



Rep. Edward J. Acevedo

Filed: 3/24/2004

09300HB4003ham001

LRB093 16238 DRH 48316 a

1 AMENDMENT TO HOUSE BILL 4003

2 AMENDMENT NO. _____. Amend House Bill 4003 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The State Finance Act is amended by adding
5 Section 5.620 as follows:

6 (30 ILCS 105/5.620 new)

7 Sec. 5.620. The Secretary of State Immigrant License Fund.

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Sections 2-119, 6-106, and 6-118 and adding Sections
10 6-107.4 and 6-107.5 as follows:

11 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

12 Sec. 2-119. Disposition of fees and taxes.

13 (a) All moneys received from Salvage Certificates shall be
14 deposited in the Common School Fund in the State Treasury.

15 (b) Beginning January 1, 1990 and concluding December 31,
16 1994, of the money collected for each certificate of title,
17 duplicate certificate of title and corrected certificate of
18 title, \$0.50 shall be deposited into the Used Tire Management
19 Fund. Beginning January 1, 1990 and concluding December 31,
20 1994, of the money collected for each certificate of title,
21 duplicate certificate of title and corrected certificate of
22 title, \$1.50 shall be deposited in the Park and Conservation

1 Fund.

2 Beginning January 1, 1995, of the money collected for each
3 certificate of title, duplicate certificate of title and
4 corrected certificate of title, \$2 shall be deposited in the
5 Park and Conservation Fund. The moneys deposited in the Park
6 and Conservation Fund pursuant to this Section shall be used
7 for the acquisition and development of bike paths as provided
8 for in Section 805-420 of the Department of Natural Resources
9 (Conservation) Law (20 ILCS 805/805-420).

10 Beginning January 1, 2000, of the moneys collected for each
11 certificate of title, duplicate certificate of title, and
12 corrected certificate of title, \$48 shall be deposited into the
13 Road Fund and \$4 shall be deposited into the Motor Vehicle
14 License Plate Fund, except that if the balance in the Motor
15 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
16 of a calendar month, then during the next calendar month the \$4
17 shall instead be deposited into the Road Fund.

18 Except as otherwise provided in this Code, all remaining
19 moneys collected for certificates of title, and all moneys
20 collected for filing of security interests, shall be placed in
21 the General Revenue Fund in the State Treasury.

22 (c) All moneys collected for that portion of a driver's
23 license fee designated for driver education under Section 6-118
24 shall be placed in the Driver Education Fund in the State
25 Treasury.

26 (d) Beginning January 1, 1999, of the monies collected as a
27 registration fee for each motorcycle, motor driven cycle and
28 motorized pedalcycle, 27% of each annual registration fee for
29 such vehicle and 27% of each semiannual registration fee for
30 such vehicle is deposited in the Cycle Rider Safety Training
31 Fund.

32 (e) Of the monies received by the Secretary of State as
33 registration fees or taxes or as payment of any other fee, as
34 provided in this Act, except fees received by the Secretary

1 under paragraph (7) of subsection (b) of Section 5-101 and
2 Section 5-109 of this Code, 37% shall be deposited into the
3 State Construction Fund.

4 (f) Of the total money collected for a CDL instruction
5 permit or original or renewal issuance of a commercial driver's
6 license (CDL) pursuant to the Uniform Commercial Driver's
7 License Act (UCDLA): (i) \$6 of the total fee for an original or
8 renewal CDL, and \$6 of the total CDL instruction permit fee
9 when such permit is issued to any person holding a valid
10 Illinois driver's license, shall be paid into the
11 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
12 Information System/American Association of Motor Vehicle
13 Administrators network Trust Fund) and shall be used for the
14 purposes provided in Section 6z-23 of the State Finance Act and
15 (ii) \$20 of the total fee for an original or renewal CDL or
16 commercial driver instruction permit shall be paid into the
17 Motor Carrier Safety Inspection Fund, which is hereby created
18 as a special fund in the State Treasury, to be used by the
19 Department of State Police, subject to appropriation, to hire
20 additional officers to conduct motor carrier safety
21 inspections pursuant to Chapter 18b of this Code.

22 (g) All remaining moneys received by the Secretary of State
23 as registration fees or taxes or as payment of any other fee,
24 as provided in this Act, except fees received by the Secretary
25 under paragraph (7) (A) of subsection (b) of Section 5-101 and
26 Section 5-109 of this Code, shall be deposited in the Road Fund
27 in the State Treasury. Moneys in the Road Fund shall be used
28 for the purposes provided in Section 8.3 of the State Finance
29 Act.

30 (h) (Blank).

31 (i) (Blank).

32 (j) (Blank).

33 (k) There is created in the State Treasury a special fund
34 to be known as the Secretary of State Special License Plate

1 Fund. Money deposited into the Fund shall, subject to
2 appropriation, be used by the Office of the Secretary of State
3 (i) to help defray plate manufacturing and plate processing
4 costs for the issuance and, when applicable, renewal of any new
5 or existing registration plates authorized under this Code and
6 (ii) for grants made by the Secretary of State to benefit
7 Illinois Veterans Home libraries.

8 On or before October 1, 1995, the Secretary of State shall
9 direct the State Comptroller and State Treasurer to transfer
10 any unexpended balance in the Special Environmental License
11 Plate Fund, the Special Korean War Veteran License Plate Fund,
12 and the Retired Congressional License Plate Fund to the
13 Secretary of State Special License Plate Fund.

14 (l) The Motor Vehicle Review Board Fund is created as a
15 special fund in the State Treasury. Moneys deposited into the
16 Fund under paragraph (7) of subsection (b) of Section 5-101 and
17 Section 5-109 shall, subject to appropriation, be used by the
18 Office of the Secretary of State to administer the Motor
19 Vehicle Review Board, including without limitation payment of
20 compensation and all necessary expenses incurred in
21 administering the Motor Vehicle Review Board under the Motor
22 Vehicle Franchise Act.

23 (m) Effective July 1, 1996, there is created in the State
24 Treasury a special fund to be known as the Family
25 Responsibility Fund. Moneys deposited into the Fund shall,
26 subject to appropriation, be used by the Office of the
27 Secretary of State for the purpose of enforcing the Family
28 Financial Responsibility Law.

29 (n) The Illinois Fire Fighters' Memorial Fund is created as
30 a special fund in the State Treasury. Moneys deposited into the
31 Fund shall, subject to appropriation, be used by the Office of
32 the State Fire Marshal for construction of the Illinois Fire
33 Fighters' Memorial to be located at the State Capitol grounds
34 in Springfield, Illinois. Upon the completion of the Memorial,

1 moneys in the Fund shall be used in accordance with Section
2 3-634.

3 (o) Of the money collected for each certificate of title
4 for all-terrain vehicles and off-highway motorcycles, \$17
5 shall be deposited into the Off-Highway Vehicle Trails Fund.

6 (p) For audits conducted on or after July 1, 2003 pursuant
7 to Section 2-124(d) of this Code, 50% of the money collected as
8 audit fees shall be deposited into the General Revenue Fund.

9 (q) The Secretary of State Immigrant License Fund is
10 created as a special fund in the State Treasury. Moneys
11 deposited into the fund shall, subject to appropriation, be
12 used by the Secretary of State to pay for the costs associated
13 with issuing a driver's license to an immigrant ineligible to
14 receive a social security number.

15 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03.)

16 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

18 (a) Every application for any permit or license authorized
19 to be issued under this Act shall be made upon a form furnished
20 by the Secretary of State. Every application shall be
21 accompanied by the proper fee and payment of such fee shall
22 entitle the applicant to not more than 3 attempts to pass the
23 examination within a period of 1 year after the date of
24 application.

25 (b) Every application shall state the name, social security
26 number, zip code, date of birth, sex, and residence address of
27 the applicant; briefly describe the applicant; state whether
28 the applicant has theretofore been licensed as a driver, and,
29 if so, when and by what state or country, and whether any such
30 license has ever been cancelled, suspended, revoked or refused,
31 and, if so, the date and reason for such cancellation,
32 suspension, revocation or refusal; shall include an
33 affirmation by the applicant that all information set forth is

1 true and correct; and shall bear the applicant's signature. The
2 application form may also require the statement of such
3 additional relevant information as the Secretary of State shall
4 deem necessary to determine the applicant's competency and
5 eligibility.

6 (b-1) The Secretary of State may in his discretion
7 substitute a federal tax number in lieu of a social security
8 number, or he may instead assign an additional distinctive
9 number in lieu thereof, where an applicant is prohibited by
10 bona fide religious convictions from applying or is exempt from
11 applying for a social security number. The Secretary of State
12 shall, however, determine which religious orders or sects have
13 such bona fide religious convictions.

14 (b-2) The Secretary of State shall issue a drivers license
15 to an applicant who is an immigrant and ineligible for a social
16 security number if the applicant has (i) provided the Secretary
17 with an individual taxpayer identification number in lieu of a
18 social security number; (ii) filed with the Secretary, at the
19 time of application, an affidavit stating that the applicant is
20 an immigrant and not eligible for a social security number and
21 that the applicant will file an application to become a
22 permanent resident of the United States at the earliest
23 opportunity the applicant is eligible to do so; (iii) provided
24 a current foreign passport and a foreign birth certificate;
25 (iv) filed with the Secretary of State proof provided to the
26 applicant by the Illinois State Police that a set of the
27 applicant's fingerprints have been collected (costs associated
28 with this fingerprinting shall be paid by the applicant at the
29 time of collection); and (v) surrendered all illegally obtained
30 forms of drivers licenses or identification cards issued to the
31 applicant by the Secretary. The Secretary of State shall
32 provide to the Department of Revenue all information, including
33 the individual taxpayer identification number, captured on the
34 application. If the Department of Revenue determines that the

1 licensee is not in compliance with any applicable tax laws
2 administered by the Department of Revenue, the Department of
3 Revenue shall request that the Secretary of State suspend or
4 revoke the license. An applicant denied a driver's license
5 under this subsection (b-2) may seek review under the
6 Administrative Review Law. This amendatory Act of the 93rd
7 General Assembly does not affect the issuance of any commercial
8 driver's license or school bus driver's permit under the
9 Illinois Vehicle Code or any identification card under the
10 Illinois Identification Card Act. A drivers license issued
11 under this subsection (b-2) may not be used to obtain a Firearm
12 Owner's Identification Card and may not be used to obtain a
13 driver's license in another state. A driver licensed under this
14 subsection (b-2) shall, within 30 days of receiving a license,
15 provide to the Secretary of State proof of insurance and is
16 subject to the mandatory insurance requirements of this Code.

17 (b-3) The Secretary of State may, in his discretion, by
18 rule or regulation, provide that an application for a drivers
19 license or permit may include a suitable photograph of the
20 applicant in the form prescribed by the Secretary, and he may
21 further provide that each drivers license shall include a
22 photograph of the driver. The Secretary of State may utilize a
23 photograph process or system most suitable to deter alteration
24 or improper reproduction of a drivers license and to prevent
25 substitution of another photo thereon.

26 (c) The application form shall include a notice to the
27 applicant of the registration obligations of sex offenders
28 under the Sex Offender Registration Act. The notice shall be
29 provided in a form and manner prescribed by the Secretary of
30 State. For purposes of this subsection (c), "sex offender" has
31 the meaning ascribed to it in Section 2 of the Sex Offender
32 Registration Act.

33 (d) Any male United States citizen or immigrant who applies
34 for any permit or license authorized to be issued under this

1 Act or for a renewal of any permit or license, and who is at
2 least 18 years of age but less than 26 years of age, must be
3 registered in compliance with the requirements of the federal
4 Military Selective Service Act. The Secretary of State must
5 forward in an electronic format the necessary personal
6 information regarding the applicants identified in this
7 subsection (d) to the Selective Service System. The applicant's
8 signature on the application serves as an indication that the
9 applicant either has already registered with the Selective
10 Service System or that he is authorizing the Secretary to
11 forward to the Selective Service System the necessary
12 information for registration. The Secretary must notify the
13 applicant at the time of application that his signature
14 constitutes consent to registration with the Selective Service
15 System, if he is not already registered.

16 (Source: P.A. 92-117, eff. 1-1-02.)

17 (625 ILCS 5/6-107.4 new)

18 Sec. 6-107.4. Visual difference; driver's licenses; social
19 security numbers. The Secretary of State shall provide that
20 there shall be a clear and distinct visual difference between
21 driver's licenses issued to individuals without social
22 security numbers and driver's licenses issued to individuals
23 with social security numbers.

24 (625 ILCS 5/6-107.5 new)

25 Sec. 6-107.5. Ineligible applicants for Firearms Owner's
26 Identification Cards. To ensure compliance with the Firearm
27 Owners Identification Card Act, the Secretary of State shall,
28 in cooperation with the Illinois State Police, make rules to
29 establish administrative procedures for determining and
30 identifying ineligible Firearm Owner's Identification Card
31 applicants.

1 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
2 Sec. 6-118. Fees.

3 (a) The fee for licenses and permits under this Article is
4 as follows:

5 Original driver's license \$10

6 Original or renewal driver's license
7 issued to 18, 19 and 20 year olds 5

8 All driver's licenses for persons
9 age 69 through age 80 5

10 All driver's licenses for persons
11 age 81 through age 86 2

12 All driver's licenses for persons
13 age 87 or older 0

14 Renewal driver's license (except for
15 applicants ages 18, 19 and 20 or
16 age 69 and older)10

17 Original instruction permit issued to
18 persons (except those age 69 and older)
19 who do not hold or have not previously
20 held an Illinois instruction permit or
21 driver's license20

22 Instruction permit issued to any person
23 holding an Illinois driver's license
24 who wishes a change in classifications,
25 other than at the time of renewal 5

26 Any instruction permit issued to a person
27 age 69 and older 5

28 Instruction permit issued to any person,
29 under age 69, not currently holding a
30 valid Illinois driver's license or
31 instruction permit but who has
32 previously been issued either document
33 in Illinois10

34 Restricted driving permit 8

1 Duplicate or corrected driver's license
 2 or permit 5

3 Duplicate or corrected restricted
 4 driving permit 5

5 Original or renewal M or L endorsement..... 5

6 An original driver's license issued to a person who has not
 7 provided the Secretary with a social security number because
 8 the person is an immigrant and is not eligible to receive a
 9 social security number shall be subject to an additional fee of
 10 \$15 to cover the additional costs associated with issuing those
 11 driver's licenses.

12 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

13 The fees for commercial driver licenses and permits
 14 under Article V shall be as follows:

15 Commercial driver's license:

16 \$6 for the CDLIS/AAMVAnet Fund
 17 (Commercial Driver's License Information
 18 System/American Association of Motor Vehicle
 19 Administrators network Trust Fund);
 20 \$20 for the Motor Carrier Safety Inspection Fund;
 21 \$10 for the driver's license;
 22 and \$24 for the CDL: \$60

23 Renewal commercial driver's license:

24 \$6 for the CDLIS/AAMVAnet Trust Fund;
 25 \$20 for the Motor Carrier Safety Inspection Fund;
 26 \$10 for the driver's license; and
 27 \$24 for the CDL: \$60

28 Commercial driver instruction permit

29 issued to any person holding a valid
 30 Illinois driver's license for the
 31 purpose of changing to a
 32 CDL classification: \$6 for the
 33 CDLIS/AAMVAnet Trust Fund;
 34 \$20 for the Motor Carrier

1 Safety Inspection Fund; and
2 \$24 for the CDL classification \$50
3 Commercial driver instruction permit
4 issued to any person holding a valid
5 Illinois CDL for the purpose of
6 making a change in a classification,
7 endorsement or restriction\$5
8 CDL duplicate or corrected license\$5

9 In order to ensure the proper implementation of the Uniform
10 Commercial Driver License Act, Article V of this Chapter, the
11 Secretary of State is empowered to pro-rate the \$24 fee for the
12 commercial driver's license proportionate to the expiration
13 date of the applicant's Illinois driver's license.

14 The fee for any duplicate license or permit shall be waived
15 for any person age 60 or older who presents the Secretary of
16 State's office with a police report showing that his license or
17 permit was stolen.

18 No additional fee shall be charged for a driver's license,
19 or for a commercial driver's license, when issued to the holder
20 of an instruction permit for the same classification or type of
21 license who becomes eligible for such license.

22 (b) Any person whose license or privilege to operate a
23 motor vehicle in this State has been suspended or revoked under
24 any provision of Chapter 6, Chapter 11, or Section 7-205,
25 7-303, or 7-702 of the Family Financial Responsibility Law of
26 this Code, shall in addition to any other fees required by this
27 Code, pay a reinstatement fee as follows:

28 Summary suspension under Section 11-501.1 ...\$250 Other
29 suspension \$70
30 Revocation\$500

31 However, any person whose license or privilege to operate a
32 motor vehicle in this State has been suspended or revoked for a
33 second or subsequent time for a violation of Section 11-501 or
34 11-501.1 of this Code or a similar provision of a local

1 ordinance or a similar out-of-state offense or Section 9-3 of
 2 the Criminal Code of 1961 and each suspension or revocation was
 3 for a violation of Section 11-501 or 11-501.1 of this Code or a
 4 similar provision of a local ordinance or a similar
 5 out-of-state offense or Section 9-3 of the Criminal Code of
 6 1961 shall pay, in addition to any other fees required by this
 7 Code, a reinstatement fee as follows:

- 8 Summary suspension under Section 11-501.1\$500
- 9 Revocation\$500

10 (c) All fees collected under the provisions of this Chapter
 11 shall be paid into the Road Fund in the State Treasury except
 12 as follows:

13 1. The following amounts shall be paid into the Driver
 14 Education Fund:

- 15 (A) \$16 of the \$20 fee for an original driver's
- 16 instruction permit;
- 17 (B) \$5 of the ~~\$20~~ fee for an original driver's
- 18 license;
- 19 (C) \$5 of the ~~\$20~~ fee for a 4 year renewal driver's
- 20 license; and
- 21 (D) \$4 of the \$8 fee for a restricted driving
- 22 permit.

23 2. \$30 of the \$250 fee for reinstatement of a license
 24 summarily suspended under Section 11-501.1 shall be
 25 deposited into the Drunk and Drugged Driving Prevention
 26 Fund. However, for a person whose license or privilege to
 27 operate a motor vehicle in this State has been suspended or
 28 revoked for a second or subsequent time for a violation of
 29 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
 30 the Criminal Code of 1961, \$190 of the \$500 fee for
 31 reinstatement of a license summarily suspended under
 32 Section 11-501.1, and \$190 of the \$500 fee for
 33 reinstatement of a revoked license shall be deposited into
 34 the Drunk and Drugged Driving Prevention Fund.

1 3. \$6 of such original or renewal fee for a commercial
2 driver's license and \$6 of the commercial driver
3 instruction permit fee when such permit is issued to any
4 person holding a valid Illinois driver's license, shall be
5 paid into the CDLIS/AAMVAnet Trust Fund.

6 4. \$30 of the \$70 fee for reinstatement of a license
7 suspended under the Family Financial Responsibility Law
8 shall be paid into the Family Responsibility Fund.

9 5. The \$5 fee for each original or renewal M or L
10 endorsement shall be deposited into the Cycle Rider Safety
11 Training Fund.

12 6. \$20 of any original or renewal fee for a commercial
13 driver's license or commercial driver instruction permit
14 shall be paid into the Motor Carrier Safety Inspection
15 Fund.

16 7. The following amounts shall be paid into the General
17 Revenue Fund:

18 (A) \$190 of the \$250 reinstatement fee for a
19 summary suspension under Section 11-501.1;

20 (B) \$40 of the \$70 reinstatement fee for any other
21 suspension provided in subsection (b) of this Section;
22 and

23 (C) \$440 of the \$500 reinstatement fee for a first
24 offense revocation and \$310 of the \$500 reinstatement
25 fee for a second or subsequent revocation.

26 8. The entire amount of the additional fee of \$15 for
27 an original driver's license issued to an immigrant
28 ineligible to receive a social security number shall be
29 deposited into the Secretary of State Immigrant License
30 Fund.

31 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04.)

32 Section 97. Severability. The provisions of this Act are
33 severable under Section 1.31 of the Statute on Statutes.

1 Section 99. Effective date. This Act takes effect July 1,
2 2005.".