



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4269

Introduced 1/29/2004, by Ricca Slone

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that no identification card, Disabled Person Identification Card, or driver's license shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. Changes references to "name" and "address" to references to "legal name" and "residence address". Authorizes the Secretary of State to deny an application for an identification card or driver's permit and refuse to issue, renew, or allow the retention of any driver's license if he or she cannot verify the accuracy of information or documentation submitted by the applicant and to cancel or revoke an identification card issued if the holder fails to appear for the reissuance of a card issued in error. Requires any person whose legal name has changed to apply for a corrected identification card, driver's license or permit, or Commercial Driver's License within 30 days after the change. Provides that a person who has changed his or her residence address must notify the Secretary of State of the change in writing within 10 days after the change before he or she may obtain a corrected identification card. Provides that it is a violation of the Acts to possess, use, or allow to be used any materials, hardware, or software specifically designed for or primarily used in the manufacture, assembly, issuance, or authentication of an official Illinois Identification Card, Illinois Disabled Person Identification Card, driver's license, or permit issued by the Secretary of State. Sets forth restrictions on the release of personal information by the Secretary of State. Makes other changes. Effective January 1, 2005.

LRB093 03486 BDD 40425 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning identification.

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 amended
5 by changing Sections 4, 5, 6, 7, 11, 13, 14, 14A, 14B, and 14C
6 and by adding Section 1A as follows:

7 (15 ILCS 335/1A new)

8 Sec. 1A. Definitions. As used in this Act:

9 "Highly restricted personal information" means an
10 individual's photograph, signature, social security number,
11 and medical or disability information.

12 "Identification card making implement" means any material,
13 hardware, or software that is specifically designed for or
14 primarily used in the manufacture, assembly, issuance, or
15 authentication of an official identification card issued by the
16 Secretary of State.

17 "Fraudulent identification card" means any identification
18 card that purports to be an official identification card for
19 which a computerized number and file have not been created by
20 the Secretary of State, the United States Government or any
21 state or political subdivision thereof, or any governmental or
22 quasi-governmental organization. For the purpose of this Act,
23 any identification card that resembles an official
24 identification card in either size, color, photograph
25 location, or design or uses the word "official", "state",
26 "Illinois", or the name of any other state or political
27 subdivision thereof, or any governmental or quasi-governmental
28 organization individually or in any combination thereof to
29 describe or modify the term "identification card" or "I.D.
30 card" anywhere on the card, or uses a shape in the likeness of
31 Illinois or any other state on the photograph side of the card,
32 is deemed to be a fraudulent identification card unless the

1 words "This is not an official Identification Card", appear
2 prominently upon it in black colored lettering in 12 point type
3 on the photograph side of the card, and no such card shall be
4 smaller in size than 3 inches by 4 inches, and the photograph
5 shall be on the left side of the card only.

6 "Legal name" means the full given name and surname of an
7 individual as recorded at birth, recorded at marriage, or
8 deemed as the correct legal name for use in reporting income by
9 the Social Security Administration or the name as otherwise
10 established through legal action that appears on the associated
11 official document presented to the Secretary of State.

12 "Personally identifying information" means information
13 that identifies an individual, including his or her
14 identification card number, name, address (but not the 5-digit
15 zip code), and telephone number.

16 (15 ILCS 335/4) (from Ch. 124, par. 24)

17 Sec. 4. Identification Card.

18 (a) The Secretary of State shall issue a standard Illinois
19 Identification Card to any natural person who is a resident of
20 the State of Illinois who applies for such card, or renewal
21 thereof, or who applies for a standard Illinois Identification
22 Card upon release as a committed person on parole, mandatory
23 supervised release, final discharge, or pardon from the
24 Department of Corrections by submitting an identification card
25 issued by the Department of Corrections under Section 3-14-1 of
26 the Unified Code of Corrections, together with the prescribed
27 fees. No identification card shall be issued to any person who
28 holds a valid foreign state identification card, license, or
29 permit unless the person first surrenders to the Secretary of
30 State the valid foreign state identification card, license, or
31 permit. The card shall be prepared and supplied by the
32 Secretary of State and shall include a photograph of the
33 applicant. The applicant, upon receipt of a card and prior to
34 its use for any purpose, shall affix his signature thereon in
35 the space provided therefor. The Illinois Identification Card

1 may be used for identification purposes in any lawful situation
2 only by the person to whom it was issued. As used in this Act,
3 "photograph" means any color photograph or digitally produced
4 and captured image of an applicant for an identification card.
5 As used in this Act, "signature" means the name of a person as
6 written by that person and captured in a manner acceptable to
7 the Secretary of State.

8 (b) The Secretary of State shall issue a special Illinois
9 Identification Card, which shall be known as an Illinois
10 Disabled Person Identification Card, to any natural person who
11 is a resident of the State of Illinois, who is a disabled
12 person as defined in Section 4A of this Act, who applies for
13 such card, or renewal thereof. No Disabled Person
14 Identification Card shall be issued to any person who holds a
15 valid foreign state identification card, license, or permit
16 unless the person first surrenders to the Secretary of State
17 the valid foreign state identification card, license, or
18 permit. The Secretary of State shall charge no fee to issue
19 such card. The card shall be prepared and supplied by the
20 Secretary of State, and shall include a photograph of the
21 applicant, a designation indicating that the card is an
22 Illinois Disabled Person Identification Card, and shall
23 include a comprehensible designation of the type and
24 classification of the applicant's disability as set out in
25 Section 4A of this Act. If the applicant so requests, the card
26 shall include a description of the applicant's disability and
27 any information about the applicant's disability or medical
28 history which the Secretary determines would be helpful to the
29 applicant in securing emergency medical care. The applicant,
30 upon receipt of such a card and prior to its use for any
31 purpose, shall have affixed thereon in the space provided
32 therefor his signature or mark. If a mark is used in lieu of a
33 signature, such mark shall be affixed to the card in the
34 presence of two witnesses who attest to the authenticity of the
35 mark. The Illinois Disabled Person Identification Card may be
36 used for identification purposes in any lawful situation by the

1 person to whom it was issued.

2 The Illinois Disabled Person Identification Card may be
3 used as adequate documentation of disability in lieu of a
4 physician's determination of disability, a determination of
5 disability from a physician assistant who has been delegated
6 the authority to make this determination by his or her
7 supervising physician, a determination of disability from an
8 advanced practice nurse who has a written collaborative
9 agreement with a collaborating physician that authorizes the
10 advanced practice nurse to make this determination, or any
11 other documentation of disability whenever any State law
12 requires that a disabled person provide such documentation of
13 disability, however an Illinois Disabled Person Identification
14 Card shall not qualify the cardholder to participate in any
15 program or to receive any benefit which is not available to all
16 persons with like disabilities. Notwithstanding any other
17 provisions of law, an Illinois Disabled Person Identification
18 Card, or evidence that the Secretary of State has issued an
19 Illinois Disabled Person Identification Card, shall not be used
20 by any person other than the person named on such card to prove
21 that the person named on such card is a disabled person or for
22 any other purpose unless the card is used for the benefit of
23 the person named on such card, and the person named on such
24 card consents to such use at the time the card is so used.

25 When medical information is contained on an Illinois
26 Disabled Person Identification Card, the Office of the
27 Secretary of State shall not be liable for any actions taken
28 based upon that medical information.

29 (c) Beginning January 1, 1986, the Secretary of State shall
30 provide that each original or renewal Illinois Identification
31 Card or Illinois Disabled Person Identification Card issued to
32 a person under the age of 21, shall be of a distinct nature
33 from those Illinois Identification Cards or Illinois Disabled
34 Person Identification Cards issued to individuals 21 years of
35 age or older. The color designated for Illinois Identification
36 Cards or Illinois Disabled Person Identification Cards for

1 persons under the age of 21 shall be at the discretion of the
2 Secretary of State.

3 (c-1) Beginning January 1, 2003, each original or renewal
4 Illinois Identification Card or Illinois Disabled Person
5 Identification Card issued to a person under the age of 21
6 shall display the date upon which the person becomes 18 years
7 of age and the date upon which the person becomes 21 years of
8 age.

9 (d) The Secretary of State may issue a Senior Citizen
10 discount card, to any natural person who is a resident of the
11 State of Illinois who is 60 years of age or older and who
12 applies for such a card or renewal thereof. The Secretary of
13 State shall charge no fee to issue such card. The card shall be
14 issued in every county and applications shall be made available
15 at, but not limited to, nutrition sites, senior citizen centers
16 and Area Agencies on Aging. The applicant, upon receipt of such
17 card and prior to its use for any purpose, shall have affixed
18 thereon in the space provided therefor his signature or mark.

19 (Source: P.A. 92-240, eff. 1-1-02; 92-689, eff. 1-1-03; 93-182,
20 eff. 7-11-03.)

21 (15 ILCS 335/5) (from Ch. 124, par. 25)

22 Sec. 5. Applications. Any natural person who is a resident
23 of the State of Illinois, may file an application for an
24 identification card or for the renewal thereof, in a manner
25 prescribed by the Secretary. Each original application shall be
26 completed by the applicant in full and shall set forth the
27 legal name, residence address and zip code, social security
28 number, birth date, sex and a brief description of the
29 applicant. The applicant shall be photographed and he shall
30 also submit any other information as the Secretary may deem
31 necessary or such documentation as the Secretary may require to
32 determine the identity of the applicant. An applicant for a
33 disabled persons card must also submit with each original or
34 renewal application, on forms prescribed by the Secretary, such
35 documentation as the Secretary may require, establishing that

1 the applicant is a "disabled person" as defined in Section 4A
2 of this Act, and setting forth the applicant's type and class
3 of disability as set forth in Section 4A of this Act.

4 (Source: P.A. 89-569, eff. 1-1-97.)

5 (15 ILCS 335/6) (from Ch. 124, par. 26)

6 Sec. 6. Change of legal name or residence address.

7 (a) Any person whose legal name has changed from the name
8 on the card that he or she has been previously issued must
9 apply for a corrected card within 30 days after the change.

10 (b) Whenever a person holding a card has a change of his or
11 her residence address, he or she shall, within 10 days after
12 the change, notify the Secretary of State of the change in
13 writing, and he or she may then obtain a corrected card.

14 ~~Whenever a person holding a card moves, or has a change of~~
15 ~~name, such person shall within 10 days, notify the Secretary of~~
16 ~~State thereof, in writing, and he may then obtain a corrected~~
17 ~~card.~~

18 (Source: P.A. 79-1161.)

19 (15 ILCS 335/7) (from Ch. 124, par. 27)

20 Sec. 7. Duplicate and corrected cards.

21 (a) In the event an identification card is lost or
22 destroyed, or if there is a correction ~~change~~ of legal name or
23 residence address, or a change in the type or class of
24 disability of a holder of a disabled person card, the person
25 named on the card may apply for a duplicate or substitute card,
26 or for a corrected card. Any application for a corrected card
27 shall be accompanied by the original card being corrected.

28 (b) The Secretary of State, having issued an identification
29 card in error, may, upon written notice of at least 5 days to
30 the person, require the person to appear at a Driver Services
31 facility to have the identification card error corrected and a
32 new identification card issued. The failure of the person to
33 appear is grounds for cancellation of the person's
34 identification card under Section 13 of this Act.

1 (Source: P.A. 83-1421.)

2 (15 ILCS 335/11) (from Ch. 124, par. 31)

3 Sec. 11. The Secretary may make a search of his records and
4 furnish information as to whether a person has a current
5 Standard Illinois Identification Card or an Illinois Disabled
6 Person Identification Card then on file, upon receipt of a
7 written application therefor accompanied with the prescribed
8 fee. However, the Secretary may not disclose medical
9 information concerning an individual to any person, public
10 agency, private agency, corporation or governmental body
11 unless the individual has submitted a written request for the
12 information or unless the individual has given prior written
13 consent for the release of the information to a specific person
14 or entity. This exception shall not apply to: (1) offices and
15 employees of the Secretary who have a need to know the medical
16 information in performance of their official duties, or (2)
17 orders of a court of competent jurisdiction. When medical
18 information is disclosed by the Secretary in accordance with
19 the provisions of this Section, no liability shall rest with
20 the Office of the Secretary of State as the information is
21 released for informational purposes only.

22 The Secretary may release personally identifying
23 information or highly restricted personal information only to:

24 (1) officers and employees of the Secretary who have a
25 need to know that information;

26 (2) other governmental agencies for use in their
27 official governmental functions;

28 (3) law enforcement agencies that need the information
29 for a criminal or civil investigation; or

30 (4) any entity that the Secretary has authorized, by
31 rule, to receive this information.

32 The Secretary may not disclose an individual's social
33 security number or any associated information obtained from the
34 Social Security Administration without the written request or
35 consent of the individual except: (i) to officers and employees

1 of the Secretary who have a need to know the social security
2 number in the performance of their official duties; (ii) to law
3 enforcement officials for a lawful civil or criminal law
4 enforcement investigation if the head of the law enforcement
5 agency has made a written request to the Secretary specifying
6 the law enforcement investigation for which the social security
7 number is being sought; or (iii) under a lawful court order
8 signed by a judge.

9 (Source: P.A. 83-1421.)

10 (15 ILCS 335/13) (from Ch. 124, par. 33)

11 Sec. 13. Rejection, denial or revocations.

12 (a) The Secretary of State may reject or deny any
13 application if he:

14 1. is not satisfied with the genuineness, regularity or
15 legality of any application; or

16 2. has not been supplied with the required information; or

17 3. is not satisfied with the truth of any information or
18 documentation supplied by an applicant; or

19 4. determines that the applicant is not entitled to the
20 card as applied for; or

21 5. determines that any fraud was committed by the
22 applicant; or

23 6. determines that a signature is not valid or is a
24 forgery; or

25 7. determines that the applicant has not paid the
26 prescribed fee; or

27 8. determines that the applicant has falsely claimed to be
28 a disabled person as defined in Section 4A of this Act; or

29 9. cannot verify the accuracy of any information or
30 documentation submitted by the applicant.

31 (b) The Secretary of State may cancel or revoke any
32 identification card issued by him, upon determining that:

33 1. the holder is not legally entitled to the card; or

34 2. the applicant for the card made a false statement or
35 knowingly concealed a material fact in any application filed by

1 him under this Act; or

2 3. any person has displayed or represented as his own a
3 card not issued to him; or

4 4. any holder has permitted the display or use of his card
5 by any other person; or

6 5. that the signature of the applicant was forgery or that
7 the signature on the card is a forgery; or

8 6. a card has been used for any unlawful or fraudulent
9 purpose; or

10 7. a card has been altered or defaced; or

11 8. any card has been duplicated for any purpose; or

12 9. any card was utilized to counterfeit such cards; or

13 10. the holder of an Illinois Disabled Person
14 Identification Card is not a disabled person as defined in
15 Section 4A of this Act; or

16 11. the holder failed to appear at a Driver Services
17 facility for the reissuance of a card.

18 (c) The Secretary shall make a demand for return of any
19 card which has been cancelled or revoked, or issued in
20 violation of this Act, and every person to whom such demand is
21 addressed, shall promptly and without delay, return such card
22 to the Secretary pursuant to his instructions, or, he shall
23 surrender any such card to the Secretary or any agent of the
24 Secretary upon demand.

25 (d) The Secretary of State is authorized to take possession
26 of any Illinois Identification Card or Illinois Disabled Person
27 Identification Card which has been cancelled or revoked, or
28 which is blank, or which has been altered or defaced or
29 duplicated or which is counterfeit or contains a forgery; or
30 otherwise issued in violation of this Act.

31 (Source: P.A. 83-1421.)

32 (15 ILCS 335/14) (from Ch. 124, par. 34)

33 Sec. 14. Unlawful use of identification card.

34 (a) It is a violation of this Section for any person:

35 1. To possess, display, or cause to be displayed any

1 cancelled or revoked identification card;

2 2. To display or represent as the person's own any
3 identification card issued to another;

4 3. To allow any unlawful use of an identification card
5 issued to the person;

6 4. To lend an identification card to another or
7 knowingly allow the use thereof by another;

8 5. To fail or refuse to surrender to the Secretary of
9 State, the Secretary's agent or any peace officer upon
10 lawful demand, any identification card which has been
11 revoked or cancelled;

12 6. To knowingly possess, use, or allow to be used a
13 stolen identification card making implement.

14 (a-5) As used in this Section "identification card" means
15 any document made or issued by or under the authority of the
16 United States Government, the State of Illinois or any other
17 State or political subdivision thereof, or any governmental or
18 quasi-governmental organization that, when completed with
19 information concerning the individual, is of a type intended or
20 commonly accepted for the purpose of identifying the
21 individual.

22 (b) Sentence.

23 1. Any person convicted of a violation of this Section
24 shall be guilty of a Class A misdemeanor and shall be
25 sentenced to a minimum fine of \$500 or 50 hours of
26 community service, preferably at an alcohol abuse
27 prevention program, if available.

28 2. A person convicted of a second or subsequent
29 violation of this Section shall be guilty of a Class 4
30 felony.

31 (c) This Section does not prohibit any lawfully authorized
32 investigative, protective, law enforcement or other activity
33 of any agency of the United States, State of Illinois or any
34 other state or political subdivision thereof.

35 (Source: P.A. 88-210; 89-283, eff. 1-1-96.)

1 (15 ILCS 335/14A) (from Ch. 124, par. 34A)
2 Sec. 14A. Fictitious or unlawfully altered identification
3 card.

4 (a) As used in this Section:

5 1. "A fictitious identification card" means any issued
6 identification card for which a computerized number and
7 file have been created by the Secretary of State, the
8 United States Government, any other state or political
9 subdivision thereof, or any governmental or
10 quasi-governmental organization that contains false
11 information concerning the identity of the individual
12 issued the identification card;

13 2. "False information" means any information
14 concerning the legal name, sex, date of birth, social
15 security number or any photograph that falsifies all or in
16 part the actual identity of the individual issued the
17 identification card;

18 3. "An unlawfully altered identification card" means
19 any issued identification card for which a computerized
20 number and file have been created by the Secretary of
21 State, the United States Government, any other state or
22 political subdivision thereof, or any governmental or
23 quasi-governmental organization that has been physically
24 altered or changed in such a manner that false information
25 appears upon the identification card;

26 4. "A document capable of defrauding another"
27 includes, but is not limited to, any document by which any
28 right, obligation or power with reference to any person or
29 property may be created, transferred, altered or
30 terminated;

31 5. An "identification document" or "identification
32 card" means any document made or issued by or under the
33 authority of the United States Government, the State of
34 Illinois or any other state or political subdivision
35 thereof, or any other governmental or quasi-governmental
36 organization which, when completed with information

1 concerning the individual, is of a type intended or
2 commonly accepted for the purpose of identification of an
3 individual.

4 (b) It is a violation of this Section for any person:

5 1. To knowingly possess, display, or cause to be
6 displayed any fictitious or unlawfully altered
7 identification card;

8 2. To knowingly possess, display, or cause to be
9 displayed any fictitious or unlawfully altered
10 identification card for the purpose of obtaining any
11 account, credit, credit card or debit card from a bank,
12 financial institution or retail mercantile establishment;

13 3. To knowingly possess any fictitious or unlawfully
14 altered identification card with the intent to commit a
15 theft, deception or credit or debit card fraud in violation
16 of any law of this State or any law of any other
17 jurisdiction;

18 4. To knowingly possess any fictitious or unlawfully
19 altered identification card with the intent to commit any
20 other violation of any law of this State or any law of any
21 other jurisdiction for which a sentence to a term of
22 imprisonment in a penitentiary for one year or more is
23 provided;

24 5. To knowingly possess any fictitious or unlawfully
25 altered identification card while in unauthorized
26 possession of any document, instrument or device capable of
27 defrauding another;

28 6. To knowingly possess any fictitious or unlawfully
29 altered identification card with the intent to use the
30 identification card to acquire any other identification
31 document;

32 7. To knowingly issue or assist in the issuance of any
33 fictitious identification card;

34 8. To knowingly alter or attempt to alter any
35 identification card;

36 9. To knowingly manufacture, possess, transfer, or

1 provide any identification document whether real or
2 fictitious for the purpose of obtaining a fictitious
3 identification card;

4 10. To make application for the purpose of obtaining a
5 fictitious identification card for another person;

6 11. To obtain the services of another person to make
7 application for the purpose of obtaining a fictitious
8 identification card.

9 (c) Sentence.

10 1. Any person convicted of a violation of paragraph 1,
11 10, or 11 of subsection (b) of this Section shall be guilty
12 of a Class 4 felony. A person convicted of a second or
13 subsequent violation shall be guilty of a Class 3 felony
14 and shall be sentenced to a minimum fine of \$500 or 50
15 hours of community service, preferably at an alcohol abuse
16 prevention program, if available.

17 2. Any person convicted of a violation of paragraph 1
18 of subsection (b) of this Section who at the time of arrest
19 had in his possession two or more fictitious or unlawfully
20 altered identification cards shall be guilty of a Class 4
21 felony.

22 3. Any person convicted of a violation of paragraph 2
23 through 9 of subsection (b) of this Section shall be guilty
24 of a Class 4 felony. A person convicted of a second or
25 subsequent violation shall be guilty of a Class 3 felony.

26 (d) This Section does not prohibit any lawfully authorized
27 investigative, protective, law enforcement or other activity
28 of any agency of the United States, State of Illinois or any
29 other state or political subdivision thereof.

30 (Source: P.A. 89-283, eff. 1-1-96; 90-220, eff. 1-1-98.)

31 (15 ILCS 335/14B) (from Ch. 124, par. 34B)

32 Sec. 14B. Fraudulent identification card.

33 (a) (Blank). ~~As used in this Section:~~

34 1. ~~"A fraudulent identification card" means any~~
35 ~~identification card which purports to be an official~~

1 ~~identification card for which a computerized number and~~
2 ~~file have not been created by the Secretary of State, the~~
3 ~~United States Government or any state or political~~
4 ~~subdivision thereof, or any governmental or~~
5 ~~quasi governmental organization. For the purpose of this~~
6 ~~paragraph, any identification card which resembles an~~
7 ~~official identification card in either size, color,~~
8 ~~photograph location, or design or uses the word "official",~~
9 ~~"state", "Illinois", or the name of any other state or~~
10 ~~political subdivision thereof, or any governmental or~~
11 ~~quasi governmental organization individually or in any~~
12 ~~combination thereof to describe or modify the term~~
13 ~~"identification card" or "I.D. card" anywhere on the card,~~
14 ~~or uses a shape in the likeness of Illinois or any other~~
15 ~~state on the photograph side of the card, is deemed to be a~~
16 ~~fraudulent identification card unless the words "This is~~
17 ~~not an official Identification Card", appear prominently~~
18 ~~upon it in black colored lettering in 12 point type on the~~
19 ~~photograph side of the card, and no such card shall be~~
20 ~~smaller in size than 3 inches by 4 inches, and the~~
21 ~~photograph shall be on the left side of the card only.~~

22 ~~2. "A license making implement" means any implement~~
23 ~~specially designed or primarily used in the manufacture,~~
24 ~~assembly or authentication of any identification card~~
25 ~~issued by the Secretary of State, the United States~~
26 ~~Government, the State of Illinois or any other state or~~
27 ~~political subdivision of the state, or any governmental or~~
28 ~~quasi governmental organization. Such implements include,~~
29 ~~but are not limited to, cameras used for creating~~
30 ~~identification card photographs, camera cards, or~~
31 ~~identification card laminates.~~

32 (b) It is a violation of this Section for any person:

33 1. To knowingly possess, display, or cause to be
34 displayed any fraudulent identification card;

35 2. To knowingly possess, display or cause to be
36 displayed any fraudulent identification card for the

1 purpose of obtaining any account, credit, credit card or
2 debit card from a bank, financial institution or retail
3 mercantile establishment;

4 3. To knowingly possess any fraudulent identification
5 card with the intent to commit a theft, deception or credit
6 or debit card fraud in violation of any law of this State
7 or any law of any other jurisdiction;

8 4. To knowingly possess any fraudulent identification
9 card with the intent to commit any other violation of any
10 law of this State or any law of any other jurisdiction for
11 which a sentence to a term of imprisonment in a
12 penitentiary for one year or more is provided;

13 5. To knowingly possess any fraudulent identification
14 card while in unauthorized possession of any document,
15 instrument or device capable of defrauding another;

16 6. To knowingly possess any fraudulent identification
17 card with the intent to use the identification card to
18 acquire any other identification document;

19 7. To knowingly possess without authority any
20 identification card making ~~license-making~~ implement;

21 8. To knowingly possess any stolen identification card
22 making implement;

23 9. To knowingly duplicate, manufacture, sell or
24 transfer any fraudulent identification card;

25 10. To advertise or distribute any information or
26 materials that promote the selling, giving, or furnishing
27 of a fraudulent identification card.

28 (c) Sentence.

29 1. Any person convicted of a violation of paragraph 1
30 of subsection (b) of this Section shall be guilty of a
31 Class 4 felony and shall be sentenced to a minimum fine of
32 \$500 or 50 hours of community service, preferably at an
33 alcohol abuse prevention program, if available.

34 2. Any person convicted of a violation of any of
35 paragraphs 2 through 9 of subsection (b) of this Section

1 shall be guilty of a Class 4 felony. A person convicted of
2 a second or subsequent violation shall be guilty of a Class
3 3 felony.

4 3. Any person who violates paragraph 10 of subsection
5 (b) of this Section is guilty of a Class A misdemeanor.

6 (d) This Section does not prohibit any lawfully authorized
7 investigative, protective, law enforcement or other activity
8 of any agency of the United States, State of Illinois or any
9 other state or political subdivision thereof.

10 (e) The Secretary of State may request the Attorney General
11 to seek a restraining order in the circuit court against any
12 person who violates paragraph 10 of subsection (b) of this
13 Section by advertising fraudulent identification cards.

14 (Source: P.A. 91-357, eff. 7-29-99.)

15 (15 ILCS 335/14C) (from Ch. 124, par. 34C)

16 Sec. 14C. Making false application or affidavit.

17 (a) It is a violation of this Section for any person:

18 1. To display or present any document for the purpose
19 of making application for an Illinois Identification Card
20 or Illinois Disabled Person Identification Card knowing
21 that such document contains false information concerning
22 the identity of the applicant;

23 2. To accept or allow to be accepted any document
24 displayed or presented for the purpose of making
25 application for an Illinois Identification Card or
26 Illinois Disabled Person Identification Card knowing that
27 such document contains false information concerning the
28 identify of the applicant;

29 3. To knowingly make any false affidavit or swear or
30 affirm falsely to any matter or thing required by the terms
31 of this Act to be sworn to or affirmed.

32 (b) Sentence.

33 1. Any person convicted of a violation of this Section
34 shall be guilty of a Class 4 felony.

35 2. A person convicted of a second or subsequent

1 violation of this Section shall be guilty of a Class 3
2 felony.

3 (c) This Section does not prohibit any lawfully authorized
4 investigative, protective, law enforcement or other activity
5 of any agency of the United States, State of Illinois or any
6 other state or political subdivision thereof.

7 (d) The Secretary of State may confiscate any suspected
8 fraudulent, fictitious, or altered documents submitted by an
9 applicant in support of an application for an Illinois
10 Identification Card or Illinois Disabled Person Identification
11 Card.

12 (Source: P.A. 86-503.)

13 Section 10. The Illinois Vehicle Code is amended by
14 changing Sections 1-117.5, 1-159.2, 2-110, 2-111, 2-123,
15 6-101, 6-103, 6-106, 6-106.1, 6-110, 6-114, 6-116, 6-301.1,
16 6-301.2, 6-510, 6-511, 6-513 and adding Sections 1-125.9 and
17 1-137.5 as follows:

18 (625 ILCS 5/1-117.5)

19 Sec. 1-117.5. Driver's license or permit making implement.
20 Any material, hardware, or software that is implement specially
21 designed for or primarily used in the manufacture, assembly,
22 issuance, or authentication of an official driver's license or
23 permit issued by the Secretary of State ~~or other official~~
24 ~~driver's license agency in another jurisdiction. These~~
25 ~~implements include, but are not limited to, cameras used for~~
26 ~~creating driver's license captured images, camera cards, or~~
27 ~~driver's license or permit laminates.~~

28 (Source: P.A. 90-89, eff. 1-1-98.)

29 (625 ILCS 5/1-125.9 new)

30 Sec. 1-125.9. Highly restricted personal information. An
31 individual's photograph or image, signature, social security
32 number, and medical or disability information.

1 (625 ILCS 5/1-137.5 new)

2 Sec. 1-137.5. Legal name. The full given name and surname
3 of an individual as recorded at birth, recorded at marriage, or
4 deemed as the correct legal name for use in reporting income by
5 the Social Security Administration or the name as otherwise
6 established through legal action that appears on the associated
7 official document presented to the Secretary of State.

8

9 (625 ILCS 5/1-159.2)

10 Sec. 1-159.2. Personally identifying information.
11 Information that identifies an individual, including his or her
12 ~~photograph, social security number,~~ driver identification
13 number, name, address (but not the 5 digit zip code), and
14 telephone number, ~~and medical or disability information,~~ but
15 "personally identifying information" does not include
16 information on vehicular accidents, driving violations, and
17 driver's status.

18 (Source: P.A. 92-32, eff. 7-1-01.)

19 (625 ILCS 5/2-110) (from Ch. 95 1/2, par. 2-110)

20 Sec. 2-110. Authority to grant or refuse applications.

21 The Secretary of State shall examine and determine the
22 genuineness, regularity and legality of every application for
23 registration of a vehicle, for a certificate of title therefor,
24 and for a driver's license and of any other application
25 lawfully made to the Secretary of State, and may in all cases
26 make investigation and verify the information and the
27 authenticity of the documents submitted as may be deemed
28 necessary or require additional information, and shall reject
29 any such application if not satisfied of the genuineness,
30 regularity or legality thereof or the truth of any statement
31 contained therein, or for any other reason, when authorized by
32 law.

33 (Source: P.A. 76-1586.)

1 (625 ILCS 5/2-111) (from Ch. 95 1/2, par. 2-111)

2 Sec. 2-111. Seizure or confiscation of documents and
3 plates.

4 (a) The Secretary of State is authorized to take possession
5 of any certificate of title, registration card, permit,
6 license, registration plate, plates, person with disabilities
7 license plate or parking decal or device, or registration
8 sticker issued by him upon expiration, revocation,
9 cancellation or suspension thereof, or which is fictitious, or
10 which has been unlawfully or erroneously issued. Police
11 officers who have reasonable grounds to believe that any item
12 or items listed in this section should be seized shall request
13 the Secretary of State to take possession of such item or
14 items.

15 (b) The Secretary of State is authorized to confiscate any
16 suspected fraudulent, fictitious, or altered documents
17 submitted by an applicant in support of an application for a
18 driver's license or permit.

19 (Source: P.A. 90-106, eff. 1-1-98.)

20 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

21 Sec. 2-123. Sale and Distribution of Information.

22 (a) Except as otherwise provided in this Section, the
23 Secretary may make the driver's license, vehicle and title
24 registration lists, in part or in whole, and any statistical
25 information derived from these lists available to local
26 governments, elected state officials, state educational
27 institutions, and all other governmental units of the State and
28 Federal Government requesting them for governmental purposes.
29 The Secretary shall require any such applicant for services to
30 pay for the costs of furnishing such services and the use of
31 the equipment involved, and in addition is empowered to
32 establish prices and charges for the services so furnished and
33 for the use of the electronic equipment utilized.

34 (b) The Secretary is further empowered to and he may, in
35 his discretion, furnish to any applicant, other than listed in

1 subsection (a) of this Section, vehicle or driver data on a
2 computer tape, disk, other electronic format or computer
3 processable medium, or printout at a fixed fee of \$250 for
4 orders received before October 1, 2003 and \$500 for orders
5 received on or after October 1, 2003, in advance, and require
6 in addition a further sufficient deposit based upon the
7 Secretary of State's estimate of the total cost of the
8 information requested and a charge of \$25 for orders received
9 before October 1, 2003 and \$50 for orders received on or after
10 October 1, 2003, per 1,000 units or part thereof identified or
11 the actual cost, whichever is greater. The Secretary is
12 authorized to refund any difference between the additional
13 deposit and the actual cost of the request. This service shall
14 not be in lieu of an abstract of a driver's record nor of a
15 title or registration search. This service may be limited to
16 entities purchasing a minimum number of records as required by
17 administrative rule. The information sold pursuant to this
18 subsection shall be the entire vehicle or driver data list, or
19 part thereof. The information sold pursuant to this subsection
20 shall not contain personally identifying information unless
21 the information is to be used for one of the purposes
22 identified in subsection (f-5) of this Section. Commercial
23 purchasers of driver and vehicle record databases shall enter
24 into a written agreement with the Secretary of State that
25 includes disclosure of the commercial use of the information to
26 be purchased.

27 (c) Secretary of State may issue registration lists. The
28 Secretary of State shall compile and publish, at least
29 annually, a list of all registered vehicles. Each list of
30 registered vehicles shall be arranged serially according to the
31 registration numbers assigned to registered vehicles and shall
32 contain in addition the names and addresses of registered
33 owners and a brief description of each vehicle including the
34 serial or other identifying number thereof. Such compilation
35 may be in such form as in the discretion of the Secretary of
36 State may seem best for the purposes intended.

1 (d) The Secretary of State shall furnish no more than 2
2 current available lists of such registrations to the sheriffs
3 of all counties and to the chiefs of police of all cities and
4 villages and towns of 2,000 population and over in this State
5 at no cost. Additional copies may be purchased by the sheriffs
6 or chiefs of police at the fee of \$500 each or at the cost of
7 producing the list as determined by the Secretary of State.
8 Such lists are to be used for governmental purposes only.

9 (e) (Blank).

10 (e-1) (Blank).

11 (f) The Secretary of State shall make a title or
12 registration search of the records of his office and a written
13 report on the same for any person, upon written application of
14 such person, accompanied by a fee of \$5 for each registration
15 or title search. The written application shall set forth the
16 intended use of the requested information. No fee shall be
17 charged for a title or registration search, or for the
18 certification thereof requested by a government agency. The
19 report of the title or registration search shall not contain
20 personally identifying information unless the request for a
21 search was made for one of the purposes identified in
22 subsection (f-5) of this Section. The report of the title or
23 registration search shall not contain highly restricted
24 personal information unless specifically authorized by this
25 Code.

26 The Secretary of State shall certify a title or
27 registration record upon written request. The fee for
28 certification shall be \$5 in addition to the fee required for a
29 title or registration search. Certification shall be made under
30 the signature of the Secretary of State and shall be
31 authenticated by Seal of the Secretary of State.

32 The Secretary of State may notify the vehicle owner or
33 registrant of the request for purchase of his title or
34 registration information as the Secretary deems appropriate.

35 No information shall be released to the requestor until
36 expiration of a 10 day period. This 10 day period shall not

1 apply to requests for information made by law enforcement
2 officials, government agencies, financial institutions,
3 attorneys, insurers, employers, automobile associated
4 businesses, persons licensed as a private detective or firms
5 licensed as a private detective agency under the Private
6 Detective, Private Alarm, Private Security, and Locksmith Act
7 of 2004, who are employed by or are acting on behalf of law
8 enforcement officials, government agencies, financial
9 institutions, attorneys, insurers, employers, automobile
10 associated businesses, and other business entities for
11 purposes consistent with the Illinois Vehicle Code, the vehicle
12 owner or registrant or other entities as the Secretary may
13 exempt by rule and regulation.

14 Any misrepresentation made by a requestor of title or
15 vehicle information shall be punishable as a petty offense,
16 except in the case of persons licensed as a private detective
17 or firms licensed as a private detective agency which shall be
18 subject to disciplinary sanctions under Section 40-10 of the
19 Private Detective, Private Alarm, Private Security, and
20 Locksmith Act of 2004.

21 (f-5) The Secretary of State shall not disclose or
22 otherwise make available to any person or entity any personally
23 identifying information obtained by the Secretary of State in
24 connection with a driver's license, vehicle, or title
25 registration record unless the information is disclosed for one
26 of the following purposes:

27 (1) For use by any government agency, including any
28 court or law enforcement agency, in carrying out its
29 functions, or any private person or entity acting on behalf
30 of a federal, State, or local agency in carrying out its
31 functions.

32 (2) For use in connection with matters of motor vehicle
33 or driver safety and theft; motor vehicle emissions; motor
34 vehicle product alterations, recalls, or advisories;
35 performance monitoring of motor vehicles, motor vehicle
36 parts, and dealers; and removal of non-owner records from

1 the original owner records of motor vehicle manufacturers.

2 (3) For use in the normal course of business by a
3 legitimate business or its agents, employees, or
4 contractors, but only:

5 (A) to verify the accuracy of personal information
6 submitted by an individual to the business or its
7 agents, employees, or contractors; and

8 (B) if such information as so submitted is not
9 correct or is no longer correct, to obtain the correct
10 information, but only for the purposes of preventing
11 fraud by, pursuing legal remedies against, or
12 recovering on a debt or security interest against, the
13 individual.

14 (4) For use in research activities and for use in
15 producing statistical reports, if the personally
16 identifying information is not published, redisclosed, or
17 used to contact individuals.

18 (5) For use in connection with any civil, criminal,
19 administrative, or arbitral proceeding in any federal,
20 State, or local court or agency or before any
21 self-regulatory body, including the service of process,
22 investigation in anticipation of litigation, and the
23 execution or enforcement of judgments and orders, or
24 pursuant to an order of a federal, State, or local court.

25 (6) For use by any insurer or insurance support
26 organization or by a self-insured entity or its agents,
27 employees, or contractors in connection with claims
28 investigation activities, antifraud activities, rating, or
29 underwriting.

30 (7) For use in providing notice to the owners of towed
31 or impounded vehicles.

32 (8) For use by any person licensed as a private
33 detective or firm licensed as a private detective agency
34 under the Private Detective, Private Alarm, Private
35 Security, and Locksmith Act of 1993, private investigative
36 agency or security service licensed in Illinois for any

1 purpose permitted under this subsection.

2 (9) For use by an employer or its agent or insurer to
3 obtain or verify information relating to a holder of a
4 commercial driver's license that is required under chapter
5 313 of title 49 of the United States Code.

6 (10) For use in connection with the operation of
7 private toll transportation facilities.

8 (11) For use by any requester, if the requester
9 demonstrates it has obtained the written consent of the
10 individual to whom the information pertains.

11 (12) For use by members of the news media, as defined
12 in Section 1-148.5, for the purpose of newsgathering when
13 the request relates to the operation of a motor vehicle or
14 public safety.

15 (13) For any other use specifically authorized by law,
16 if that use is related to the operation of a motor vehicle
17 or public safety.

18 (f-6) The Secretary of State shall not disclose or
19 otherwise make available to any person or entity any highly
20 restricted personal information obtained by the Secretary of
21 State in connection with a driver's license, vehicle, or title
22 registration record unless specifically authorized by this
23 Code.

24 (g) 1. The Secretary of State may, upon receipt of a
25 written request and a fee of \$6 before October 1, 2003 and
26 a fee of \$12 on and after October 1, 2003, furnish to the
27 person or agency so requesting a driver's record. Such
28 document may include a record of: current driver's license
29 issuance information, except that the information on
30 judicial driving permits shall be available only as
31 otherwise provided by this Code; convictions; orders
32 entered revoking, suspending or cancelling a driver's
33 license or privilege; and notations of accident
34 involvement. All other information, unless otherwise
35 permitted by this Code, shall remain confidential.
36 Information released pursuant to a request for a driver's

1 record shall not contain personally identifying
2 information, unless the request for the driver's record was
3 made for one of the purposes set forth in subsection (f-5)
4 of this Section.

5 2. The Secretary of State shall not disclose or
6 otherwise make available to any person or entity any highly
7 restricted personal information obtained by the Secretary
8 of State in connection with a driver's license, vehicle, or
9 title registration record unless specifically authorized
10 by this Code. The Secretary of State may certify an
11 abstract of a driver's record upon written request
12 therefor. Such certification shall be made under the
13 signature of the Secretary of State and shall be
14 authenticated by the Seal of his office.

15 3. All requests for driving record information shall be
16 made in a manner prescribed by the Secretary and shall set
17 forth the intended use of the requested information.

18 The Secretary of State may notify the affected driver
19 of the request for purchase of his driver's record as the
20 Secretary deems appropriate.

21 No information shall be released to the requester until
22 expiration of a 10 day period. This 10 day period shall not
23 apply to requests for information made by law enforcement
24 officials, government agencies, financial institutions,
25 attorneys, insurers, employers, automobile associated
26 businesses, persons licensed as a private detective or
27 firms licensed as a private detective agency under the
28 Private Detective, Private Alarm, Private Security, and
29 Locksmith Act of 2004, who are employed by or are acting on
30 behalf of law enforcement officials, government agencies,
31 financial institutions, attorneys, insurers, employers,
32 automobile associated businesses, and other business
33 entities for purposes consistent with the Illinois Vehicle
34 Code, the affected driver or other entities as the
35 Secretary may exempt by rule and regulation.

36 Any misrepresentation made by a requestor of driver

1 information shall be punishable as a petty offense, except
2 in the case of persons licensed as a private detective or
3 firms licensed as a private detective agency which shall be
4 subject to disciplinary sanctions under Section 40-10 of
5 the Private Detective, Private Alarm, Private Security,
6 and Locksmith Act of 2004.

7 4. The Secretary of State may furnish without fee, upon
8 the written request of a law enforcement agency, any
9 information from a driver's record on file with the
10 Secretary of State when such information is required in the
11 enforcement of this Code or any other law relating to the
12 operation of motor vehicles, including records of
13 dispositions; documented information involving the use of
14 a motor vehicle; whether such individual has, or previously
15 had, a driver's license; and the address and personal
16 description as reflected on said driver's record.

17 5. Except as otherwise provided in this Section, the
18 Secretary of State may furnish, without fee, information
19 from an individual driver's record on file, if a written
20 request therefor is submitted by any public transit system
21 or authority, public defender, law enforcement agency, a
22 state or federal agency, or an Illinois local
23 intergovernmental association, if the request is for the
24 purpose of a background check of applicants for employment
25 with the requesting agency, or for the purpose of an
26 official investigation conducted by the agency, or to
27 determine a current address for the driver so public funds
28 can be recovered or paid to the driver, or for any other
29 purpose set forth in subsection (f-5) of this Section.

30 The Secretary may also furnish the courts a copy of an
31 abstract of a driver's record, without fee, subsequent to
32 an arrest for a violation of Section 11-501 or a similar
33 provision of a local ordinance. Such abstract may include
34 records of dispositions; documented information involving
35 the use of a motor vehicle as contained in the current
36 file; whether such individual has, or previously had, a

1 driver's license; and the address and personal description
2 as reflected on said driver's record.

3 6. Any certified abstract issued by the Secretary of
4 State or transmitted electronically by the Secretary of
5 State pursuant to this Section, to a court or on request of
6 a law enforcement agency, for the record of a named person
7 as to the status of the person's driver's license shall be
8 prima facie evidence of the facts therein stated and if the
9 name appearing in such abstract is the same as that of a
10 person named in an information or warrant, such abstract
11 shall be prima facie evidence that the person named in such
12 information or warrant is the same person as the person
13 named in such abstract and shall be admissible for any
14 prosecution under this Code and be admitted as proof of any
15 prior conviction or proof of records, notices, or orders
16 recorded on individual driving records maintained by the
17 Secretary of State.

18 7. Subject to any restrictions contained in the
19 Juvenile Court Act of 1987, and upon receipt of a proper
20 request and a fee of \$6 before October 1, 2003 and a fee of
21 \$12 on or after October 1, 2003, the Secretary of State
22 shall provide a driver's record to the affected driver, or
23 the affected driver's attorney, upon verification. Such
24 record shall contain all the information referred to in
25 paragraph 1 of this subsection (g) plus: any recorded
26 accident involvement as a driver; information recorded
27 pursuant to subsection (e) of Section 6-117 and paragraph
28 (4) of subsection (a) of Section 6-204 of this Code. All
29 other information, unless otherwise permitted by this
30 Code, shall remain confidential.

31 (h) The Secretary shall not disclose social security
32 numbers or any associated information obtained from the Social
33 Security Administration except pursuant to a written request
34 by, or with the prior written consent of, the individual
35 except: (1) to officers and employees of the Secretary who have
36 a need to know the social security numbers in performance of

1 their official duties, (2) to law enforcement officials for a
2 lawful, civil or criminal law enforcement investigation, and if
3 the head of the law enforcement agency has made a written
4 request to the Secretary specifying the law enforcement
5 investigation for which the social security numbers are being
6 sought, (3) to the United States Department of Transportation,
7 or any other State, pursuant to the administration and
8 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
9 (4) pursuant to the order of a court of competent jurisdiction,
10 or (5) to the Department of Public Aid for utilization in the
11 child support enforcement duties assigned to that Department
12 under provisions of the Public Aid Code after the individual
13 has received advanced meaningful notification of what
14 redisclosure is sought by the Secretary in accordance with the
15 federal Privacy Act.

16 (i) (Blank).

17 (j) Medical statements or medical reports received in the
18 Secretary of State's Office shall be confidential. No
19 confidential information may be open to public inspection or
20 the contents disclosed to anyone, except officers and employees
21 of the Secretary who have a need to know the information
22 contained in the medical reports and the Driver License Medical
23 Advisory Board, unless so directed by an order of a court of
24 competent jurisdiction.

25 (k) All fees collected under this Section shall be paid
26 into the Road Fund of the State Treasury, except that (i) for
27 fees collected before October 1, 2003, \$3 of the \$6 fee for a
28 driver's record shall be paid into the Secretary of State
29 Special Services Fund, (ii) for fees collected on and after
30 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
31 be paid into the Secretary of State Special Services Fund and
32 \$6 shall be paid into the General Revenue Fund, and (iii) for
33 fees collected on and after October 1, 2003, 50% of the amounts
34 collected pursuant to subsection (b) shall be paid into the
35 General Revenue Fund.

36 (l) (Blank).

1 (m) Notations of accident involvement that may be disclosed
2 under this Section shall not include notations relating to
3 damage to a vehicle or other property being transported by a
4 tow truck. This information shall remain confidential,
5 provided that nothing in this subsection (m) shall limit
6 disclosure of any notification of accident involvement to any
7 law enforcement agency or official.

8 (n) Requests made by the news media for driver's license,
9 vehicle, or title registration information may be furnished
10 without charge or at a reduced charge, as determined by the
11 Secretary, when the specific purpose for requesting the
12 documents is deemed to be in the public interest. Waiver or
13 reduction of the fee is in the public interest if the principal
14 purpose of the request is to access and disseminate information
15 regarding the health, safety, and welfare or the legal rights
16 of the general public and is not for the principal purpose of
17 gaining a personal or commercial benefit. The information
18 provided pursuant to this subsection shall not contain
19 personally identifying information unless the information is
20 to be used for one of the purposes identified in subsection
21 (f-5) of this Section.

22 (o) The redisclosure of personally identifying information
23 obtained pursuant to this Section is prohibited, except to the
24 extent necessary to effectuate the purpose for which the
25 original disclosure of the information was permitted.

26 (p) The Secretary of State is empowered to adopt rules to
27 effectuate this Section.

28 (Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32,
29 eff. 7-1-03; 93-438, eff. 8-5-03; revised 9-23-03.)

30 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

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

32 (a) No person, except those expressly exempted by Section
33 6-102, shall drive any motor vehicle upon a highway in this
34 State unless such person has a valid license or permit, or a
35 restricted driving permit, issued under the provisions of this

1 Act.

2 (b) No person shall drive a motor vehicle unless he holds a
3 valid license or permit, or a restricted driving permit issued
4 under the provisions of Section 6-205, 6-206, or 6-113 of this
5 Act. Any person to whom a license is issued under the
6 provisions of this Act must surrender to the Secretary of State
7 all valid licenses or permits. No drivers license shall be
8 issued to any person who holds a valid Foreign State license,
9 identification card, or permit unless such person first
10 surrenders to the Secretary of State any such valid Foreign
11 State license, identification card, or permit.

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 Section
27 who is also in violation of Section 7-601 of this Code relating
28 to mandatory insurance requirements and who, in violating this
29 Section, has caused death or personal injury to another person
30 is subject to forfeiture under Sections 36-1 and 36-2 of the
31 Criminal Code of 1961. For the purposes of this Section, a
32 personal injury shall include any type A injury as indicated on
33 the traffic accident report completed by a law enforcement
34 officer that requires immediate professional attention in
35 either a doctor's office or a medical facility. A type A injury
36 shall include severely bleeding wounds, distorted extremities,

1 and injuries that require the injured party to be carried from
2 the scene.

3 (Source: P.A. 93-187, eff. 7-11-03.)

4 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

5 Sec. 6-103. What persons shall not be licensed as drivers
6 or granted permits. The Secretary of State shall not issue,
7 renew, or allow the retention of any driver's license nor issue
8 any permit under this Code:

9 1. To any person, as a driver, who is under the age of
10 18 years except as provided in Section 6-107, and except
11 that an instruction permit may be issued under paragraphs
12 (a) and (b) of Section 6-105 to a child who is not less
13 than 15 years of age if the child is enrolled in an
14 approved driver education course as defined in Section
15 1-103 of this Code and requires an instruction permit to
16 participate therein, except that an instruction permit may
17 be issued under the provisions of Section 6-107.1 to a
18 child who is 17 years and 9 months of age without the child
19 having enrolled in an approved driver education course and
20 except that an instruction permit may be issued to a child
21 who is at least 15 years and 6 months of age, is enrolled
22 in school, meets the educational requirements of the Driver
23 Education Act, and has passed examinations the Secretary of
24 State in his or her discretion may prescribe;

25 2. To any person who is under the age of 18 as an
26 operator of a motorcycle other than a motor driven cycle
27 unless the person has, in addition to meeting the
28 provisions of Section 6-107 of this Code, successfully
29 completed a motorcycle training course approved by the
30 Illinois Department of Transportation and successfully
31 completes the required Secretary of State's motorcycle
32 driver's examination;

33 3. To any person, as a driver, whose driver's license
34 or permit has been suspended, during the suspension, nor to
35 any person whose driver's license or permit has been

1 revoked, except as provided in Sections 6-205, 6-206, and
2 6-208;

3 4. To any person, as a driver, who is a user of alcohol
4 or any other drug to a degree that renders the person
5 incapable of safely driving a motor vehicle;

6 5. To any person, as a driver, who has previously been
7 adjudged to be afflicted with or suffering from any mental
8 or physical disability or disease and who has not at the
9 time of application been restored to competency by the
10 methods provided by law;

11 6. To any person, as a driver, who is required by the
12 Secretary of State to submit an alcohol and drug evaluation
13 or take an examination provided for in this Code unless the
14 person has successfully passed the examination and
15 submitted any required evaluation;

16 7. To any person who is required under the provisions
17 of the laws of this State to deposit security or proof of
18 financial responsibility and who has not deposited the
19 security or proof;

20 8. To any person when the Secretary of State has good
21 cause to believe that the person by reason of physical or
22 mental disability would not be able to safely operate a
23 motor vehicle upon the highways, unless the person shall
24 furnish to the Secretary of State a verified written
25 statement, acceptable to the Secretary of State, from a
26 competent medical specialist to the effect that the
27 operation of a motor vehicle by the person would not be
28 inimical to the public safety;

29 9. To any person, as a driver, who is 69 years of age
30 or older, unless the person has successfully complied with
31 the provisions of Section 6-109;

32 10. To any person convicted, within 12 months of
33 application for a license, of any of the sexual offenses
34 enumerated in paragraph 2 of subsection (b) of Section
35 6-205;

36 11. To any person who is under the age of 21 years with

1 a classification prohibited in paragraph (b) of Section
2 6-104 and to any person who is under the age of 18 years
3 with a classification prohibited in paragraph (c) of
4 Section 6-104;

5 12. To any person who has been either convicted of or
6 adjudicated under the Juvenile Court Act of 1987 based upon
7 a violation of the Cannabis Control Act or the Illinois
8 Controlled Substances Act while that person was in actual
9 physical control of a motor vehicle. For purposes of this
10 Section, any person placed on probation under Section 10 of
11 the Cannabis Control Act or Section 410 of the Illinois
12 Controlled Substances Act shall not be considered
13 convicted. Any person found guilty of this offense, while
14 in actual physical control of a motor vehicle, shall have
15 an entry made in the court record by the judge that this
16 offense did occur while the person was in actual physical
17 control of a motor vehicle and order the clerk of the court
18 to report the violation to the Secretary of State as such.
19 The Secretary of State shall not issue a new license or
20 permit for a period of one year;

21 13. To any person who is under the age of 18 years and
22 who has committed the offense of operating a motor vehicle
23 without a valid license or permit in violation of Section
24 6-101;

25 14. To any person who is 90 days or more delinquent in
26 court ordered child support payments or has been
27 adjudicated in arrears in an amount equal to 90 days'
28 obligation or more and who has been found in contempt of
29 court for failure to pay the support, subject to the
30 requirements and procedures of Article VII of Chapter 7 of
31 the Illinois Vehicle Code; or

32 15. To any person released from a term of imprisonment
33 for violating Section 9-3 of the Criminal Code of 1961
34 relating to reckless homicide within 24 months of release
35 from a term of imprisonment ; or

36 16. To any person for whom the Secretary of State

1 cannot verify the accuracy of any information or
2 documentation submitted in application for a driver's
3 license.

4 The Secretary of State shall retain all conviction
5 information, if the information is required to be held
6 confidential under the Juvenile Court Act of 1987.

7 (Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04.)

8 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

10 (a) Every application for any permit or license authorized
11 to be issued under this Act shall be made upon a form furnished
12 by the Secretary of State. Every application shall be
13 accompanied by the proper fee and payment of such fee shall
14 entitle the applicant to not more than 3 attempts to pass the
15 examination within a period of 1 year after the date of
16 application.

17 (b) Every application shall state the legal name, social
18 security number, zip code, date of birth, sex, and residence
19 address of the applicant; briefly describe the applicant; state
20 whether the applicant has theretofore been licensed as a
21 driver, and, if so, when and by what state or country, and
22 whether any such license has ever been cancelled, suspended,
23 revoked or refused, and, if so, the date and reason for such
24 cancellation, suspension, revocation or refusal; shall include
25 an affirmation by the applicant that all information set forth
26 is true and correct; and shall bear the applicant's signature.
27 The application form may also require the statement of such
28 additional relevant information as the Secretary of State shall
29 deem necessary to determine the applicant's competency and
30 eligibility. The Secretary of State may in his discretion
31 substitute a federal tax number in lieu of a social security
32 number, or he may instead assign an additional distinctive
33 number in lieu thereof, where an applicant is prohibited by
34 bona fide religious convictions from applying or is exempt from
35 applying for a social security number. The Secretary of State

1 shall, however, determine which religious orders or sects have
2 such bona fide religious convictions. The Secretary of State
3 may, in his discretion, by rule or regulation, provide that an
4 application for a drivers license or permit may include a
5 suitable photograph of the applicant in the form prescribed by
6 the Secretary, and he may further provide that each drivers
7 license shall include a photograph of the driver. The Secretary
8 of State may utilize a photograph process or system most
9 suitable to deter alteration or improper reproduction of a
10 drivers license and to prevent substitution of another photo
11 thereon.

12 (c) The application form shall include a notice to the
13 applicant of the registration obligations of sex offenders
14 under the Sex Offender Registration Act. The notice shall be
15 provided in a form and manner prescribed by the Secretary of
16 State. For purposes of this subsection (c), "sex offender" has
17 the meaning ascribed to it in Section 2 of the Sex Offender
18 Registration Act.

19 (d) Any male United States citizen or immigrant who applies
20 for any permit or license authorized to be issued under this
21 Act or for a renewal of any permit or license, and who is at
22 least 18 years of age but less than 26 years of age, must be
23 registered in compliance with the requirements of the federal
24 Military Selective Service Act. The Secretary of State must
25 forward in an electronic format the necessary personal
26 information regarding the applicants identified in this
27 subsection (d) to the Selective Service System. The applicant's
28 signature on the application serves as an indication that the
29 applicant either has already registered with the Selective
30 Service System or that he is authorizing the Secretary to
31 forward to the Selective Service System the necessary
32 information for registration. The Secretary must notify the
33 applicant at the time of application that his signature
34 constitutes consent to registration with the Selective Service
35 System, if he is not already registered.

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

1 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

2 Sec. 6-106.1. School bus driver permit.

3 (a) The Secretary of State shall issue a school bus driver
4 permit to those applicants who have met all the requirements of
5 the application and screening process under this Section to
6 insure the welfare and safety of children who are transported
7 on school buses throughout the State of Illinois. Applicants
8 shall obtain the proper application required by the Secretary
9 of State from their prospective or current employer and submit
10 the completed application to the prospective or current
11 employer along with the necessary fingerprint submission as
12 required by the Department of State Police to conduct
13 fingerprint based criminal background checks on current and
14 future information available in the state system and current
15 information available through the Federal Bureau of
16 Investigation's system. Applicants who have completed the
17 fingerprinting requirements shall not be subjected to the
18 fingerprinting process when applying for subsequent permits or
19 submitting proof of successful completion of the annual
20 refresher course. Individuals who on the effective date of this
21 Act possess a valid school bus driver permit that has been
22 previously issued by the appropriate Regional School
23 Superintendent are not subject to the fingerprinting
24 provisions of this Section as long as the permit remains valid
25 and does not lapse. The applicant shall be required to pay all
26 related application and fingerprinting fees as established by
27 rule including, but not limited to, the amounts established by
28 the Department of State Police and the Federal Bureau of
29 Investigation to process fingerprint based criminal background
30 investigations. All fees paid for fingerprint processing
31 services under this Section shall be deposited into the State
32 Police Services Fund for the cost incurred in processing the
33 fingerprint based criminal background investigations. All
34 other fees paid under this Section shall be deposited into the
35 Road Fund for the purpose of defraying the costs of the

1 Secretary of State in administering this Section. All
2 applicants must:

3 1. be 21 years of age or older;

4 2. possess a valid and properly classified driver's
5 license issued by the Secretary of State;

6 3. possess a valid driver's license, which has not been
7 revoked, suspended, or canceled for 3 years immediately
8 prior to the date of application, or have not had his or
9 her commercial motor vehicle driving privileges
10 disqualified within the 3 years immediately prior to the
11 date of application;

12 4. successfully pass a written test, administered by
13 the Secretary of State, on school bus operation, school bus
14 safety, and special traffic laws relating to school buses
15 and submit to a review of the applicant's driving habits by
16 the Secretary of State at the time the written test is
17 given;

18 5. demonstrate ability to exercise reasonable care in
19 the operation of school buses in accordance with rules
20 promulgated by the Secretary of State;

21 6. demonstrate physical fitness to operate school
22 buses by submitting the results of a medical examination,
23 including tests for drug use for each applicant not subject
24 to such testing pursuant to federal law, conducted by a
25 licensed physician, an advanced practice nurse who has a
26 written collaborative agreement with a collaborating
27 physician which authorizes him or her to perform medical
28 examinations, or a physician assistant who has been
29 delegated the performance of medical examinations by his or
30 her supervising physician within 90 days of the date of
31 application according to standards promulgated by the
32 Secretary of State;

33 7. affirm under penalties of perjury that he or she has
34 not made a false statement or knowingly concealed a
35 material fact in any application for permit;

36 8. have completed an initial classroom course,

1 including first aid procedures, in school bus driver safety
2 as promulgated by the Secretary of State; and after
3 satisfactory completion of said initial course an annual
4 refresher course; such courses and the agency or
5 organization conducting such courses shall be approved by
6 the Secretary of State; failure to complete the annual
7 refresher course, shall result in cancellation of the
8 permit until such course is completed;

9 9. not have been convicted of 2 or more serious traffic
10 offenses, as defined by rule, within one year prior to the
11 date of application that may endanger the life or safety of
12 any of the driver's passengers within the duration of the
13 permit period;

14 10. not have been convicted of reckless driving,
15 driving while intoxicated, or reckless homicide resulting
16 from the operation of a motor vehicle within 3 years of the
17 date of application;

18 11. not have been convicted of committing or attempting
19 to commit any one or more of the following offenses: (i)
20 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,
21 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,
22 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15, 11-15.1, 11-16,
23 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
24 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
25 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-11,
26 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,
27 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,
28 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1, 31A-1.1, and
29 33A-2, and in subsection (a) and subsection (b), clause
30 (1), of Section 12-4 of the Criminal Code of 1961; (ii)
31 those offenses defined in the Cannabis Control Act except
32 those offenses defined in subsections (a) and (b) of
33 Section 4, and subsection (a) of Section 5 of the Cannabis
34 Control Act; (iii) those offenses defined in the Illinois
35 Controlled Substances Act; (iv) any offense committed or
36 attempted in any other state or against the laws of the

1 United States, which if committed or attempted in this
2 State would be punishable as one or more of the foregoing
3 offenses; (v) the offenses defined in Section 4.1 and 5.1
4 of the Wrongs to Children Act and (vi) those offenses
5 defined in Section 6-16 of the Liquor Control Act of 1934;

6 12. not have been repeatedly involved as a driver in
7 motor vehicle collisions or been repeatedly convicted of
8 offenses against laws and ordinances regulating the
9 movement of traffic, to a degree which indicates lack of
10 ability to exercise ordinary and reasonable care in the
11 safe operation of a motor vehicle or disrespect for the
12 traffic laws and the safety of other persons upon the
13 highway;

14 13. not have, through the unlawful operation of a motor
15 vehicle, caused an accident resulting in the death of any
16 person; and

17 14. not have, within the last 5 years, been adjudged to
18 be afflicted with or suffering from any mental disability
19 or disease.

20 (b) A school bus driver permit shall be valid for a period
21 specified by the Secretary of State as set forth by rule. It
22 shall be renewable upon compliance with subsection (a) of this
23 Section.

24 (c) A school bus driver permit shall contain the holder's
25 driver's license number, legal name, residence address, zip
26 code, social security number and date of birth, a brief
27 description of the holder and a space for signature. The
28 Secretary of State may require a suitable photograph of the
29 holder.

30 (d) The employer shall be responsible for conducting a
31 pre-employment interview with prospective school bus driver
32 candidates, distributing school bus driver applications and
33 medical forms to be completed by the applicant, and submitting
34 the applicant's fingerprint cards to the Department of State
35 Police that are required for the criminal background
36 investigations. The employer shall certify in writing to the

1 Secretary of State that all pre-employment conditions have been
2 successfully completed including the successful completion of
3 an Illinois specific criminal background investigation through
4 the Department of State Police and the submission of necessary
5 fingerprints to the Federal Bureau of Investigation for
6 criminal history information available through the Federal
7 Bureau of Investigation system. The applicant shall present the
8 certification to the Secretary of State at the time of
9 submitting the school bus driver permit application.

10 (e) Permits shall initially be provisional upon receiving
11 certification from the employer that all pre-employment
12 conditions have been successfully completed, and upon
13 successful completion of all training and examination
14 requirements for the classification of the vehicle to be
15 operated, the Secretary of State shall provisionally issue a
16 School Bus Driver Permit. The permit shall remain in a
17 provisional status pending the completion of the Federal Bureau
18 of Investigation's criminal background investigation based
19 upon fingerprinting specimens submitted to the Federal Bureau
20 of Investigation by the Department of State Police. The Federal
21 Bureau of Investigation shall report the findings directly to
22 the Secretary of State. The Secretary of State shall remove the
23 bus driver permit from provisional status upon the applicant's
24 successful completion of the Federal Bureau of Investigation's
25 criminal background investigation.

26 (f) A school bus driver permit holder shall notify the
27 employer and the Secretary of State if he or she is convicted
28 in another state of an offense that would make him or her
29 ineligible for a permit under subsection (a) of this Section.
30 The written notification shall be made within 5 days of the
31 entry of the conviction. Failure of the permit holder to
32 provide the notification is punishable as a petty offense for a
33 first violation and a Class B misdemeanor for a second or
34 subsequent violation.

35 (g) Cancellation; suspension; notice and procedure.

36 (1) The Secretary of State shall cancel a school bus

1 driver permit of an applicant whose criminal background
2 investigation discloses that he or she is not in compliance
3 with the provisions of subsection (a) of this Section.

4 (2) The Secretary of State shall cancel a school bus
5 driver permit when he or she receives notice that the
6 permit holder fails to comply with any provision of this
7 Section or any rule promulgated for the administration of
8 this Section.

9 (3) The Secretary of State shall cancel a school bus
10 driver permit if the permit holder's restricted commercial
11 or commercial driving privileges are withdrawn or
12 otherwise invalidated.

13 (4) The Secretary of State may not issue a school bus
14 driver permit for a period of 3 years to an applicant who
15 fails to obtain a negative result on a drug test as
16 required in item 6 of subsection (a) of this Section or
17 under federal law.

18 (5) The Secretary of State shall forthwith suspend a
19 school bus driver permit for a period of 3 years upon
20 receiving notice that the holder has failed to obtain a
21 negative result on a drug test as required in item 6 of
22 subsection (a) of this Section or under federal law.

23 The Secretary of State shall notify the State
24 Superintendent of Education and the permit holder's
25 prospective or current employer that the applicant has (1) has
26 failed a criminal background investigation or (2) is no longer
27 eligible for a school bus driver permit; and of the related
28 cancellation of the applicant's provisional school bus driver
29 permit. The cancellation shall remain in effect pending the
30 outcome of a hearing pursuant to Section 2-118 of this Code.
31 The scope of the hearing shall be limited to the issuance
32 criteria contained in subsection (a) of this Section. A
33 petition requesting a hearing shall be submitted to the
34 Secretary of State and shall contain the reason the individual
35 feels he or she is entitled to a school bus driver permit. The
36 permit holder's employer shall notify in writing to the

1 Secretary of State that the employer has certified the removal
2 of the offending school bus driver from service prior to the
3 start of that school bus driver's next workshift. An employing
4 school board that fails to remove the offending school bus
5 driver from service is subject to the penalties defined in
6 Section 3-14.23 of the School Code. A school bus contractor who
7 violates a provision of this Section is subject to the
8 penalties defined in Section 6-106.11.

9 All valid school bus driver permits issued under this
10 Section prior to January 1, 1995, shall remain effective until
11 their expiration date unless otherwise invalidated.

12 (Source: P.A. 91-500, eff. 8-13-99; 92-703, eff. 7-19-02.)

13 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

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

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

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

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

29 In lieu of the social security number, the Secretary may in
30 his discretion substitute a federal tax number or other
31 distinctive number.

32 A driver's license issued may, in the discretion of the
33 Secretary, include a suitable photograph of a type prescribed
34 by the Secretary.

35 (b) The Secretary of State shall provide a format on the

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

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

34 (e) The Secretary of State shall provide that each original
35 or renewal driver's license issued to a licensee under 21 years
36 of age shall be of a distinct nature from those driver's

1 licenses issued to individuals 21 years of age and older. The
2 color designated for driver's licenses for licensees under 21
3 years of age shall be at the discretion of the Secretary of
4 State.

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

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

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

30 (g-1) The Secretary of State, in his or her discretion, may
31 designate on each driver's license issued a space where the
32 licensee may place a sticker or decal, issued by the Secretary
33 of State, of uniform size as the Secretary may specify, that
34 shall indicate in appropriate language that the owner of the
35 license has renewed his or her driver's license.

36 (h) A person who acts in good faith in accordance with the

1 terms of this Section is not liable for damages in any civil
2 action or subject to prosecution in any criminal proceeding for
3 his or her act.

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

5 (625 ILCS 5/6-114) (from Ch. 95 1/2, par. 6-114)

6 Sec. 6-114. Duplicate and Corrected Licenses and Permits.

7 In the event that a drivers license or permit issued under
8 the provisions of this Act is lost or destroyed, the person to
9 whom the same was issued may upon application and payment of
10 the required fee obtain a duplicate or substitute thereof, upon
11 furnishing evidence satisfactory to the Secretary of State that
12 such permit or license has been lost or destroyed and if such
13 applicant is not then ineligible under Section 6-103 of this
14 Act. Any person to whom has been issued a drivers license or
15 permit under the provisions of this Act and who desires to
16 obtain a corrected permit or license to indicate a correction
17 ~~change~~ of legal name or residence address or to correct a
18 statement appearing upon the original permit or license may
19 upon application and payment of the required fee obtain a
20 corrected permit or license. The original permit or license
21 must accompany the application for correction or evidence must
22 be furnished satisfactory to the Secretary of State that such
23 permit or license has been lost or destroyed.

24 (Source: P.A. 76-1586.)

25 (625 ILCS 5/6-116) (from Ch. 95 1/2, par. 6-116)

26 Sec. 6-116. Notice of Change of Residence Address or Legal
27 Name.

28 (a) Whenever any person after applying for or receiving a
29 drivers license or permit moves from the residence address
30 named in such application or on the license or permit issued to
31 him ~~or when the name of a licensee or permittee is changed by~~
32 ~~marriage or otherwise~~ such person shall within 10 days
33 thereafter notify the Drivers Services Department of the
34 Secretary of State's Office in writing of his old and new

1 residence addresses ~~or of such former and new names~~ and of the
2 number of any license or permit then held by him. Such person
3 may obtain a corrected license or permit as provided in Section
4 6-114.

5 (b) Any person whose legal name has changed from the name
6 on the license or permit that he or she has been previously
7 issued must apply for a corrected card within 30 days after the
8 change.

9 (Source: P.A. 79-1141.)

10 (625 ILCS 5/6-301.1) (from Ch. 95 1/2, par. 6-301.1)

11 Sec. 6-301.1. Fictitious or unlawfully altered driver's
12 license or permit.

13 (a) As used in this Section:

14 1. "A fictitious driver's license or permit" means any
15 issued license or permit for which a computerized number
16 and file have been created by the Secretary of State or
17 other official driver's license agency in another
18 jurisdiction which contains false information concerning
19 the identity of the individual issued the license or
20 permit;

21 2. "False information" means any information
22 concerning the legal name, sex, date of birth, social
23 security number or any photograph that falsifies all or in
24 part the actual identity of the individual issued the
25 license or permit;

26 3. "An unlawfully altered driver's license or permit"
27 means any issued license or permit for which a computerized
28 number and file have been created by the Secretary of State
29 or other official driver's license agency in another
30 jurisdiction which has been physically altered or changed
31 in such a manner that false information appears upon the
32 license or permit;

33 4. "A document capable of defrauding another"
34 includes, but is not limited to, any document by which any
35 right, obligation or power with reference to any person or

1 property may be created, transferred, altered or
2 terminated;

3 5. "An identification document" means any document
4 made or issued by or under the authority of the United
5 States Government, the State of Illinois or any other state
6 or political subdivision thereof, or any other
7 governmental or quasi-governmental organization which,
8 when completed with information concerning the individual,
9 is of a type intended or commonly accepted for the purpose
10 of identification of an individual;

11 6. "Common carrier" means any public or private
12 provider of transportation, whether by land, air, or water.

13 (b) It is a violation of this Section for any person:

14 1. To knowingly possess any fictitious or unlawfully
15 altered driver's license or permit;

16 2. To knowingly possess, display or cause to be
17 displayed any fictitious or unlawfully altered driver's
18 license or permit for the purpose of obtaining any account,
19 credit, credit card or debit card from a bank, financial
20 institution or retail mercantile establishment;

21 3. To knowingly possess any fictitious or unlawfully
22 altered driver's license or permit with the intent to
23 commit a theft, deception or credit or debit card fraud in
24 violation of any law of this State or any law of any other
25 jurisdiction;

26 4. To knowingly possess any fictitious or unlawfully
27 altered driver's license or permit with the intent to
28 commit any other violation of any law of this State or any
29 law of any other jurisdiction for which a sentence to a
30 term of imprisonment in a penitentiary for one year or more
31 is provided;

32 5. To knowingly possess any fictitious or unlawfully
33 altered driver's license or permit while in possession
34 without authority of any document, instrument or device
35 capable of defrauding another;

1 6. To knowingly possess any fictitious or unlawfully
2 altered driver's license or permit with the intent to use
3 the license or permit to acquire any other identification
4 document;

5 7. To knowingly issue or assist in the issuance of any
6 fictitious driver's license or permit;

7 8. To knowingly alter or attempt to alter any driver's
8 license or permit;

9 9. To knowingly manufacture, possess, transfer or
10 provide any identification document whether real or
11 fictitious for the purpose of obtaining a fictitious
12 driver's license or permit;

13 10. To knowingly use any fictitious or unlawfully
14 altered driver's license or permit to purchase or attempt
15 to purchase any ticket for a common carrier or to board or
16 attempt to board any common carrier;

17 11. To knowingly possess any fictitious or unlawfully
18 altered driver's license or permit if the person has at the
19 time a different driver's license issued by the Illinois
20 Secretary of State or other official driver's license
21 agency in another jurisdiction that is suspended or
22 revoked.

23 (c) Sentence.

24 1. Any person convicted of a violation of paragraph 1
25 of subsection (b) of this Section shall be guilty of a
26 Class A misdemeanor and shall be sentenced to minimum fine
27 of \$500 or 50 hours of community service, preferably at an
28 alcohol abuse prevention program, if available. A person
29 convicted of a second or subsequent violation shall be
30 guilty of a Class 4 felony.

31 2. Any person convicted of a violation of paragraph 3
32 of subsection (b) of this Section who at the time of arrest
33 had in his possession two or more fictitious or unlawfully
34 altered driver's licenses or permits shall be guilty of a
35 Class 4 felony.

1 3. Any person convicted of a violation of any of
2 paragraphs 2 through 11 of subsection (b) of this Section
3 shall be guilty of a Class 4 felony. A person convicted of
4 a second or subsequent violation shall be guilty of a Class
5 3 felony.

6 (d) This Section does not prohibit any lawfully authorized
7 investigative, protective, law enforcement or other activity
8 of any agency of the United States, State of Illinois or any
9 other state or political subdivision thereof.

10 (Source: P.A. 92-673, eff. 1-1-03.)

11 (625 ILCS 5/6-301.2) (from Ch. 95 1/2, par. 6-301.2)

12 Sec. 6-301.2. Fraudulent driver's license or permit.

13 (a) (Blank).

14 (b) It is a violation of this Section for any person:

15 1. To knowingly possess any fraudulent driver's
16 license or permit;

17 2. To knowingly possess, display or cause to be
18 displayed any fraudulent driver's license or permit for the
19 purpose of obtaining any account, credit, credit card or
20 debit card from a bank, financial institution or retail
21 mercantile establishment;

22 3. To knowingly possess any fraudulent driver's
23 license or permit with the intent to commit a theft,
24 deception or credit or debit card fraud in violation of any
25 law of this State or any law of any other jurisdiction;

26 4. To knowingly possess any fraudulent driver's
27 license or permit with the intent to commit any other
28 violation of any laws of this State or any law of any other
29 jurisdiction for which a sentence to a term of imprisonment
30 in a penitentiary for one year or more is provided;

31 5. To knowingly possess any fraudulent driver's
32 license or permit while in unauthorized possession of any
33 document, instrument or device capable of defrauding
34 another;

35 6. To knowingly possess any fraudulent driver's

1 license or permit with the intent to use the license or
2 permit to acquire any other identification document;

3 7. To knowingly possess without authority any driver's
4 license-making or permit-making implement;

5 8. To knowingly possess any stolen driver's
6 license-making or permit-making implement or to possess,
7 use, or allow to be used any materials, hardware, or
8 software specifically designed for or primarily used in the
9 manufacture, assembly, issuance, or authentication of an
10 official driver's license or permit issued by the Secretary
11 of State;

12 9. To knowingly duplicate, manufacture, sell or
13 transfer any fraudulent driver's license or permit;

14 10. To advertise or distribute any information or
15 materials that promote the selling, giving, or furnishing
16 of a fraudulent driver's license or permit;

17 11. To knowingly use any fraudulent driver's license or
18 permit to purchase or attempt to purchase any ticket for a
19 common carrier or to board or attempt to board any common
20 carrier. As used in this Section, "common carrier" means
21 any public or private provider of transportation, whether
22 by land, air, or water;

23 12. To knowingly possess any fraudulent driver's
24 license or permit if the person has at the time a different
25 driver's license issued by the Secretary of State or
26 another official driver's license agency in another
27 jurisdiction that is suspended or revoked.

28 (c) Sentence.

29 1. Any person convicted of a violation of paragraph 1
30 of subsection (b) of this Section shall be guilty of a
31 Class 4 felony and shall be sentenced to a minimum fine of
32 \$500 or 50 hours of community service, preferably at an
33 alcohol abuse prevention program, if available.

34 2. Any person convicted of a violation of any of
35 paragraphs 2 through 9 or paragraph 11 or 12 of subsection
36 (b) of this Section shall be guilty of a Class 4 felony. A

1 person convicted of a second or subsequent violation shall
2 be guilty of a Class 3 felony.

3 3. Any person convicted of a violation of paragraph 10
4 of subsection (b) of this Section shall be guilty of a
5 Class B misdemeanor.

6 (d) This Section does not prohibit any lawfully authorized
7 investigative, protective, law enforcement or other activity
8 of any agency of the United States, State of Illinois or any
9 other state or political subdivision thereof.

10 (e) The Secretary may request the Attorney General to seek
11 a restraining order in the circuit court against any person who
12 violates this Section by advertising fraudulent driver's
13 licenses or permits.

14 (Source: P.A. 92-673, eff. 1-1-03.)

15 (625 ILCS 5/6-510) (from Ch. 95 1/2, par. 6-510)

16 Sec. 6-510. Application for Commercial Driver's License
17 (CDL).

18 (a) The application for a CDL or commercial driver
19 instruction permit, must include, but not necessarily be
20 limited to, the following:

21 (1) the full legal name and current Illinois
22 domiciliary address (unless the application is for a
23 Non-resident CDL) of the applicant;

24 (2) a physical description of the applicant including
25 sex, height, weight, color of eyes and hair color;

26 (3) date of birth;

27 (4) the applicant's social security number or other
28 identifying number acceptable to the Secretary of State;

29 (5) the applicant's signature;

30 (6) certifications required by 49 C.F.R. Part 383.71;

31 and

32 (7) any other information required by the Secretary of
33 State.

34 (Source: P.A. 86-845.)

1 (625 ILCS 5/6-511) (from Ch. 95 1/2, par. 6-511)

2 Sec. 6-511. Change of legal name or domiciliary address.

3 (a) All persons to whom a CDL has been issued, shall ~~must~~
4 notify the Driver Services Department of the Secretary of
5 State's Office within 10 days of any ~~name change or~~ change in
6 domiciliary address. In addition, such person shall make
7 application for a corrected CDL within 30 days of any such
8 change.

9 (b) Any person to whom a CDL has been issued whose legal
10 name has changed from the name on the previously-issued CDL
11 shall apply for a corrected card within 30 days after the
12 change.

13 (Source: P.A. 86-845.)

14 (625 ILCS 5/6-513) (from Ch. 95 1/2, par. 6-513)

15 Sec. 6-513. Commercial Driver's License or CDL. The content
16 of the CDL shall include, but not necessarily be limited to the
17 following:

18 (a) A CDL shall be distinctly marked "Commercial Driver's
19 License" or "CDL". It must include, but not necessarily be
20 limited to, the following information:

21 (1) the legal name and the Illinois domiciliary address
22 (unless it is a Non-resident CDL) of the person to whom the
23 CDL is issued;

24 (2) the person's color photograph;

25 (3) a physical description of the person including sex,
26 height, and may include weight, color of eyes and hair
27 color;

28 (4) date of birth;

29 (5) a CDL or file number assigned by the Secretary of
30 State;

31 (6) it also may include the applicant's Social Security
32 Number pursuant to Section 6-106;

33 (7) the person's signature;

34 (8) the class or type of commercial vehicle or vehicles
35 which the person is authorized to drive together with any

1 endorsements or restrictions;

2 (9) the name of the issuing state; and

3 (10) the issuance and expiration dates of the CDL.

4 (b) Applicant Record Check.

5 Prior to the issuance of a CDL, the Secretary of State
6 shall obtain and review the applicant's driving record as
7 required by the CMVSA and the United States Secretary of
8 Transportation.

9 (c) Notification of Commercial Driver's License (CDL)
10 Issuance.

11 Within 10 days after issuing a CDL, the Secretary of State
12 must notify the Commercial Driver License Information System of
13 that fact, and provide all information required to ensure
14 identification of the person.

15 (d) Renewal.

16 Every person applying for a renewal of a CDL must complete
17 the appropriate application form required by this Code and any
18 other test deemed necessary by the Secretary.

19 (Source: P.A. 86-845; 87-829; 87-832.)

20 Section 99. Effective date. This Act takes effect on
21 January 1, 2005.

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5	15 ILCS 335/5	from Ch. 124, par. 25
6	15 ILCS 335/6	from Ch. 124, par. 26
7	15 ILCS 335/7	from Ch. 124, par. 27
8	15 ILCS 335/11	from Ch. 124, par. 31
9	15 ILCS 335/13	from Ch. 124, par. 33
10	15 ILCS 335/14	from Ch. 124, par. 34
11	15 ILCS 335/14A	from Ch. 124, par. 34A
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14	625 ILCS 5/1-117.5	
15	625 ILCS 5/1-125.9 new	
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18	625 ILCS 5/2-110	from Ch. 95 1/2, par. 2-110
19	625 ILCS 5/2-111	from Ch. 95 1/2, par. 2-111
20	625 ILCS 5/2-123	from Ch. 95 1/2, par. 2-123
21	625 ILCS 5/6-101	from Ch. 95 1/2, par. 6-101
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