



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1110

Introduced 1/12/2023, by Rep. Kam Buckner

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-101

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

Amends the Illinois Vehicle Code. Defines "digitized driver's license" and provides that a person may drive a motor vehicle if in possession of a 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.

LRB103 05780 HEP 50800 b

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 (Text of Section before amendment by P.A. 102-982)

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

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

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

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

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

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

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

26 (e) In addition to other penalties imposed under this

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

14 (f) As used in this Section:

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

25 "Current status" includes, but is not limited to, a
26 status designation of valid, expired, canceled, suspended,

1 disqualified, hardship, or interlock device.

2 A person shall not be issued a citation for driving a motor
3 vehicle without a physical driver's license in his or her
4 possession if the person presents a digitized driver's license
5 to a law enforcement officer in connection with a traffic stop
6 or checkpoint in this State. However, in connection with
7 requests for identification not associated with traffic stops
8 or checkpoints, a person may be required to produce when so
9 requested a physical driver's license to a law enforcement
10 officer, a representative of a State or federal department or
11 agency, or a private entity and is subject to all applicable
12 laws and consequences for failure to produce such a 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 (Text of Section after amendment by P.A. 102-982)

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

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

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

1 instruction permit shall be issued to any person who holds a
2 valid Foreign State license, identification card, or permit
3 unless such person first surrenders to the Secretary of State
4 any such valid Foreign State license, identification card, or
5 permit.

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

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

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

24 (e) In addition to other penalties imposed under this
25 Section, the vehicle of any person in violation of this
26 Section who is also in violation of Section 7-601 of this Code

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

12 (f) As used in this Section:

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14 available on any mobile device that has connectivity to
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23 "Current status" includes, but is not limited to, a
24 status designation of valid, expired, canceled, suspended,
25 disqualified, hardship, or interlock device.

26 A person shall not be issued a citation for driving a motor

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

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

15 The display of a digitized driver's license shall not
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20 for purposes of displaying a digitized driver's license, the
21 law enforcement officer shall promptly return the mobile
22 device to the person once the officer has had an opportunity to
23 verify the identity and license status of the person.

24 The fee to install the application to display a digitized
25 driver's license as defined in this subsection shall not
26 exceed \$6.

1 (Source: P.A. 102-982, eff. 7-1-23.)

2 Section 95. No acceleration or delay. Where this Act makes
3 changes in a statute that is represented in this Act by text
4 that is not yet or no longer in effect (for example, a Section
5 represented by multiple versions), the use of that text does
6 not accelerate or delay the taking effect of (i) the changes
7 made by this Act or (ii) provisions derived from any other
8 Public Act.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.