



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4730

Introduced 2/18/2020, by Rep. Lamont J. Robinson, Jr.

#### SYNOPSIS AS INTRODUCED:

15 ILCS 335/4  
625 ILCS 5/6-106

from Ch. 124, par. 24  
from Ch. 95 1/2, par. 6-106

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that the Secretary of State may provide by rule for the issuance of an Illinois Identification Card or driver's license to an applicant that depicts the applicant wearing a religious head dressing; however, the Secretary shall not require such an applicant to sign an affidavit stating that he or she, in observation of a religious conviction, wears the head dressing at all times when in public.

LRB101 16763 LNS 66156 b

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 Section 4 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. No identification card shall be issued to any person  
12 who holds a valid foreign state identification card, license,  
13 or permit unless the person first surrenders to the Secretary  
14 of State the valid foreign state identification card, license,  
15 or permit. The card shall be prepared and supplied by the  
16 Secretary of State and shall include a photograph and signature  
17 or mark of the applicant. However, the Secretary of State may  
18 provide by rule for the issuance of Illinois Identification  
19 Cards without photographs if the applicant has a bona fide  
20 religious objection to being photographed or to the display of  
21 his or her photograph. The Secretary of State may provide by  
22 rule for the issuance of an Illinois Identification Card to an  
23 applicant that depicts the applicant wearing a religious head

1 dressings; however, the Secretary shall not require an applicant  
2 to sign an affidavit stating that he or she, in observation of  
3 a religious conviction, wears the head dressing at all times  
4 when in public. The Illinois Identification Card may be used  
5 for identification purposes in any lawful situation only by the  
6 person to whom it was issued. As used in this Act, "photograph"  
7 means any color photograph or digitally produced and captured  
8 image of an applicant for an identification card. As used in  
9 this Act, "signature" means the name of a person as written by  
10 that person and captured in a manner acceptable to the  
11 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 (a-10) If the applicant is a judicial officer as defined in  
20 Section 1-10 of the Judicial Privacy Act or a peace officer,  
21 the applicant may elect to have his or her office or work  
22 address listed on the card instead of the applicant's residence  
23 or mailing address. The Secretary may promulgate rules to  
24 implement this provision. For the purposes of this subsection  
25 (a-10), "peace officer" means any person who by virtue of his  
26 or her office or public employment is vested by law with a duty

1 to maintain public order or to make arrests for a violation of  
2 any penal statute of this State, whether that duty extends to  
3 all violations or is limited to specific violations.

4 (a-15) The Secretary of State may provide for an expedited  
5 process for the issuance of an Illinois Identification Card.  
6 The Secretary shall charge an additional fee for the expedited  
7 issuance of an Illinois Identification Card, to be set by rule,  
8 not to exceed \$75. All fees collected by the Secretary for  
9 expedited Illinois Identification Card service shall be  
10 deposited into the Secretary of State Special Services Fund.  
11 The Secretary may adopt rules regarding the eligibility,  
12 process, and fee for an expedited Illinois Identification Card.  
13 If the Secretary of State determines that the volume of  
14 expedited identification card requests received on a given day  
15 exceeds the ability of the Secretary to process those requests  
16 in an expedited manner, the Secretary may decline to provide  
17 expedited services, and the additional fee for the expedited  
18 service shall be refunded to the applicant.

19 (a-20) The Secretary of State shall issue a standard  
20 Illinois Identification Card to a committed person upon release  
21 on parole, mandatory supervised release, aftercare release,  
22 final discharge, or pardon from the Department of Corrections  
23 or Department of Juvenile Justice, if the released person  
24 presents a certified copy of his or her birth certificate,  
25 social security card or other documents authorized by the  
26 Secretary, and 2 documents proving his or her Illinois

1 residence address. Documents proving residence address may  
2 include any official document of the Department of Corrections  
3 or the Department of Juvenile Justice showing the released  
4 person's address after release and a Secretary of State  
5 prescribed certificate of residency form, which may be executed  
6 by Department of Corrections or Department of Juvenile Justice  
7 personnel.

8 (a-25) The Secretary of State shall issue a limited-term  
9 Illinois Identification Card valid for 90 days to a committed  
10 person upon release on parole, mandatory supervised release,  
11 aftercare release, final discharge, or pardon from the  
12 Department of Corrections or Department of Juvenile Justice, if  
13 the released person is unable to present a certified copy of  
14 his or her birth certificate and social security card or other  
15 documents authorized by the Secretary, but does present a  
16 Secretary of State prescribed verification form completed by  
17 the Department of Corrections or Department of Juvenile  
18 Justice, verifying the released person's date of birth and  
19 social security number and 2 documents proving his or her  
20 Illinois residence address. The verification form must have  
21 been completed no more than 30 days prior to the date of  
22 application for the Illinois Identification Card. Documents  
23 proving residence address shall include any official document  
24 of the Department of Corrections or the Department of Juvenile  
25 Justice showing the person's address after release and a  
26 Secretary of State prescribed certificate of residency, which

1 may be executed by Department of Corrections or Department of  
2 Juvenile Justice personnel.

3 Prior to the expiration of the 90-day period of the  
4 limited-term Illinois Identification Card, if the released  
5 person submits to the Secretary of State a certified copy of  
6 his or her birth certificate and his or her social security  
7 card or other documents authorized by the Secretary, a standard  
8 Illinois Identification Card shall be issued. A limited-term  
9 Illinois Identification Card may not be renewed.

10 (a-30) The Secretary of State shall issue a standard  
11 Illinois Identification Card to a person upon conditional  
12 release or absolute discharge from the custody of the  
13 Department of Human Services, if the person presents a  
14 certified copy of his or her birth certificate, social security  
15 card, or other documents authorized by the Secretary, and a  
16 document proving his or her Illinois residence address. The  
17 Secretary of State shall issue a standard Illinois  
18 Identification Card to a person no sooner than 14 days prior to  
19 his or her conditional release or absolute discharge if  
20 personnel from the Department of Human Services bring the  
21 person to a Secretary of State location with the required  
22 documents. Documents proving residence address may include any  
23 official document of the Department of Human Services showing  
24 the person's address after release and a Secretary of State  
25 prescribed verification form, which may be executed by  
26 personnel of the Department of Human Services.

1           (a-35) The Secretary of State shall issue a limited-term  
2 Illinois Identification Card valid for 90 days to a person upon  
3 conditional release or absolute discharge from the custody of  
4 the Department of Human Services, if the person is unable to  
5 present a certified copy of his or her birth certificate and  
6 social security card or other documents authorized by the  
7 Secretary, but does present a Secretary of State prescribed  
8 verification form completed by the Department of Human  
9 Services, verifying the person's date of birth and social  
10 security number, and a document proving his or her Illinois  
11 residence address. The verification form must have been  
12 completed no more than 30 days prior to the date of application  
13 for the Illinois Identification Card. The Secretary of State  
14 shall issue a limited-term Illinois Identification Card to a  
15 person no sooner than 14 days prior to his or her conditional  
16 release or absolute discharge if personnel from the Department  
17 of Human Services bring the person to a Secretary of State  
18 location with the required documents. Documents proving  
19 residence address shall include any official document of the  
20 Department of Human Services showing the person's address after  
21 release and a Secretary of State prescribed verification form,  
22 which may be executed by personnel of the Department of Human  
23 Services.

24           (b) The Secretary of State shall issue a special Illinois  
25 Identification Card, which shall be known as an Illinois Person  
26 with a Disability Identification Card, to any natural person

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



1 of the mark. The Illinois Person with a Disability  
2 Identification Card may be used for identification purposes in  
3 any lawful situation by the person to whom it was issued.

4 The Illinois Person with a Disability Identification Card  
5 may be used as adequate documentation of disability in lieu of  
6 a physician's determination of disability, a determination of  
7 disability from a physician assistant, a determination of  
8 disability from an advanced practice registered nurse, or any  
9 other documentation of disability whenever any State law  
10 requires that a person with a disability provide such  
11 documentation of disability, however an Illinois Person with a  
12 Disability Identification Card shall not qualify the  
13 cardholder to participate in any program or to receive any  
14 benefit which is not available to all persons with like  
15 disabilities. Notwithstanding any other provisions of law, an  
16 Illinois Person with a Disability Identification Card, or  
17 evidence that the Secretary of State has issued an Illinois  
18 Person with a Disability Identification Card, shall not be used  
19 by any person other than the person named on such card to prove  
20 that the person named on such card is a person with a  
21 disability or for any other purpose unless the card is used for  
22 the benefit of the person named on such card, and the person  
23 named on such card consents to such use at the time the card is  
24 so used.

25 An optometrist's determination of a visual disability  
26 under Section 4A of this Act is acceptable as documentation for

1 the purpose of issuing an Illinois Person with a Disability  
2 Identification Card.

3 When medical information is contained on an Illinois Person  
4 with a Disability Identification Card, the Office of the  
5 Secretary of State shall not be liable for any actions taken  
6 based upon that medical information.

7 (c) The Secretary of State shall provide that each original  
8 or renewal Illinois Identification Card or Illinois Person with  
9 a Disability Identification Card issued to a person under the  
10 age of 21 shall be of a distinct nature from those Illinois  
11 Identification Cards or Illinois Person with a Disability  
12 Identification Cards issued to individuals 21 years of age or  
13 older. The color designated for Illinois Identification Cards  
14 or Illinois Person with a Disability Identification Cards for  
15 persons under the age of 21 shall be at the discretion of the  
16 Secretary of State.

17 (c-1) Each original or renewal Illinois Identification  
18 Card or Illinois Person with a Disability Identification Card  
19 issued to a person under the age of 21 shall display the date  
20 upon which the person becomes 18 years of age and the date upon  
21 which the person becomes 21 years of age.

22 (c-3) The General Assembly recognizes the need to identify  
23 military veterans living in this State for the purpose of  
24 ensuring that they receive all of the services and benefits to  
25 which they are legally entitled, including healthcare,  
26 education assistance, and job placement. To assist the State in

1 identifying these veterans and delivering these vital services  
2 and benefits, the Secretary of State is authorized to issue  
3 Illinois Identification Cards and Illinois Person with a  
4 Disability Identification Cards with the word "veteran"  
5 appearing on the face of the cards. This authorization is  
6 predicated on the unique status of veterans. The Secretary may  
7 not issue any other identification card which identifies an  
8 occupation, status, affiliation, hobby, or other unique  
9 characteristics of the identification card holder which is  
10 unrelated to the purpose of the identification card.

11 (c-5) Beginning on or before July 1, 2015, the Secretary of  
12 State shall designate a space on each original or renewal  
13 identification card where, at the request of the applicant, the  
14 word "veteran" shall be placed. The veteran designation shall  
15 be available to a person identified as a veteran under  
16 subsection (b) of Section 5 of this Act who was discharged or  
17 separated under honorable conditions.

18 (d) The Secretary of State may issue a Senior Citizen  
19 discount card, to any natural person who is a resident of the  
20 State of Illinois who is 60 years of age or older and who  
21 applies for such a card or renewal thereof. The Secretary of  
22 State shall charge no fee to issue such card. The card shall be  
23 issued in every county and applications shall be made available  
24 at, but not limited to, nutrition sites, senior citizen centers  
25 and Area Agencies on Aging. The applicant, upon receipt of such  
26 card and prior to its use for any purpose, shall have affixed

1 thereon in the space provided therefor his signature or mark.

2 (e) The Secretary of State, in his or her discretion, may  
3 designate on each Illinois Identification Card or Illinois  
4 Person with a Disability Identification Card a space where the  
5 card holder may place a sticker or decal, issued by the  
6 Secretary of State, of uniform size as the Secretary may  
7 specify, that shall indicate in appropriate language that the  
8 card holder has renewed his or her Illinois Identification Card  
9 or Illinois Person with a Disability Identification Card.

10 (Source: P.A. 99-143, eff. 7-27-15; 99-173, eff. 7-29-15;  
11 99-305, eff. 1-1-16; 99-642, eff. 7-28-16; 99-907, eff. 7-1-17;  
12 100-513, eff. 1-1-18; 100-717, eff. 7-1-19.)

13 Section 10. The Illinois Vehicle Code is amended by  
14 changing Section 6-106 as follows:

15 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

17 (a) Every application for any permit or license authorized  
18 to be issued under this Code shall be made upon a form  
19 furnished by the Secretary of State. Every application shall be  
20 accompanied by the proper fee and payment of such fee shall  
21 entitle the applicant to not more than 3 attempts to pass the  
22 examination within a period of one year after the date of  
23 application.

24 (b) Every application shall state the legal name, social

1 security number, zip code, date of birth, sex, and residence  
2 address of the applicant; briefly describe the applicant; state  
3 whether the applicant has theretofore been licensed as a  
4 driver, and, if so, when and by what state or country, and  
5 whether any such license has ever been cancelled, suspended,  
6 revoked or refused, and, if so, the date and reason for such  
7 cancellation, suspension, revocation or refusal; shall include  
8 an affirmation by the applicant that all information set forth  
9 is true and correct; and shall bear the applicant's signature.  
10 In addition to the residence address, the Secretary may allow  
11 the applicant to provide a mailing address. In the case of an  
12 applicant who is a judicial officer or peace officer, the  
13 Secretary may allow the applicant to provide an office or work  
14 address in lieu of a residence or mailing address. The  
15 application form may also require the statement of such  
16 additional relevant information as the Secretary of State shall  
17 deem necessary to determine the applicant's competency and  
18 eligibility. The Secretary of State may, in his discretion, by  
19 rule or regulation, provide that an application for a drivers  
20 license or permit may include a suitable photograph of the  
21 applicant in the form prescribed by the Secretary, and he may  
22 further provide that each drivers license shall include a  
23 photograph of the driver. The Secretary of State may utilize a  
24 photograph process or system most suitable to deter alteration  
25 or improper reproduction of a drivers license and to prevent  
26 substitution of another photo thereon. The Secretary may

1 provide by rule for the issuance of a driver's license to an  
2 applicant that depicts the applicant wearing a religious head  
3 dressing; however, the Secretary shall not require an applicant  
4 to sign an affidavit stating that he or she, in observation of  
5 a religious conviction, wears the head dressing at all times  
6 when in public. For the purposes of this subsection (b), "peace  
7 officer" means any person who by virtue of his or her office or  
8 public employment is vested by law with a duty to maintain  
9 public order or to make arrests for a violation of any penal  
10 statute of this State, whether that duty extends to all  
11 violations or is limited to specific violations.

12 (b-3) Upon the first issuance of a request for proposals  
13 for a digital driver's license and identification card issuance  
14 and facial recognition system issued after January 1, 2020 (the  
15 effective date of Public Act 101-513) ~~this amendatory Act of~~  
16 ~~the 101st General Assembly~~, and upon implementation of a new or  
17 revised system procured pursuant to that request for proposals,  
18 the Secretary shall permit applicants to choose between "male",  
19 "female" or "non-binary" when designating the applicant's sex  
20 on the driver's license application form. The sex designated by  
21 the applicant shall be displayed on the driver's license issued  
22 to the applicant.

23 (b-5) Every applicant for a REAL ID compliant driver's  
24 license or permit shall provide proof of lawful status in the  
25 United States as defined in 6 CFR 37.3, as amended. Applicants  
26 who are unable to provide the Secretary with proof of lawful

1 status may apply for a driver's license or permit under Section  
2 6-105.1 of this Code.

3 (c) The application form shall include a notice to the  
4 applicant of the registration obligations of sex offenders  
5 under the Sex Offender Registration Act. The notice shall be  
6 provided in a form and manner prescribed by the Secretary of  
7 State. For purposes of this subsection (c), "sex offender" has  
8 the meaning ascribed to it in Section 2 of the Sex Offender  
9 Registration Act.

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

1 (e) Beginning on or before July 1, 2015, for each original  
2 or renewal driver's license application under this Code, the  
3 Secretary shall inquire as to whether the applicant is a  
4 veteran for purposes of issuing a driver's license with a  
5 veteran designation under subsection (e-5) of Section 6-110 of  
6 this Code. The acceptable forms of proof shall include, but are  
7 not limited to, Department of Defense form DD-214, Department  
8 of Defense form DD-256 for applicants who did not receive a  
9 form DD-214 upon the completion of initial basic training,  
10 Department of Defense form DD-2 (Retired), an identification  
11 card issued under the federal Veterans Identification Card Act  
12 of 2015, or a United States Department of Veterans Affairs  
13 summary of benefits letter. If the document cannot be stamped,  
14 the Illinois Department of Veterans' Affairs shall provide a  
15 certificate to the veteran to provide to the Secretary of  
16 State. The Illinois Department of Veterans' Affairs shall  
17 advise the Secretary as to what other forms of proof of a  
18 person's status as a veteran are acceptable.

19 For each applicant who is issued a driver's license with a  
20 veteran designation, the Secretary shall provide the  
21 Department of Veterans' Affairs with the applicant's name,  
22 address, date of birth, gender and such other demographic  
23 information as agreed to by the Secretary and the Department.  
24 The Department may take steps necessary to confirm the  
25 applicant is a veteran. If after due diligence, including  
26 writing to the applicant at the address provided by the



1 Secretary, the Department is unable to verify the applicant's  
2 veteran status, the Department shall inform the Secretary, who  
3 shall notify the applicant that the he or she must confirm  
4 status as a veteran, or the driver's license will be cancelled.

5 For purposes of this subsection (e):

6 "Armed forces" means any of the Armed Forces of the United  
7 States, including a member of any reserve component or National  
8 Guard unit.

9 "Veteran" means a person who has served in the armed forces  
10 and was discharged or separated under honorable conditions.

11 (Source: P.A. 100-201, eff. 8-18-17; 100-248, eff. 8-22-17;  
12 100-811, eff. 1-1-19; 101-106, eff. 1-1-20; 101-287, eff.  
13 8-9-19; 101-513, eff. 1-1-20; revised 9-23-19.)