



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB2231

Introduced 2/26/2021, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

5 ILCS 100/5-45.8 new
15 ILCS 305/30

Amends the Secretary of State Act. Modifies provisions concerning emergency powers to further allow the Secretary of State to adopt emergency rules concerning the expiration dates of driver's licenses, driving permits, monitoring device driving permits, restricted driving permits, identification cards, disabled parking placards and decals, vehicle emissions testing requirements, and vehicle registrations. Removes provisions requiring the Governor to issue a statewide disaster proclamation in order for the Secretary of State to exercise specified powers. Amends the Illinois Administrative Procedure Act to provide for the adoption of emergency rules. Repeals provisions on January 1, 2022. Effective immediately.

LRB102 16569 RJF 21966 b

1 AN ACT concerning State government.

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

4 Section 5. The Illinois Administrative Procedure Act is
5 amended by adding Sections 5-45.8 as follows:

6 (5 ILCS 100/5-45.8 new)

7 Sec. 5-45.8. Emergency rulemaking; Secretary of State
8 emergency powers. To provide for the expeditious and timely
9 implementation of the extension provisions of Section 30 of
10 the Secretary of State Act, emergency rules implementing the
11 extension provisions of Section 30 of the Secretary of State
12 Act may be adopted in accordance with Section 5-45 by the
13 Secretary of State. The adoption of emergency rules authorized
14 by Section 5-45 and this Section is deemed to be necessary for
15 the public interest, safety, and welfare.

16 This Section is repealed on January 1, 2022.

17 Section 10. The Secretary of State Act is amended by
18 changing Section 30 as follows:

19 (15 ILCS 305/30)

20 (Section scheduled to be repealed on June 30, 2021)

21 Sec. 30. Emergency powers.

1 (a) In response to the ongoing public health disaster
2 caused by Coronavirus Disease 2019 (COVID-19), a novel severe
3 acute respiratory illness that spreads rapidly through
4 respiratory transmissions, and the need to regulate the number
5 of individuals entering a Secretary of State facility at any
6 one time in order to prevent the spread of the disease, the
7 Secretary of State is hereby given the authority to adopt
8 emergency rulemakings, as provided under subsection (b), and
9 to adopt permanent administrative rules extending until no
10 later than June 30, 2021, the expiration dates of driver's
11 licenses, driving permits, monitoring device driving permits,
12 restricted driving permits, identification cards, disabled
13 parking placards and decals, and vehicle registrations that
14 were issued with expiration dates on or after January 1, 2020.
15 If as of May 1, 2021, there remains in effect a proclamation
16 issued by the Governor of the State of Illinois declaring a
17 statewide disaster in response to the outbreak of COVID-19,
18 the Secretary may further extend such expiration dates until
19 no later than December 31, 2021. ~~Upon the Governor of the State~~
20 ~~of Illinois issuing a statewide disaster proclamation based on~~
21 ~~a health pandemic or similar emergency, the Secretary may~~
22 ~~extend for the duration of the proclaimed disaster and for up~~
23 ~~to a period of 120 days beyond the expiration of the disaster~~
24 ~~proclamation.~~

25 ~~(1) the expiration dates of driver's licenses, driving~~
26 ~~permits, identification cards, disabled parking placards~~

1 ~~and decals, and vehicle registrations; and~~

2 ~~(2) the expiration dates of professional licenses,~~
3 ~~registrations, certifications and commissions issued by~~
4 ~~the Secretary, including but not limited to, vehicle~~
5 ~~dealership licenses, commercial driver training school~~
6 ~~licenses, and securities, broker and investment adviser~~
7 ~~registrations.~~

8 ~~After the initial 120 day extension, the Secretary may~~
9 ~~adopt subsequent 30 day extensions only upon a determination~~
10 ~~that circumstances necessitate additional extensions. The~~
11 ~~Secretary must adopt any subsequent 30 day extension prior to~~
12 ~~the previous lapsing.~~

13 (a-5) During the period of any extensions implemented
14 pursuant to this Section, all driver's licenses, driving
15 permits, monitoring device driving permits, restricted driving
16 permits, identification cards, disabled parking placards and
17 decals, and vehicle registrations shall be subject to any
18 terms and conditions under which the original document was
19 issued.

20 (a-10) During the period of any extensions implemented
21 pursuant to this Section, all deadlines for vehicle emissions
22 testing requirements shall be extended and any Secretary of
23 State facility, as well the website of the Secretary, shall
24 indicate that emissions tests are not required.

25 (b) To provide for the expeditious and timely
26 implementation of this amendatory Act of the 101st General

1 Assembly, any emergency rules to implement the extension
2 provisions of this Section must be adopted by the Secretary of
3 State, subject to the provisions of Section 5-45 of the
4 Illinois Administrative Procedure Act. Any such rule shall:

5 (1) (blank); ~~identify the disaster proclamation~~
6 ~~authorizing the rulemaking;~~

7 (2) set forth the expirations being extended (for
8 example, "this extension shall apply to all driver's
9 licenses, driving permits, monitoring device driving
10 permits, restricted driving permits, identification cards,
11 disabled parking placards and decals, vehicle emissions
12 testing requirements, and vehicle registrations expiring
13 on [date] through [date]"); and

14 (3) set forth the date on which the extension period
15 becomes effective, and the date on which the extension
16 will terminate if not extended by subsequent emergency
17 rulemaking.

18 (c) Where the renewal of any driver's license, driving
19 permit, monitoring device driving permit, restricted driving
20 permit, identification card, disabled parking placard or
21 decal, or vehicle registration, ~~or professional license,~~
22 ~~registration, certification or commission~~ has been extended
23 pursuant to this Section, it shall be renewed during the
24 period of an extension. Any such renewal shall be from the
25 original expiration date and shall be subject to the full fee
26 which would have been due had the renewal been issued based on

1 the original expiration date, except that no late filing fees
2 or penalties shall be imposed.

3 (d) All law enforcement agencies in the State of Illinois
4 and all State and local governmental entities shall recognize
5 the validity of, and give full legal force to, extensions
6 granted pursuant to this Section.

7 (e) Upon the request of any person or entity whose
8 driver's license, driving permit, monitoring device driving
9 permit, restricted driving permit, identification card,
10 disabled parking placard or decal, vehicle emissions testing
11 requirements, or vehicle registration, ~~or professional~~
12 ~~license, registration, certification or commission~~ has been
13 subject to an extension under this Section, the Secretary
14 shall issue a statement verifying the extension was issued
15 pursuant to Illinois law, and requesting any foreign
16 jurisdiction to honor the extension.

17 (f) This Section is repealed on January 1, 2022 ~~June 30,~~
18 ~~2021.~~

19 (Source: P.A. 101-640, eff. 6-12-20.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.