



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0129

Introduced 1/10/2005, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.640 new	
625 ILCS 5/2-119	from Ch. 95 1/2, par. 2-119
625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-107.4 new	
625 ILCS 5/6-107.5 new	
625 ILCS 5/6-118	from Ch. 95 1/2, par. 6-118

Amends the Illinois Vehicle Code and the State Finance Act. Provides that the Secretary of State shall issue a driver's license to an applicant who is an immigrant and ineligible for a social security number if the applicant has met specified requirements. Provides that the applicant must pay a higher fee for original issuance of a drivers license. Creates the Secretary of State Immigrant License Fund as a special fund in the State treasury. Provides that \$50 of the applicant's fee for original issuance of a driver's license shall be deposited into the fund. Provides that the Secretary of State shall, subject to appropriation, use the moneys deposited into the fund to pay for the additional costs of processing the applications of these applicants. Provides that the provision does not affect the issuance of commercial driver's licenses or school bus driver permits under the Vehicle Code or of State identification cards under the Illinois Identification Card Act. Provides that the Secretary of State shall provide that there shall be a clear and distinct visual difference between driver's licenses issued to individuals without social security numbers and driver's licenses issued to individuals with social security numbers. Provides that the Secretary of State shall, in conjunction with the Illinois State Police, establish administrative procedures for determining and identifying ineligible Firearm Owner's Identification Card applicants through information provided to the Secretary of State, through the driver's license application process, to ensure compliance with the Firearm Owners Identification Card Act. Makes other changes. Effective July 1, 2006.

LRB094 05150 DRH 35191 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning vehicles.

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

4 Section 5. The State Finance Act is amended by adding
5 Section 5.640 as follows:

6 (30 ILCS 105/5.640 new)

7 Sec. 5.640. The Secretary of State Immigrant License Fund.

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

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

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

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

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

24 Beginning January 1, 1995, of the money collected for each
25 certificate of title, duplicate certificate of title and
26 corrected certificate of title, \$2 shall be deposited in the
27 Park and Conservation Fund. The moneys deposited in the Park
28 and Conservation Fund pursuant to this Section shall be used
29 for the acquisition and development of bike paths as provided
30 for in Section 805-420 of the Department of Natural Resources

1 (Conservation) Law (20 ILCS 805/805-420).

2 Beginning January 1, 2000, of the moneys collected for each
3 certificate of title, duplicate certificate of title, and
4 corrected certificate of title, \$48 shall be deposited into the
5 Road Fund and \$4 shall be deposited into the Motor Vehicle
6 License Plate Fund, except that if the balance in the Motor
7 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
8 of a calendar month, then during the next calendar month the \$4
9 shall instead be deposited into the Road Fund.

10 Beginning January 1, 2005, of the moneys collected for each
11 delinquent vehicle registration renewal fee, \$20 shall be
12 deposited into the General Revenue Fund.

13 Except as otherwise provided in this Code, all remaining
14 moneys collected for certificates of title, and all moneys
15 collected for filing of security interests, shall be placed in
16 the General Revenue Fund in the State Treasury.

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

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

27 (e) Of the monies received by the Secretary of State as
28 registration fees or taxes or as payment of any other fee, as
29 provided in this Act, except fees received by the Secretary
30 under paragraph (7) of subsection (b) of Section 5-101 and
31 Section 5-109 of this Code, 37% shall be deposited into the
32 State Construction Fund.

33 (f) Of the total money collected for a CDL instruction
34 permit or original or renewal issuance of a commercial driver's
35 license (CDL) pursuant to the Uniform Commercial Driver's
36 License Act (UCDLA): (i) \$6 of the total fee for an original or

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

15 (g) All remaining moneys received by the Secretary of State
16 as registration fees or taxes or as payment of any other fee,
17 as provided in this Act, except fees received by the Secretary
18 under paragraph (7) (A) of subsection (b) of Section 5-101 and
19 Section 5-109 of this Code, shall be deposited in the Road Fund
20 in the State Treasury. Moneys in the Road Fund shall be used
21 for the purposes provided in Section 8.3 of the State Finance
22 Act.

23 (h) (Blank).

24 (i) (Blank).

25 (j) (Blank).

26 (k) There is created in the State Treasury a special fund
27 to be known as the Secretary of State Special License Plate
28 Fund. Money deposited into the Fund shall, subject to
29 appropriation, be used by the Office of the Secretary of State
30 (i) to help defray plate manufacturing and plate processing
31 costs for the issuance and, when applicable, renewal of any new
32 or existing registration plates authorized under this Code and
33 (ii) for grants made by the Secretary of State to benefit
34 Illinois Veterans Home libraries.

35 On or before October 1, 1995, the Secretary of State shall
36 direct the State Comptroller and State Treasurer to transfer

1 any unexpended balance in the Special Environmental License
2 Plate Fund, the Special Korean War Veteran License Plate Fund,
3 and the Retired Congressional License Plate Fund to the
4 Secretary of State Special License Plate Fund.

5 (l) The Motor Vehicle Review Board Fund is created as a
6 special fund in the State Treasury. Moneys deposited into the
7 Fund under paragraph (7) of subsection (b) of Section 5-101 and
8 Section 5-109 shall, subject to appropriation, be used by the
9 Office of the Secretary of State to administer the Motor
10 Vehicle Review Board, including without limitation payment of
11 compensation and all necessary expenses incurred in
12 administering the Motor Vehicle Review Board under the Motor
13 Vehicle Franchise Act.

14 (m) Effective July 1, 1996, there is created in the State
15 Treasury a special fund to be known as the Family
16 Responsibility Fund. Moneys deposited into the Fund shall,
17 subject to appropriation, be used by the Office of the
18 Secretary of State for the purpose of enforcing the Family
19 Financial Responsibility Law.

20 (n) The Illinois Fire Fighters' Memorial Fund is created as
21 a special fund in the State Treasury. Moneys deposited into the
22 Fund shall, subject to appropriation, be used by the Office of
23 the State Fire Marshal for construction of the Illinois Fire
24 Fighters' Memorial to be located at the State Capitol grounds
25 in Springfield, Illinois. Upon the completion of the Memorial,
26 moneys in the Fund shall be used in accordance with Section
27 3-634.

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

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

34 (q) The Secretary of State Immigrant License Fund is
35 created as a special fund in the State Treasury. Moneys
36 deposited into the fund shall, subject to appropriation, be

1 used by the Secretary of State to pay for the costs associated
2 with issuing a driver's license to an immigrant ineligible to
3 receive a social security number.

4 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840,
5 eff. 7-30-04.)

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

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

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

15 (b) Every application shall state the legal name, social
16 security number, zip code, date of birth, sex, and residence
17 address of the applicant; briefly describe the applicant; state
18 whether the applicant has theretofore been licensed as a
19 driver, and, if so, when and by what state or country, and
20 whether any such license has ever been cancelled, suspended,
21 revoked or refused, and, if so, the date and reason for such
22 cancellation, suspension, revocation or refusal; shall include
23 an affirmation by the applicant that all information set forth
24 is true and correct; and shall bear the applicant's signature.
25 The application form may also require the statement of such
26 additional relevant information as the Secretary of State shall
27 deem necessary to determine the applicant's competency and
28 eligibility.

29 (b-1) The Secretary of State may in his discretion
30 substitute a federal tax number in lieu of a social security
31 number, or he may instead assign an additional distinctive
32 number in lieu thereof, where an applicant is prohibited by
33 bona fide religious convictions from applying or is exempt from
34 applying for a social security number.

35 (b-2) The Secretary of State shall issue a driver's license

1 to an applicant who is an immigrant and ineligible for a social
2 security number if the applicant has (i) provided the Secretary
3 with an individual taxpayer identification number in lieu of a
4 social security number; (ii) filed with the Secretary, at the
5 time of application, an affidavit stating that the applicant is
6 an immigrant and not eligible for a social security number and
7 that the applicant will file an application to become a
8 permanent resident of the United States at the earliest
9 opportunity the applicant is eligible to do so; (iii) provided
10 a current foreign passport and a foreign birth certificate;
11 (iv) filed with the Secretary of State proof provided to the
12 applicant by the Illinois State Police that a set of the
13 applicant's fingerprints have been collected (costs associated
14 with this fingerprinting shall be paid by the applicant at the
15 time of collection); and (v) surrendered all illegally obtained
16 forms of driver's licenses or identification cards issued to
17 the applicant by the Secretary. The Secretary of State shall
18 provide to the Department of Revenue all information, including
19 the individual taxpayer identification number, captured on the
20 application. If the Department of Revenue determines that the
21 licensee is not in compliance with any applicable tax laws
22 administered by the Department of Revenue, the Department of
23 Revenue shall request that the Secretary of State suspend or
24 revoke the license. An applicant denied a driver's license
25 under this subsection (b-2) may seek review under the
26 Administrative Review Law. This amendatory Act of the 94th
27 General Assembly does not affect the issuance of any commercial
28 driver's license or school bus driver's permit under the
29 Illinois Vehicle Code or any identification card under the
30 Illinois Identification Card Act. A driver's license issued
31 under this subsection (b-2) may not be used to obtain a Firearm
32 Owner's Identification Card and may not be used to obtain a
33 driver's license in another state. A driver licensed under this
34 subsection (b-2) shall, within 30 days of receiving a license,
35 provide to the Secretary of State proof of insurance and is
36 subject to the mandatory insurance requirements of this Code.

1 (b-3) The Secretary may not issue a driver's license under
2 subsection (b-2) of this Section unless the applicant has
3 provided the Secretary with a digitally reproduced photograph
4 of the applicant and the digitally reproduced fingerprints of
5 the applicant. These digitally reproduced photographs and
6 fingerprints and all other information submitted by the
7 applicant are private and confidential and shall be used only
8 to determine whether the applicant is eligible for a driver's
9 license or has an outstanding felony arrest warrant.

10 (b-4) The Secretary of State shall, however, determine
11 which religious orders or sects have such bona fide religious
12 convictions. The Secretary of State may, in his discretion, by
13 rule or regulation, provide that an application for a drivers
14 license or permit may include a suitable photograph of the
15 applicant in the form prescribed by the Secretary, and he may
16 further provide that each drivers license shall include a
17 photograph of the driver. The Secretary of State may utilize a
18 photograph process or system most suitable to deter alteration
19 or improper reproduction of a drivers license and to prevent
20 substitution of another photo thereon.

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

28 (d) Any male United States citizen or immigrant who applies
29 for any permit or license authorized to be issued under this
30 Act or for a renewal of any permit or license, and who is at
31 least 18 years of age but less than 26 years of age, must be
32 registered in compliance with the requirements of the federal
33 Military Selective Service Act. The Secretary of State must
34 forward in an electronic format the necessary personal
35 information regarding the applicants identified in this
36 subsection (d) to the Selective Service System. The applicant's

1 signature on the application serves as an indication that the
 2 applicant either has already registered with the Selective
 3 Service System or that he is authorizing the Secretary to
 4 forward to the Selective Service System the necessary
 5 information for registration. The Secretary must notify the
 6 applicant at the time of application that his signature
 7 constitutes consent to registration with the Selective Service
 8 System, if he is not already registered.

9 (Source: P.A. 92-117, eff. 1-1-02; 93-895, eff. 1-1-05.)

10 (625 ILCS 5/6-107.4 new)

11 Sec. 6-107.4. Visual difference; driver's licenses; social
 12 security numbers. The Secretary of State shall provide that
 13 there shall be a clear and distinct visual difference between
 14 driver's licenses issued to individuals without social
 15 security numbers and driver's licenses issued to individuals
 16 with social security numbers.

17 (625 ILCS 5/6-107.5 new)

18 Sec. 6-107.5. Ineligible applicants for Firearm Owner's
 19 Identification Cards. To ensure compliance with the Firearm
 20 Owners Identification Card Act, the Secretary of State shall,
 21 in cooperation with the Illinois State Police, make rules to
 22 establish administrative procedures for determining and
 23 identifying ineligible Firearm Owner's Identification Card
 24 applicants.

25 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

26 Sec. 6-118. Fees.

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

29	Original driver's license	\$10
30	Original or renewal driver's license	
31	issued to 18, 19 and 20 year olds	5
32	All driver's licenses for persons	
33	age 69 through age 80	5

1 All driver's licenses for persons
2 age 81 through age 86 2
3 All driver's licenses for persons
4 age 87 or older 0
5 Renewal driver's license (except for
6 applicants ages 18, 19 and 20 or
7 age 69 and older) 10
8 Original instruction permit issued to
9 persons (except those age 69 and older)
10 who do not hold or have not previously
11 held an Illinois instruction permit or
12 driver's license 20
13 Instruction permit issued to any person
14 holding an Illinois driver's license
15 who wishes a change in classifications,
16 other than at the time of renewal 5
17 Any instruction permit issued to a person
18 age 69 and older 5
19 Instruction permit issued to any person,
20 under age 69, not currently holding a
21 valid Illinois driver's license or
22 instruction permit but who has
23 previously been issued either document
24 in Illinois 10
25 Restricted driving permit 8
26 Duplicate or corrected driver's license
27 or permit 5
28 Duplicate or corrected restricted
29 driving permit 5
30 Original or renewal M or L endorsement 5
31 An original driver's license issued to a person who has not
32 provided the Secretary with a social security number because
33 the person is an immigrant and is not eligible to receive a
34 social security number shall be subject to an additional fee of
35 \$15 to cover the additional costs associated with issuing those
36 driver's licenses.

1 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

4 Commercial driver's license:

5 \$6 for the CDLIS/AAMVAnet Fund
6 (Commercial Driver's License Information
7 System/American Association of Motor Vehicle
8 Administrators network Trust Fund);
9 \$20 for the Motor Carrier Safety Inspection Fund;
10 \$10 for the driver's license;
11 and \$24 for the CDL: \$60

12 Renewal commercial driver's license:

13 \$6 for the CDLIS/AAMVAnet Trust Fund;
14 \$20 for the Motor Carrier Safety Inspection Fund;
15 \$10 for the driver's license; and
16 \$24 for the CDL: \$60

17 Commercial driver instruction permit

18 issued to any person holding a valid
19 Illinois driver's license for the
20 purpose of changing to a
21 CDL classification: \$6 for the
22 CDLIS/AAMVAnet Trust Fund;
23 \$20 for the Motor Carrier
24 Safety Inspection Fund; and
25 \$24 for the CDL classification \$50

26 Commercial driver instruction permit

27 issued to any person holding a valid
28 Illinois CDL for the purpose of
29 making a change in a classification,
30 endorsement or restriction \$5

31 CDL duplicate or corrected license \$5

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

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

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

9 (b) Any person whose license or privilege to operate a
10 motor vehicle in this State has been suspended or revoked under
11 any provision of Chapter 6, Chapter 11, or Section 7-205,
12 7-303, or 7-702 of the Family Financial Responsibility Law of
13 this Code, shall in addition to any other fees required by this
14 Code, pay a reinstatement fee as follows:

15	Summary suspension under Section 11-501.1	\$250
16	Other suspension	\$70
17	Revocation	\$500

18 However, any person whose license or privilege to operate a
19 motor vehicle in this State has been suspended or revoked for a
20 second or subsequent time for a violation of Section 11-501 or
21 11-501.1 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense or Section 9-3 of
23 the Criminal Code of 1961 and each suspension or revocation was
24 for a violation of Section 11-501 or 11-501.1 of this Code or a
25 similar provision of a local ordinance or a similar
26 out-of-state offense or Section 9-3 of the Criminal Code of
27 1961 shall pay, in addition to any other fees required by this
28 Code, a reinstatement fee as follows:

29	Summary suspension under Section 11-501.1	\$500
30	Revocation	\$500

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

34 1. The following amounts shall be paid into the Driver
35 Education Fund:

36 (A) \$16 of the \$20 fee for an original driver's

1 instruction permit;

2 (B) \$5 of the \$10 fee for an original driver's
3 license;

4 (C) \$5 of the \$10 fee for a 4 year renewal driver's
5 license; and

6 (D) \$4 of the \$8 fee for a restricted driving
7 permit.

8 2. \$30 of the \$250 fee for reinstatement of a license
9 summarily suspended under Section 11-501.1 shall be
10 deposited into the Drunk and Drugged Driving Prevention
11 Fund. However, for a person whose license or privilege to
12 operate a motor vehicle in this State has been suspended or
13 revoked for a second or subsequent time for a violation of
14 Section 11-501 or 11-501.1 of this Code or Section 9-3 of
15 the Criminal Code of 1961, \$190 of the \$500 fee for
16 reinstatement of a license summarily suspended under
17 Section 11-501.1, and \$190 of the \$500 fee for
18 reinstatement of a revoked license shall be deposited into
19 the Drunk and Drugged Driving Prevention Fund.

20 3. \$6 of such original or renewal fee for a commercial
21 driver's license and \$6 of the commercial driver
22 instruction permit fee when such permit is issued to any
23 person holding a valid Illinois driver's license, shall be
24 paid into the CDLIS/AAMVAnet Trust Fund.

25 4. \$30 of the \$70 fee for reinstatement of a license
26 suspended under the Family Financial Responsibility Law
27 shall be paid into the Family Responsibility Fund.

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

31 6. \$20 of any original or renewal fee for a commercial
32 driver's license or commercial driver instruction permit
33 shall be paid into the Motor Carrier Safety Inspection
34 Fund.

35 7. The following amounts shall be paid into the General
36 Revenue Fund:

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

3 (B) \$40 of the \$70 reinstatement fee for any other
4 suspension provided in subsection (b) of this Section;
5 and

6 (C) \$440 of the \$500 reinstatement fee for a first
7 offense revocation and \$310 of the \$500 reinstatement
8 fee for a second or subsequent revocation.

9 8. The entire amount of the additional fee of \$15 for
10 an original driver's license issued to an immigrant
11 ineligible to receive a social security number shall be
12 deposited into the Secretary of State Immigrant License
13 Fund.

14 (Source: P.A. 92-458, eff. 8-22-01; 93-32, eff. 1-1-04; 93-788,
15 eff. 1-1-05.)

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

18 Section 99. Effective date. This Act takes effect July 1,
19 2006.