary shall collect
17 such fees as follows:

- 18 (1) Original card \$75
- 19 (2) Renewal card \$75
- 20 (3) Corrected card \$50
- 21 (4) Duplicate card \$75
- 22 (5) Expedited card \$150

23 (b) All fees collected pursuant to this Section shall be
24 deposited in the Secretary of State Identification Security and
25 Theft Prevention Fund, and shall be used, subject to

1 appropriation, for any costs incident to identification
2 security and theft prevention measures and implementing the
3 requirements of the REAL ID Act of 2005, the issuance of secure
4 identification documents, and the secure transmission and
5 retention of information collected by the Secretary of State.

6 Section 20. Violations.

7 (a) It is a violation of this Act for any person:

8 (1) to display or present any document for the purpose
9 of making application for a REAL ID compliant
10 identification card knowing that such document contains
11 false information concerning the identity of the
12 applicant;

13 (2) to accept or allow to be accepted any document
14 displayed or presented for the purpose of making
15 application for a REAL ID compliant identification card
16 knowing that such document contains false information
17 concerning the identity of the applicant;

18 (3) to knowingly make any false affidavit or swear or
19 affirm falsely to any matter or thing required by the terms
20 of this Act to be sworn to or affirmed;

21 (4) to possess, display, or cause to be displayed any
22 cancelled or revoked REAL ID compliant identification
23 card;

24 (5) to display or represent as the person's own any
25 REAL ID compliant identification card issued to another;

1 (6) to allow any unlawful use of a REAL ID compliant
2 identification card issued to the person;

3 (7) to lend a REAL ID compliant identification card to
4 another or knowingly allow the use thereof by another;

5 (8) to fail or refuse to surrender to the Secretary,
6 the Secretary's agent or any peace officer upon lawful
7 demand, any REAL ID compliant identification card which has
8 been revoked or cancelled;

9 (9) to knowingly possess, use, or allow to be used any
10 materials, hardware, or software specifically designed for
11 or primarily used in the manufacture, assembly, issuance,
12 or authentication of an official Illinois REAL ID compliant
13 identification card; or

14 (10) to knowingly possess, use, or allow to be used a
15 stolen REAL ID compliant identification card making
16 implement.

17 (b) Sentence.

18 (1) Any person convicted of a violation of subdivisions
19 (a)(1) through (a)(8) of this Section shall be guilty of a
20 Class A misdemeanor and shall be sentenced to a minimum
21 fine of \$500. Any person convicted of a second or
22 subsequent violation of subdivisions (a)(1) through (a)(8)
23 of this Section shall be guilty of a Class 4 felony and
24 shall be sentenced to a minimum fine of \$1,000.

25 (2) Any person convicted of a violation of subdivisions
26 (a)(10) through (a)(11) of this Section shall be guilty of

1 a Class 4 felony and shall be sentenced to a minimum fine
2 of \$1,000. Any person convicted of a second or subsequent
3 violation of subdivisions (a)(10) through (a)(11) of this
4 Section shall be guilty of a Class 3 felony and sentenced
5 to a minimum term of imprisonment of 6 months.

6 (c) This Section does not prohibit any lawfully authorized
7 investigative, protective, law enforcement or other activity
8 of any agency of the United States or the State of Illinois or
9 any other state or political subdivision thereof.

10 (d) A conviction under this Section shall not prevent civil
11 actions to recover losses covered by deceptive practices with
12 any REAL ID compliant identification card.

13 Section 25. Limitations on use of identification card
14 information.

15 (a) When information is obtained from a REAL ID compliant
16 identification card issued by the Secretary to identify or
17 prove the age of the holder of the card, or in the course of a
18 commercial transaction, that information may be used only for
19 purposes of identification of the individual or for completing
20 the commercial transaction in which the information was
21 obtained, including all subsequent payment, processing,
22 collection, and other related actions. Information obtained
23 from a REAL ID compliant identification card issued by the
24 Secretary may not be used for purposes unrelated to the
25 transaction in which it was obtained, including, but not

1 limited to, commercial solicitations. Information obtained
2 from a REAL ID compliant identification card issued by the
3 Secretary to identify or prove the age of the holder of the
4 card, or in the course of a commercial transaction, may not be
5 sold, leased or otherwise provided to any third party.

6 (b) As used in this Section, "information" on a REAL ID
7 compliant identification card issued by the Secretary includes
8 readable text on the face of the card and information encoded
9 or encrypted into a bar code, magnetic strip, or other
10 electronically readable device on or in the card.

11 (c) Any individual whose REAL ID compliant identification
12 card information has been used in violation of this Section has
13 a cause of action against the person who violated this Section.
14 Upon a finding that a negligent or knowing violation did occur,
15 the individual whose information was used in violation of this
16 Section is entitled to recover actual damages, but not less
17 than liquidated damages in the amount of \$250 for each
18 violation, plus attorney's fees and the costs of bringing the
19 action.

20 (d) Use of information contained on a REAL ID compliant
21 identification card issued by the Secretary is not a violation
22 of this Section if the individual whose information has been
23 used gave express permission for that use, or if the
24 information relating to the individual was obtained from a
25 source other than the individual's identification card issued
26 by the Secretary.

1 (e) This Section does not apply to any agency of the United
2 States or to the State of Illinois or any of its political
3 subdivisions.

4 (f) This Section does not apply to the transfer of
5 information to a third party if (i) a federal or State law,
6 rule, or regulation requires that the information be
7 transferred to a third party after being recorded in specified
8 transactions, or (ii) the information is transferred to a third
9 party for purposes of the detection or possible prosecution of
10 criminal offenses or fraud. If information is transferred to a
11 third party under this subsection, it may be used only for the
12 purposes authorized by this subsection.

13 (g) This Section does not apply to the use of information
14 obtained from a REAL ID compliant identification card which has
15 been provided by the holder of the card in the course of a
16 potential or completed employment, commercial, business, or
17 professional transaction for the purpose of completing written
18 documents including, but not limited to, contracts,
19 agreements, purchase orders, retail installment contracts,
20 buyer's orders, purchase contracts, repair orders,
21 applications, disclosure forms, or waiver forms.

22 Section 30. Injunctions. If any person operates in
23 violation of any provision of this Act, or any rule,
24 regulation, order, or decision of the Secretary, or in
25 violation of any term, condition or limitation of any Illinois

1 REAL ID compliant identification card, the Secretary, the
2 Attorney General, or any person injured thereby, or any
3 interested person, may apply to the Circuit Court of the county
4 in which the violation or some part thereof occurred, or in
5 which that person complained of has his place of business or
6 resides, to prevent the violation. The Court has jurisdiction
7 to enforce obedience by injunction or other process restraining
8 such person from further violation and enjoining upon the
9 person obedience.

10 Section 905. The Secretary of State Act is amended by
11 changing Section 5.5 as follows:

12 (15 ILCS 305/5.5)

13 Sec. 5.5. Secretary of State fees.

14 (a) There shall be paid to the Secretary of State the
15 following fees:

16 For certificate or apostille, with seal: \$2.

17 For each certificate, without seal: \$1.

18 For each commission to any officer or other person (except
19 military commissions), with seal: \$2.

20 For copies of exemplifications of records, or for a
21 certified copy of any document, instrument, or paper when not
22 otherwise provided by law, and it does not exceed legal size:
23 \$0.50 per page or any portion of a page; and \$2 for the
24 certificate, with seal affixed.

1 For copies of exemplifications of records or a certified
2 copy of any document, instrument, or paper, when not otherwise
3 provided for by law, that exceeds legal size: \$1 per page or
4 any portion of a page; and \$2 for the certificate, with seal
5 affixed.

6 For copies of bills or other papers: \$0.50 per page or any
7 portion of a page; and \$2 for the certificate, with seal
8 affixed, except that there shall be no charge for making or
9 certifying copies that are furnished to any governmental agency
10 for official use.

11 For recording a duplicate of an affidavit showing the
12 appointment of trustees of a religious corporation: \$0.50; and
13 \$2 for the certificate of recording, with seal affixed.

14 For filing and recording an application under the Soil
15 Conservation Districts Law and making and issuing a certificate
16 for the application, under seal: \$10.

17 For recording any other document, instrument, or paper
18 required or permitted to be recorded with the Secretary of
19 State, which recording shall be done by any approved
20 photographic or photostatic process, if the page to be recorded
21 does not exceed legal size and the fees and charges therefor
22 are not otherwise fixed by law: \$0.50 per page or any portion
23 of a page; and \$2 for the certificate of recording, with seal
24 affixed.

25 For recording any other document, instrument, or paper
26 required or permitted to be recorded with the Secretary of

1 State, which recording shall be done by any approved
2 photographic or photostatic process, if the page to be recorded
3 exceeds legal size and the fees and charges therefor are not
4 otherwise fixed by law: \$1 per page or any portion of a page;
5 and \$2 for the certificate of recording attached to the
6 original, with seal affixed.

7 For each duplicate certified copy of a school land patent:
8 \$3.

9 For each photostatic copy of a township plat: \$2.

10 For each page of a photostatic copy of surveyors field
11 notes: \$2.

12 For each page of a photostatic copy of a state land patent,
13 including certification: \$4.

14 For each page of a photostatic copy of a swamp land grant:
15 \$2.

16 For each page of photostatic copies of all other
17 instruments or documents relating to land records: \$2.

18 For each check, money order, or bank draft returned by the
19 Secretary of State when it has not been honored: \$25.

20 For any research request received after the effective date
21 of the changes made to this Section by this amendatory Act of
22 the 93rd General Assembly by an out-of-State or non-Illinois
23 resident: \$10, prepaid and nonrefundable, for which the
24 requester will receive up to 2 unofficial noncertified copies
25 of the records requested. The fees under this paragraph shall
26 be deposited into the General Revenue Fund.

1 The Illinois State Archives is authorized to charge
2 reasonable fees to reimburse the cost of production and
3 distribution of copies of finding aids to the records that it
4 holds or copies of published versions or editions of those
5 records in printed, microfilm, or electronic formats. The fees
6 under this paragraph shall be deposited into the General
7 Revenue Fund.

8 As used in this Section, "legal size" means a sheet of
9 paper that is 8.5 inches wide and 14 inches long, or written or
10 printed matter on a sheet of paper that does not exceed that
11 width and length, or either of them.

12 (b) Where federal agencies or agencies of any state
13 government impose a fee upon the Secretary of State for the use
14 of any data or communications systems maintained by those
15 agencies, the Secretary of State may impose a reasonable
16 reciprocal fee for any data or services provided to those
17 agencies.

18 (Source: P.A. 93-32, eff. 1-1-04.)

19 Section 910. The Illinois Identification Card Act is
20 amended by changing Sections 2 and 13 as follows:

21 (15 ILCS 335/2) (from Ch. 124, par. 22)

22 Sec. 2. Administration and powers and duties of the
23 Administrator.

24 (a) The Secretary of State is the Administrator of this

1 Act, and he is charged with the duty of observing,
2 administering and enforcing the provisions of this Act.

3 (b) The Secretary is vested with the powers and duties for
4 the proper administration of this Act as follows:

5 1. He shall organize the administration of this Act as
6 he may deem necessary and appoint such subordinate
7 officers, clerks and other employees as may be necessary.

8 2. From time to time, he may make, amend or rescind
9 rules and regulations as may be in the public interest to
10 implement the Act.

11 3. He may prescribe or provide suitable forms as
12 necessary, including such forms as are necessary to
13 establish that an applicant for an Illinois Disabled Person
14 Identification Card is a "disabled person" as defined in
15 Section 4A of this Act, and establish that an applicant for
16 a State identification card is a "homeless person" as
17 defined in Section 1A of this Act.

18 4. He may prepare under the seal of the Secretary of
19 State certified copies of any records utilized under this
20 Act and any such certified copy shall be admissible in any
21 proceeding in any court in like manner as the original
22 thereof.

23 5. Records compiled under this Act shall be maintained
24 for 6 years, but the Secretary may destroy such records
25 with the prior approval of the State Records Commission.

26 6. He shall examine and determine the genuineness,

1 regularity and legality of every application filed with him
2 under this Act, and he may in all cases investigate the
3 same, require additional information or proof or
4 documentation from any applicant.

5 7. He shall require the payment of all fees prescribed
6 in this Act, and all such fees received by him shall be
7 placed in the Road Fund of the State treasury except as
8 otherwise provided in Section 12 of this Act.

9 8. He shall require that all non-REAL ID compliant
10 identification cards printed after the date upon which this
11 State is required to come into compliance with the
12 requirements of P.L. 109-13 shall have the phrase "Not for
13 REAL ID Purposes", or such other language as may be
14 required by the Department of Homeland Security, appearing
15 on the face of the cards and in the machine readable zone
16 of the cards, and the color or design of the non-REAL ID
17 compliant identification cards shall be of a distinct
18 nature from REAL ID compliant identification cards.

19 (Source: P.A. 96-183, eff. 7-1-10.)

20 (15 ILCS 335/13) (from Ch. 124, par. 33)

21 Sec. 13. Rejection, denial, cancellation, or revocations.

22 (a) The Secretary of State may reject or deny any
23 application if he:

24 1. is not satisfied with the genuineness, regularity or
25 legality of any application; or

- 1 2. has not been supplied with the required information;
- 2 or
- 3 3. is not satisfied with the truth of any information
- 4 or documentation supplied by an applicant; or
- 5 4. determines that the applicant is not entitled to the
- 6 card as applied for; or
- 7 5. determines that any fraud was committed by the
- 8 applicant; or
- 9 6. determines that a signature is not valid or is a
- 10 forgery; or
- 11 7. determines that the applicant has not paid the
- 12 prescribed fee; or
- 13 8. determines that the applicant has falsely claimed to
- 14 be a disabled person as defined in Section 4A of this Act;
- 15 or
- 16 9. cannot verify the accuracy of any information or
- 17 documentation submitted by the applicant.

18 (b) The Secretary of State may cancel or revoke any
19 identification card issued by him, upon determining that:

- 20 1. the holder is not legally entitled to the card; or
- 21 2. the applicant for the card made a false statement or
- 22 knowingly concealed a material fact in any application
- 23 filed by him under this Act; or
- 24 3. any person has displayed or represented as his own a
- 25 card not issued to him; or
- 26 4. any holder has permitted the display or use of his

1 card by any other person; or

2 5. that the signature of the applicant was forgery or
3 that the signature on the card is a forgery; or

4 6. a card has been used for any unlawful or fraudulent
5 purpose; or

6 7. a card has been altered or defaced; or

7 8. any card has been duplicated for any purpose; or

8 9. any card was utilized to counterfeit such cards; or

9 10. the holder of an Illinois Disabled Person
10 Identification Card is not a disabled person as defined in
11 Section 4A of this Act; or

12 11. the holder failed to appear at a Driver Services
13 facility for the reissuance of a card.

14 (b-5) The Secretary of State may cancel or revoke an
15 Illinois Identification Card if the holder has been issued a
16 REAL ID compliant identification card pursuant to the Illinois
17 REAL ID Compliant Identification Cards Act. However, no
18 Illinois Disabled Person Identification Card shall be
19 cancelled based solely on the issuance of a REAL ID Compliant
20 Identification Card.

21 (c) The Secretary shall make a demand for return of any
22 card which has been cancelled or revoked, or issued in
23 violation of this Act, and every person to whom such demand is
24 addressed, shall promptly and without delay, return such card
25 to the Secretary pursuant to his instructions, or, he shall
26 surrender any such card to the Secretary or any agent of the

1 Secretary upon demand.

2 (d) The Secretary of State is authorized to take possession
3 of any Illinois Identification Card or Illinois Disabled Person
4 Identification Card which has been cancelled or revoked, or
5 which is blank, or which has been altered or defaced or
6 duplicated or which is counterfeit or contains a forgery; or
7 otherwise issued in violation of this Act.

8 (Source: P.A. 93-895, eff. 1-1-05.)

9 Section 915. The State Finance Act is amended by changing
10 Section 6z-70 as follows:

11 (30 ILCS 105/6z-70)

12 Sec. 6z-70. The Secretary of State Identification Security
13 and Theft Prevention Fund.

14 (a) The Secretary of State Identification Security and
15 Theft Prevention Fund is created as a special fund in the State
16 treasury. The Fund shall consist of any fund transfers, grants,
17 fees, or moneys from other sources received for the purpose of
18 funding identification security and theft prevention measures
19 and implementing the requirements of the REAL ID Act of 2005,
20 the issuance of secure identification documents, and the secure
21 transmission and retention of information collected by the
22 Security of State.

23 (b) All moneys in the Secretary of State Identification
24 Security and Theft Prevention Fund shall be used, subject to

1 appropriation, for any costs related to implementing
 2 identification security and theft prevention measures and
 3 implementing the requirements of the REAL ID Act of 2005, the
 4 issuance of secure identification documents, and the secure
 5 transmission and retention of information collected by the
 6 Security of State.

7 (c) Notwithstanding any other provision of State law to the
 8 contrary, on or after July 1, 2007, and until June 30, 2008, in
 9 addition to any other transfers that may be provided for by
 10 law, at the direction of and upon notification of the Secretary
 11 of State, the State Comptroller shall direct and the State
 12 Treasurer shall transfer amounts into the Secretary of State
 13 Identification Security and Theft Prevention Fund from the
 14 designated funds not exceeding the following totals:

- 15 Lobbyist Registration Administration Fund \$100,000
- 16 Registered Limited Liability Partnership Fund \$75,000
- 17 Securities Investors Education Fund \$500,000
- 18 Securities Audit and Enforcement Fund \$5,725,000
- 19 Department of Business Services
- 20 Special Operations Fund \$3,000,000
- 21 Corporate Franchise Tax Refund Fund \$3,000,000.

22 (d) Notwithstanding any other provision of State law to the
 23 contrary, on or after July 1, 2008, and until June 30, 2009, in
 24 addition to any other transfers that may be provided for by
 25 law, at the direction of and upon notification of the Secretary
 26 of State, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts into the Secretary of State
 2 Identification Security and Theft Prevention Fund from the
 3 designated funds not exceeding the following totals:

4	Lobbyist Registration Administration Fund	\$100,000
5	Registered Limited Liability Partnership Fund	\$75,000
6	Securities Investors Education Fund	\$500,000
7	Securities Audit and Enforcement Fund	\$5,725,000
8	Department of Business Services	
9	Special Operations Fund	\$3,000,000
10	Corporate Franchise Tax Refund Fund	\$3,000,000
11	State Parking Facility Maintenance Fund	\$100,000

12 (e) Notwithstanding any other provision of State law to the
 13 contrary, on or after July 1, 2009, and until June 30, 2010, in
 14 addition to any other transfers that may be provided for by
 15 law, at the direction of and upon notification of the Secretary
 16 of State, the State Comptroller shall direct and the State
 17 Treasurer shall transfer amounts into the Secretary of State
 18 Identification Security and Theft Prevention Fund from the
 19 designated funds not exceeding the following totals:

20	Lobbyist Registration Administration Fund	\$100,000
21	Registered Limited Liability Partnership Fund	\$175,000
22	Securities Investors Education Fund	\$750,000
23	Securities Audit and Enforcement Fund	\$750,000
24	Department of Business Services	
25	Special Operations Fund	\$3,000,000
26	Corporate Franchise Tax Refund Fund	\$3,000,000

1 State Parking Facility Maintenance Fund \$100,000

2 (f) Notwithstanding any other provision of State law to the
3 contrary, on or after July 1, 2010, and until June 30, 2011, in
4 addition to any other transfers that may be provided for by
5 law, at the direction of and upon notification of the Secretary
6 of State, the State Comptroller shall direct and the State
7 Treasurer shall transfer amounts into the Secretary of State
8 Identification Security and Theft Prevention Fund from the
9 designated funds not exceeding the following totals:

10 Registered Limited Liability Partnership Fund \$287,000

11 Securities Investors Education Board \$750,000

12 Securities Audit and Enforcement Fund \$750,000

13 Department of Business Services Special
14 Operations Fund..... \$3,000,000

15 Corporate Franchise Tax Refund Fund \$3,000,000

16 (g) If the balance in the State Identification Security and
17 Theft Prevention Fund exceeds \$50,000,000 on the last day of
18 any fiscal year, then the amount of the fund in excess of
19 \$50,000,000 on that day shall be transferred to the General
20 Revenue Fund. All other moneys remaining in the State
21 Identification Security and Theft Prevention Fund shall be
22 appropriated only for use by the Secretary pursuant to this
23 Act.

24 (Source: P.A. 95-707, eff. 1-11-08; 95-744, eff. 7-18-08;
25 96-45, eff. 7-15-09; 96-959, eff. 7-1-10.)

1 Section 920. The Illinois Vehicle Code is amended by
2 changing Sections 6-110 and 6-110.1 as follows:

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

15 A driver's license issued may, in the discretion of the
16 Secretary, include a suitable photograph of a type prescribed
17 by the Secretary.

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

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

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

25 (C) Between 10:00 p.m. on Sunday to Thursday,

1 inclusive, and 6:00 a.m. on the following day.

2 (a-2) The driver's license of a person under the age of 18
3 shall not be invalid as described in subsection (a-1) of this
4 Section if the licensee under the age of 18 was:

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

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

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

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

12 (5) involved in an emergency;

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

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

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

25 (a-2.5) The driver's license of a person who is 17 years of
26 age and has been licensed for at least 12 months is not invalid

1 as described in subsection (a-1) of this Section while the
2 licensee is participating as an assigned driver in a Safe Rides
3 program that meets the following criteria:

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

7 (2) the sponsoring organization carries liability
8 insurance covering the program.

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

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

1 (b) Until the Secretary of State establishes a First Person
2 Consent organ and tissue donor registry under Section 6-117 of
3 this Code, the Secretary of State shall provide a format on the
4 reverse of each driver's license issued which the licensee may
5 use to execute a document of gift conforming to the provisions
6 of the Illinois Anatomical Gift Act. The format shall allow the
7 licensee to indicate the gift intended, whether specific
8 organs, any organ, or the entire body, and shall accommodate
9 the signatures of the donor and 2 witnesses. The Secretary
10 shall also inform each applicant or licensee of this format,
11 describe the procedure for its execution, and may offer the
12 necessary witnesses; provided that in so doing, the Secretary
13 shall advise the applicant or licensee that he or she is under
14 no compulsion to execute a document of gift. A brochure
15 explaining this method of executing an anatomical gift document
16 shall be given to each applicant or licensee. The brochure
17 shall advise the applicant or licensee that he or she is under
18 no compulsion to execute a document of gift, and that he or she
19 may wish to consult with family, friends or clergy before doing
20 so. The Secretary of State may undertake additional efforts,
21 including education and awareness activities, to promote organ
22 and tissue donation.

23 (c) The Secretary of State shall designate on each driver's
24 license issued a space where the licensee may place a sticker
25 or decal of the uniform size as the Secretary may specify,
26 which sticker or decal may indicate in appropriate language

1 that the owner of the license carries an Emergency Medical
2 Information Card.

3 The sticker may be provided by any person, hospital,
4 school, medical group, or association interested in assisting
5 in implementing the Emergency Medical Information Card, but
6 shall meet the specifications as the Secretary may by rule or
7 regulation require.

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

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

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

22 (f) The Secretary of State shall inform all Illinois
23 licensed commercial motor vehicle operators of the
24 requirements of the Uniform Commercial Driver License Act,
25 Article V of this Chapter, and shall make provisions to insure
26 that all drivers, seeking to obtain a commercial driver's

1 license, be afforded an opportunity prior to April 1, 1992, to
2 obtain the license. The Secretary is authorized to extend
3 driver's license expiration dates, and assign specific times,
4 dates and locations where these commercial driver's tests shall
5 be conducted. Any applicant, regardless of the current
6 expiration date of the applicant's driver's license, may be
7 subject to any assignment by the Secretary. Failure to comply
8 with the Secretary's assignment may result in the applicant's
9 forfeiture of an opportunity to receive a commercial driver's
10 license prior to April 1, 1992.

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

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

23 (g-2) The Secretary of State shall require that all
24 driver's licenses printed after the implementation of the REAL
25 ID Compliant Identification Cards Act shall have the phrase
26 "Not for REAL ID Purposes", or such other language as may be

1 required by the Department of Homeland Security, appearing on
2 the face of and in the machine readable zone of the driver's
3 licenses, and the color or design of the driver's licenses
4 shall be of a distinct nature from REAL ID compliant
5 identification cards.

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

10 (Source: P.A. 95-310, eff. 1-1-08; 95-747, eff. 7-22-08;
11 96-607, eff. 8-24-09; 96-1231, eff. 7-23-10.)

12 (625 ILCS 5/6-110.1)

13 Sec. 6-110.1. Confidentiality of captured photographs or
14 images. The Secretary of State shall maintain a file on or
15 contract to file all photographs and signatures obtained in the
16 process of applying for or issuing a driver's license, permit,
17 REAL ID compliant identification card, or identification card.

18 The photographs and signatures shall be confidential and shall
19 not be disclosed except to the following persons:

20 (1) the individual upon written request;

21 (2) officers and employees of the Secretary of State
22 who have a need to have access to the stored images for
23 purposes of applying for, issuing and controlling driver's
24 licenses, permits, REAL ID compliant identification cards,
25 or identification cards;

1 (3) law enforcement officials of this State, another
2 state or the federal government, for a lawful civil or
3 criminal law enforcement investigation; ~~or~~

4 (4) other entities that the Secretary may exempt by
5 rule; or -

6 (5) other states as necessary to comply with United
7 States P.L. 109-13.

8 (Source: P.A. 92-16, eff. 6-28-01.)

9 Section 999. Effective date. This Act takes effect upon
10 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 New Act

4 15 ILCS 305/5.5

5 15 ILCS 335/2 from Ch. 124, par. 22

6 15 ILCS 335/13 from Ch. 124, par. 33

7 30 ILCS 105/6z-70

8 625 ILCS 5/6-110 from Ch. 95 1/2, par. 6-110

9 625 ILCS 5/6-110.1