

HB0259



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0259

Introduced 1/29/2021, by Rep. Kambium Buckner

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-101

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

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

LRB102 02582 HEP 12585 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Section 6-101 as follows:

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

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

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

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

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

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

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

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

25 (e) In addition to other penalties imposed under this
26 Section, the vehicle of any person in violation of this

1 Section who is also in violation of Section 7-601 of this Code
2 relating to mandatory insurance requirements and who, in
3 violating this Section, has caused death or personal injury to
4 another person is subject to forfeiture under Sections 36-1
5 and 36-2 of the Criminal Code of 2012. For the purposes of this
6 Section, a personal injury shall include any type A injury as
7 indicated on the traffic accident report completed by a law
8 enforcement officer that requires immediate professional
9 attention in either a doctor's office or a medical facility. A
10 type A injury shall include severely bleeding wounds,
11 distorted extremities, and injuries that require the injured
12 party to be carried from the scene.

13 (f) As used in this Section:

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

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

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

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

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

26 The fee to install the application to display a digitized

1 driver's license as defined in this subsection shall not
2 exceed \$6.

3 (Source: P.A. 97-229, eff. 7-28-11; 97-1150, eff. 1-25-13;
4 98-176 (see Section 10 of P.A. 98-722 and Section 10 of P.A.
5 99-414 for the effective date of changes made by P.A.
6 98-176).)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.