

1 AN ACT concerning persons under age 19.

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
5 amended 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
9 Illinois Identification Card to any natural person who is a
10 resident of the State of Illinois who applies for such card,
11 or renewal thereof, or who applies for a standard Illinois
12 Identification Card upon release as a committed person on
13 parole, mandatory supervised release, final discharge, or
14 pardon from the Department of Corrections by submitting an
15 identification card issued by the Department of Corrections
16 under Section 3-14-1 of the Unified Code of Corrections,
17 together with the prescribed fees. The card shall be
18 prepared and supplied by the Secretary of State and shall
19 include a photograph of the applicant. The applicant, upon
20 receipt of a card and prior to its use for any purpose, shall
21 affix his signature thereon in the space provided therefor.
22 The Illinois Identification Card may be used for
23 identification purposes in any lawful situation only by the
24 person to whom it was issued. As used in this Act,
25 "photograph" means any color photograph or digitally produced
26 and captured image of an applicant for an identification
27 card. As used in this Act, "signature" means the name of a
28 person as written by that person and captured in a manner
29 acceptable to the Secretary of State.

30 (b) The Secretary of State shall issue a special
31 Illinois Identification Card, which shall be known as an

1 Illinois Disabled Person Identification Card, to any natural
2 person who is a resident of the State of Illinois, who is a
3 disabled person as defined in Section 4A of this Act, who
4 applies for such card, or renewal thereof. The Secretary of
5 State shall charge no fee to issue such card. The card shall
6 be prepared and supplied by the Secretary of State, and shall
7 include a photograph of the applicant, a designation
8 indicating that the card is an Illinois Disabled Person
9 Identification Card, and shall include a comprehensible
10 designation of the type and classification of the applicant's
11 disability as set out in Section 4A of this Act. If the
12 applicant so requests, the card shall include a description
13 of the applicant's disability and any information about the
14 applicant's disability or medical history which the Secretary
15 determines would be helpful to the applicant in securing
16 emergency medical care. The applicant, upon receipt of such
17 a card and prior to its use for any purpose, shall have
18 affixed thereon in the space provided therefor his signature
19 or mark. If a mark is used in lieu of a signature, such mark
20 shall be affixed to the card in the presence of two witnesses
21 who attest to the authenticity of the mark. The Illinois
22 Disabled Person Identification Card may be used for
23 identification purposes in any lawful situation by the person
24 to whom it was issued.

25 The Illinois Disabled Person Identification Card may be
26 used as adequate documentation of disability in lieu of a
27 physician's determination of disability or any other
28 documentation of disability whenever any State law requires
29 that a disabled person provide such documentation of
30 disability, however an Illinois Disabled Person
31 Identification Card shall not qualify the cardholder to
32 participate in any program or to receive any benefit which is
33 not available to all persons with like disabilities.
34 Notwithstanding any other provisions of law, an Illinois

1 Disabled Person Identification Card, or evidence that the
2 Secretary of State has issued an Illinois Disabled Person
3 Identification Card, shall not be used by any person other
4 than the person named on such card to prove that the person
5 named on such card is a disabled person or for any other
6 purpose unless the card is used for the benefit of the person
7 named on such card, and the person named on such card
8 consents to such use at the time the card is so used.

9 When medical information is contained on an Illinois
10 Disabled Person Identification Card, the Office of the
11 Secretary of State shall not be liable for any actions taken
12 based upon that medical information.

13 (c) Beginning January 1, 1986, the Secretary of State
14 shall provide that each original or renewal Illinois
15 Identification Card or Illinois Disabled Person
16 Identification Card issued to a person under the age of 21,
17 shall be of a distinct nature from those Illinois
18 Identification Cards or Illinois Disabled Person
19 Identification Cards issued to individuals 21 years of age or
20 older. The color designated for Illinois Identification Cards
21 or Illinois Disabled Person Identification Cards for persons
22 under the age of 21 shall be at the discretion of the
23 Secretary of State.

24 (c-1) Beginning January 1, 2004 2003, each original or
25 renewal Illinois Identification Card or Illinois Disabled
26 Person Identification Card issued to a person under the age
27 of 21 shall display the date upon which the person becomes 19
28 ~~18~~ years of age and the date upon which the person becomes 21
29 years of age.

30 (d) The Secretary of State may issue a Senior Citizen
31 discount card, to any natural person who is a resident of the
32 State of Illinois who is 60 years of age or older and who
33 applies for such a card or renewal thereof. The Secretary of
34 State shall charge no fee to issue such card. The card shall

1 be issued in every county and applications shall be made
2 available at, but not limited to, nutrition sites, senior
3 citizen centers and Area Agencies on Aging. The applicant,
4 upon receipt of such card and prior to its use for any
5 purpose, shall have affixed thereon in the space provided
6 therefor his signature or mark.

7 (Source: P.A. 92-240, eff. 1-1-02; 92-689, eff. 1-1-03.)

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Section 6-110 as follows:

10 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

11 Sec. 6-110. Licenses issued to drivers.

12 (a) The Secretary of State shall issue to every
13 qualifying applicant a driver's license as applied for, which
14 license shall bear a distinguishing number assigned to the
15 licensee, the name, social security number, zip code, date of
16 birth, address, and a brief description of the licensee, and
17 a space where the licensee may write his usual signature.

18 If the licensee is less than 17 years of age, the license
19 shall, as a matter of law, be invalid for the operation of
20 any motor vehicle during any time the licensee is prohibited
21 from being on any street or highway under the provisions of
22 the Child Curfew Act.

23 Licenses issued shall also indicate the classification
24 and the restrictions under Section 6-104 of this Code.

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

28 A driver's license issued may, in the discretion of the
29 Secretary, include a suitable photograph of a type prescribed
30 by the Secretary.

31 (b) The Secretary of State shall provide a format on the
32 reverse of each driver's license issued which the licensee

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

20 (c) The Secretary of State shall designate on each
21 driver's license issued a space where the licensee may place
22 a sticker or decal of the uniform size as the Secretary may
23 specify, which sticker or decal may indicate in appropriate
24 language that the owner of the license carries an Emergency
25 Medical Information Card.

26 The sticker may be provided by any person, hospital,
27 school, medical group, or association interested in assisting
28 in implementing the Emergency Medical Information Card, but
29 shall meet the specifications as the Secretary may by rule or
30 regulation require.

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

34 (e) The Secretary of State shall provide that each

1 original or renewal driver's license issued to a licensee
2 under 21 years of age shall be of a distinct nature from
3 those driver's licenses issued to individuals 21 years of age
4 and older. The color designated for driver's licenses for
5 licensees under 21 years of age shall be at the discretion of
6 the Secretary of State.

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

11 (f) The Secretary of State shall inform all Illinois
12 licensed commercial motor vehicle operators of the
13 requirements of the Uniform Commercial Driver License Act,
14 Article V of this Chapter, and shall make provisions to
15 insure that all drivers, seeking to obtain a commercial
16 driver's license, be afforded an opportunity prior to April
17 1, 1992, to obtain the license. The Secretary is authorized
18 to extend driver's license expiration dates, and assign
19 specific times, dates and locations where these commercial
20 driver's tests shall be conducted. Any applicant, regardless
21 of the current expiration date of the applicant's driver's
22 license, may be subject to any assignment by the Secretary.
23 Failure to comply with the Secretary's assignment may result
24 in the applicant's forfeiture of an opportunity to receive a
25 commercial driver's license prior to April 1, 1992.

26 (g) The Secretary of State shall designate on a driver's
27 license issued, a space where the licensee may indicate that
28 he or she has drafted a living will in accordance with the
29 Illinois Living Will Act or a durable power of attorney for
30 health care in accordance with the Illinois Power of Attorney
31 Act.

32 (g-1) The Secretary of State, in his or her discretion,
33 may designate on each driver's license issued a space where
34 the licensee may place a sticker or decal, issued by the

1 Secretary of State, of uniform size as the Secretary may
2 specify, that shall indicate in appropriate language that the
3 owner of the license has renewed his or her driver's license.

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

8 (Source: P.A. 91-357, eff. 7-29-99; 92-689, eff. 1-1-03.)

9 Section 15. The Sale of Tobacco to Minors Act is amended
10 by changing the title of the Act and Sections 0.01, 1, and 2
11 as follows:

12 (720 ILCS 675/Act title)

13 An Act to prohibit persons under 19 years of age ~~miners~~
14 from buying or selling tobacco in any of its forms, to
15 prohibit selling, giving or furnishing tobacco, in any of its
16 forms, to those persons ~~miners~~, and providing penalties
17 therefor.

18 (720 ILCS 675/0.01) (from Ch. 23, par. 2356.9)

19 Sec. 0.01. Short title. This Act may be cited as the
20 Sale of Tobacco to Underage Persons ~~Miners~~ Act.

21 (Source: P.A. 86-1324.)

22 (720 ILCS 675/1) (from Ch. 23, par. 2357)

23 Sec. 1. Except as otherwise provided in this Section, no
24 person ~~miner~~ under 19 ~~18~~ years of age shall buy any cigar,
25 cigarette, smokeless tobacco or tobacco in any of its forms.
26 Except as otherwise provided in this Section, no person shall
27 sell, buy for, distribute samples of or furnish any cigar,
28 cigarette, smokeless tobacco or tobacco in any of its forms,
29 to any person ~~miner~~ under 19 ~~18~~ years of age.

30 For the purpose of this Section, "smokeless tobacco"

1 means any tobacco products that are suitable for dipping or
2 chewing.

3 Tobacco products listed above may be sold through a
4 vending machine only in the following locations:

5 (1) Factories, businesses, offices, private clubs,
6 and other places not open to the general public.

7 (2) Places to which persons ~~minors~~ under 19 ~~18~~
8 years of age are not permitted access.

9 (3) Places where alcoholic beverages are sold and
10 consumed on the premises.

11 (4) Places where the vending machine is under the
12 direct supervision of the owner of the establishment or
13 an employee 19 ~~ever-18~~ years of age or older. The sale
14 of tobacco products from a vending machine under direct
15 supervision of the owner or an employee of the
16 establishment is considered a sale of tobacco products by
17 that person. As used in this subdivision, "direct
18 supervision" means that the owner or employee has an
19 unimpeded line of sight to the vending machine.

20 (5) Places where the vending machine can ~~only~~ be
21 operated only by the owner or an employee 19 years of
22 ~~ever~~ age or older ~~18~~ either directly or through a remote
23 control device if the device is inaccessible to all
24 customers.

25 The provisions of this Section do not apply in the case
26 of a person under 19 years of age who is 18 years of age and
27 the holder of a valid United States Military Identification
28 Card.

29 (Source: P.A. 89-181, eff. 7-19-95.)

30 (720 ILCS 675/2) (from Ch. 23, par. 2358)

31 Sec. 2. Except as otherwise provided in this Section,
32 any person who violates any provision of this Act is guilty
33 of a petty offense and for the first offense shall be fined

1 \$200, \$400 for the second offense in a 12-month period, and
2 \$600 for the third or any subsequent offense in a 12-month
3 period. One-half of each fine collected under this Section
4 shall be distributed to the unit of local government or other
5 entity that successfully prosecuted the offender and one-half
6 shall be remitted to the State to be used for enforcing this
7 Act.

8 A person who violates this Act on or after January 1,
9 2004 and before January 1, 2005 by selling, buying for,
10 distributing samples of, or furnishing a cigar or cigarette,
11 smokeless tobacco, or tobacco in any of its forms to a person
12 18 years of age shall be issued a warning that he or she has
13 violated this Act. The person may not be prosecuted under
14 this Act for such an act committed during that time period.

15 (Source: P.A. 88-418.)

16 Section 20. The Smokeless Tobacco Limitation Act is
17 amended by changing the title of the Act and Sections 3 and 4
18 as follows:

19 (720 ILCS 680/Act title)

20 An Act to prohibit the sale or distribution of smokeless
21 tobacco products to persons under 19 18 years of age.

22 (720 ILCS 680/3) (from Ch. 23, par. 2358-23)

23 Sec. 3. No person shall sell any smokeless tobacco
24 product to any person under the age of 19 unless the person
25 under the age of 19 is 18 years of age and the holder of a
26 valid United States Military Identification Card 18. Any
27 person who violates this Section shall be guilty of a
28 business offense punishable by a fine of not more than \$50
29 for each violation.

30 (Source: P.A. 85-465.)

1 (720 ILCS 680/4) (from Ch. 23, par. 2358-24)

2 Sec. 4. No person shall distribute or cause to be
3 distributed to any person under the age of 19 ~~18~~, without
4 charge or at a nominal cost, any smokeless tobacco product
5 unless the person under the age of 19 is 18 years of age and
6 the holder of a valid United States Military Identification
7 Card. Except as otherwise provided in this Section, any
8 person who violates this Section shall be guilty of a
9 business offense punishable for a first offense by a fine of
10 \$200, for a second offense in a 12-month period by a fine of
11 \$400, and for the third or any subsequent offense in a
12 12-month period by a fine of \$600. One-half of each fine
13 collected under this Section shall be distributed to the unit
14 of local government or other entity that successfully
15 prosecuted the offender and one-half shall be remitted to the
16 State to be used for the enforcement of this Act.

17 A person who violates this Section on or after January 1,
18 2004 and before January 1, 2005 by distributing or causing to
19 be distributed a smokeless tobacco product to a person 18
20 years of age shall be issued a warning that he or she has
21 violated this Section. The person may not be prosecuted under
22 this Act for such an act committed during that time period.

23 (Source: P.A. 88-418.)

24 Section 25. The Tobacco Accessories and Smoking Herbs
25 Control Act is amended by changing the title of the Act and
26 Sections 2, 4, and 5 as follows:

27 (720 ILCS 685/Act title)

28 An Act providing protection for the public health and
29 safety by prohibiting the sale or delivery of tobacco
30 accessories or smoking herbs to persons under 19 years of age
31 minors.

1 (720 ILCS 685/2) (from Ch. 23, par. 2358-2)

2 Sec. 2. Purpose. The sale and possession of marijuana,
3 hashish, cocaine, opium and their derivatives, is not only
4 prohibited by Illinois Law, but the use of these substances
5 has been deemed injurious to the health of the user.

6 It has further been determined by the Surgeon General of
7 the United States that the use of tobacco is hazardous to
8 human health.

9 The ready availability of smoking herbs to persons under
10 19 years of age ~~miners~~ could lead to the use of tobacco and
11 illegal drugs.

12 It is in the best interests of the citizens of the State
13 of Illinois to seek to prohibit the spread of illegal drugs,
14 tobacco or smoking materials to persons under 19 years of age
15 ~~miners~~. The prohibition of the sale of tobacco and snuff
16 accessories and smoking herbs to persons under 19 years of
17 age ~~miners~~ would help to curb the usage of illegal drugs and
18 tobacco products, among our youth.

19 (Source: P.A. 82-487.)

20 (720 ILCS 685/4) (from Ch. 23, par. 2358-4)

21 Sec. 4. Offenses.

22 (a) Sale to persons under 19 years of age ~~miners~~. No
23 person shall knowingly sell, barter, exchange, deliver or
24 give away or cause or permit or procure to be sold, bartered,
25 exchanged, delivered, or given away tobacco accessories or
26 smoking herbs to any person under 19 ~~18~~ years of age unless
27 the person under 19 years of age is 18 years of age and the
28 holder of a valid United States Military Identification Card.

29 (a-5) Sale of bidi cigarettes. No person shall knowingly
30 sell, barter, exchange, deliver, or give away a bidi
31 cigarette to another person, nor shall a person cause or
32 permit or procure a bidi cigarette to be sold, bartered,
33 exchanged, delivered, or given away to another person.

1 (b) Sale of cigarette paper. No person shall knowingly
2 offer, sell, barter, exchange, deliver or give away cigarette
3 paper or cause, permit, or procure cigarette paper to be
4 sold, offered, bartered, exchanged, delivered, or given away
5 except from premises or an establishment where other tobacco
6 products are sold. For purposes of this Section, "tobacco
7 products" means cigarettes, cigars, smokeless tobacco, or
8 tobacco in any of its forms.

9 (c) Sale of cigarette paper from vending machines. No
10 person shall knowingly offer, sell, barter, exchange, deliver
11 or give away cigarette paper or cause, permit, or procure
12 cigarette paper to be sold, offered, bartered, exchanged,
13 delivered, or given away by use of a vending or coin-operated
14 machine or device. For purposes of this Section, "cigarette
15 paper" shall not include any paper that is incorporated into
16 a product to which a tax stamp must be affixed under the
17 Cigarette Tax Act or the Cigarette Use Tax Act.

18 (d) Use of identification cards. No person in the
19 furtherance or facilitation of obtaining smoking accessories
20 and smoking herbs shall display or use a false or forged
21 identification card or transfer, alter, or deface an
22 identification card.

23 (e) Warning to persons under 19 years of age minors.
24 Any person, firm, partnership, company or corporation
25 operating a place of business where tobacco accessories and
26 smoking herbs are sold or offered for sale shall post in a
27 conspicuous place upon the premises a sign upon which there
28 shall be imprinted the following statement, "SALE OF TOBACCO
29 ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER NINETEEN
30 EIGHTEEN YEARS OF AGE (UNLESS EIGHTEEN YEARS OF AGE AND THE
31 HOLDER OF A VALID UNITED STATES MILITARY IDENTIFICATION CARD)
32 OR THE MISREPRESENTATION OF AGE TO PROCURE SUCH A SALE IS
33 PROHIBITED BY LAW". The sign shall be printed on a white
34 card in red letters at least one-half inch in height.

1 (Source: P.A. 91-734, eff. 1-1-01.)

2 (720 ILCS 685/5) (from Ch. 23, par. 2358-5)

3 Sec. 5. Penalty.

4 (a) Except as otherwise provided in this subsection, any
5 person who shall knowingly violate, or shall knowingly cause
6 the violation of any provision of this Act other than
7 subsection (a-5) of Section 4 shall be guilty of a Class C
8 misdemeanor.

9 A person who knowingly violates, or knowingly causes the
10 violation of, subsection (a) of Section 4 on or after January
11 1, 2004 and before January 1, 2005 by selling, bartering,
12 exchanging, delivering, or giving away, or causing,
13 permitting, or procuring to be sold, bartered, exchanged,
14 delivered, or given away, tobacco accessories or smoking
15 herbs to a person 18 years of age shall be issued a warning
16 that he or she has violated subsection (a) of Section 4. The
17 person may not be prosecuted under this Act for such an act
18 committed during that time period.

19 (b) Any person who knowingly violates or knowingly
20 causes the violation of subsection (a-5) of Section 4 is
21 guilty of a petty offense for which the offender may be fined
22 an amount as follows:

23 (1) For a first offense, not less than \$100 and not
24 more than \$500.

25 (2) For a second offense within a 2-year period,
26 not less than \$250 and not more than \$500.

27 (3) For a third or subsequent offense within a
28 2-year period, not less than \$500 and not more than
29 \$1,000.

30 (Source: P.A. 91-734, eff. 1-1-01.)

31 Section 99. Effective date. This Act takes effect
32 January 1, 2004.