

1 AN ACT concerning transportation.

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

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.663 as follows:

6 (30 ILCS 105/5.663 new)

7 Sec. 5.663. The Secretary of State Immigrant Driver's  
8 Certificate Fund.

9 Section 10. The Illinois Vehicle Code is amended by  
10 changing Sections 2-119, 6-106, and 6-118 and by adding Section  
11 6-107.4 as follows:

12 (625 ILCS 5/2-119) (from Ch. 95 1/2, par. 2-119)

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

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

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

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

1 for in Section 805-420 of the Department of Natural Resources  
2 (Conservation) Law (20 ILCS 805/805-420).

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

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

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

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

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

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

34 (f) Of the total money collected for a CDL instruction  
35 permit or original or renewal issuance of a commercial driver's  
36 license (CDL) pursuant to the Uniform Commercial Driver's

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

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

24 (h) (Blank).

25 (i) (Blank).

26 (j) (Blank).

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

36 On or before October 1, 1995, the Secretary of State shall

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

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

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

21 (n) The Illinois Fire Fighters' Memorial Fund is created as  
22 a special fund in the State Treasury. Moneys deposited into the  
23 Fund shall, subject to appropriation, be used by the Office of  
24 the State Fire Marshal for construction of the Illinois Fire  
25 Fighters' Memorial to be located at the State Capitol grounds  
26 in Springfield, Illinois. Upon the completion of the Memorial,  
27 moneys in the Fund shall be used in accordance with Section  
28 3-634.

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

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

35 (q) The Secretary of State Immigrant Driver's Certificate  
36 Fund is created as a special fund in the State treasury. Moneys

1 deposited into the fund shall, subject to appropriation, be  
2 used by the Secretary of State to pay for the increased costs  
3 associated with immigrant applicants for driver's certificates  
4 issued under subsection (b-2) of Section 6-106 and costs  
5 associated with specialized verification procedures regarding  
6 those applicants.

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

9 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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

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

32 (b-1) The Secretary of State may in his discretion  
33 substitute a federal tax number in lieu of a social security  
34 number, or he may instead assign an additional distinctive  
35 number in lieu thereof, where an applicant is prohibited by

1 bona fide religious convictions from applying or is exempt from  
2 applying for a social security number. The Secretary of State  
3 shall, however, determine which religious orders or sects have  
4 such bona fide religious convictions.

5 (b-2) In compliance with the federal REAL ID Act, Division  
6 B of Public Law 109-13, the Secretary of State may issue a  
7 driver's certificate that shall (i) clearly state on its face  
8 that it may not be accepted by any federal agency for any  
9 federal identification or other official purpose ("official  
10 purpose" being defined under Section 201 of the federal REAL ID  
11 Act) and (ii) use a unique design or color indicator that shall  
12 visually distinguish such certificates from driver's licenses  
13 and permits issued under the Illinois Vehicle Code so as to  
14 alert federal agency and other law enforcement personnel that  
15 such certificates may not be accepted for any such purpose.

16 A driver's certificate may be issued under this subsection  
17 (b-2) to an applicant who is an immigrant residing in this  
18 State, is ineligible to obtain a social security number, and is  
19 ineligible to receive a driver's license under Section 6-105.1  
20 of this Act.

21 Any applicant for a driver's certificate issued under this  
22 subsection (b-2) must:

23 (1) provide the Secretary with a valid individual tax  
24 identification number issued by the federal Internal  
25 Revenue Service;

26 (2) file with the Secretary, at the time of  
27 application, an affidavit stating that the applicant will  
28 file an application to become a permanent resident of the  
29 United States at the earliest opportunity the applicant is  
30 eligible to do so;

31 (3) provide a valid foreign passport and any additional  
32 documents, as the Secretary may set forth by administrative  
33 rule, such that the passport and additional documents in  
34 combination shall include the following:

35 (A) a photo identity document, except that a  
36 non-photo identity document is acceptable if it

1 includes both the person's full legal name and date of  
2 birth;

3 (B) documentation showing the person's date of  
4 birth; and

5 (C) documentation showing the person's name  
6 and address of principal residence; provided that the  
7 Secretary shall not accept any foreign document, other  
8 than a valid official passport, for purposes of this  
9 subparagraph; and provided further that the Secretary  
10 shall verify, with the issuing agency, the issuance,  
11 validity, and completeness of each document presented  
12 by the applicant to satisfy the requirements of this  
13 subsection (b-2);

14 (4) file with the Secretary of State proof provided to  
15 the applicant by the Illinois State Police that a set of  
16 the applicant's fingerprints has been collected (costs  
17 associated with this fingerprinting shall be paid by the  
18 applicant at the time of collection); and

19 (5) surrender all illegally obtained forms of drivers  
20 licenses or State identification cards issued to the  
21 applicant by the Secretary. Relinquishment of State issued  
22 identification shall be handled by the Secretary at his or  
23 her discretion, provided that no applicant shall thereupon  
24 be subject to civil or criminal prosecution for the  
25 acquisition, possession, use, or distribution of such  
26 documents, and provided further that the Secretary shall  
27 destroy any such relinquished documents and shall not  
28 maintain any records of such documents.

29 The Secretary of State shall provide to the United States  
30 Department of Revenue all information, including the  
31 individual tax identification number, captured on the  
32 application. If the United States Department of Revenue  
33 determines that an individual to whom a driver's certificate  
34 was issued is not in compliance with any applicable tax laws  
35 administered by the United States Department of Revenue, the  
36 United States Department of Revenue shall request that the

1 Secretary of State suspend or revoke the certificate.

2 A person denied a driver's certificate under this  
3 subsection (b-2) may seek review under the Administrative  
4 Review Law. This amendatory Act of the 94th General Assembly  
5 does not affect the issuance of any commercial driver's license  
6 or school bus driver's permit under the Illinois Vehicle Code  
7 or any State identification card under the Illinois  
8 Identification Card Act. A driver's certificate issued under  
9 this subsection (b-2) may not be used to obtain a Firearm  
10 Owner's Identification Card and may not be used to obtain a  
11 driver's license in another state. A driver issued a driver's  
12 certificate under this subsection (b-2) shall, within 30 days  
13 of receiving the certificate, provide to the Secretary of State  
14 proof of insurance. The holder of a driver's certificate is  
15 subject to the mandatory insurance requirements of this Code.

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

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

32 (d) Any male United States citizen or immigrant who applies  
33 for any permit or license authorized to be issued under this  
34 Act or for a renewal of any permit or license, and who is at  
35 least 18 years of age but less than 26 years of age, must be  
36 registered in compliance with the requirements of the federal



1 Military Selective Service Act. The Secretary of State must  
 2 forward in an electronic format the necessary personal  
 3 information regarding the applicants identified in this  
 4 subsection (d) to the Selective Service System. The applicant's  
 5 signature on the application serves as an indication that the  
 6 applicant either has already registered with the Selective  
 7 Service System or that he is authorizing the Secretary to  
 8 forward to the Selective Service System the necessary  
 9 information for registration. The Secretary must notify the  
 10 applicant at the time of application that his signature  
 11 constitutes consent to registration with the Selective Service  
 12 System, if he is not already registered.

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

14 (625 ILCS 5/6-107.4 new)

15 Sec. 6-107.4. Driver's license applicants who are  
 16 ineligible for Firearm Owner's Identification Cards. The  
 17 Secretary of State shall, in conjunction with the Illinois  
 18 State Police, establish administrative procedures for  
 19 determining and identifying ineligible Firearm Owner's  
 20 Identification Card applicants, using information provided to  
 21 the Secretary of State through the driver's license application  
 22 process, to ensure compliance with the Firearm Owners  
 23 Identification Card Act.

24 (625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)

25 Sec. 6-118. Fees.

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

28 Original driver's license issued to a person who has  
 29 provided the Secretary with his or her social security number  
 30 or to a person who has not provided a social security number  
 31 for religious reasons or because he or she is exempt from  
 32 applying for a social security number ..... \$10

33 Original or renewal driver's license  
 34 issued to 18, 19 and 20 year olds ..... 5

1 All driver's licenses for persons

2 age 69 through age 80 ..... 5

3 All driver's licenses for persons

4 age 81 through age 86 ..... 2

5 All driver's licenses for persons

6 age 87 or older ..... 0

7 Renewal driver's license (except for

8 applicants ages 18, 19 and 20 or

9 age 69 and older) ..... 10

10 Original instruction permit issued to

11 persons (except those age 69 and older)

12 who do not hold or have not previously

13 held an Illinois instruction permit or

14 driver's license ..... 20

15 Instruction permit issued to any person

16 holding an Illinois driver's license

17 who wishes a change in classifications,

18 other than at the time of renewal ..... 5

19 Any instruction permit issued to a person

20 age 69 and older ..... 5

21 Instruction permit issued to any person,

22 under age 69, not currently holding a

23 valid Illinois driver's license or

24 instruction permit but who has

25 previously been issued either document

26 in Illinois ..... 10

27 Restricted driving permit ..... 8

28 Duplicate or corrected driver's license

29 or permit ..... 5

30 Duplicate or corrected restricted

31 driving permit ..... 5

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

33 The fee for an original driver's certificate issued under

34 subsection (b-2) of Section 6-106 shall be \$10; and through the

35 date that is 3 years after the effective date of this

36 amendatory Act of the 94th General Assembly, an additional fee

1 of not less than \$50, to be set by the Secretary by rule, shall  
 2 be paid and deposited into the Secretary of State Immigrant  
 3 Driver's Certificate Fund, to cover the additional costs  
 4 associated with issuing those driver's certificates.

5 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

8 Commercial driver's license:

- 9 \$6 for the CDLIS/AAMVAnet Fund
- 10 (Commercial Driver's License Information
- 11 System/American Association of Motor Vehicle
- 12 Administrators network Trust Fund);
- 13 \$20 for the Motor Carrier Safety Inspection Fund;
- 14 \$10 for the driver's license;
- 15 and \$24 for the CDL: ..... \$60

16 Renewal commercial driver's license:

- 17 \$6 for the CDLIS/AAMVAnet Trust Fund;
- 18 \$20 for the Motor Carrier Safety Inspection Fund;
- 19 \$10 for the driver's license; and
- 20 \$24 for the CDL: ..... \$60

21 Commercial driver instruction permit

- 22 issued to any person holding a valid
- 23 Illinois driver's license for the
- 24 purpose of changing to a
- 25 CDL classification: \$6 for the
- 26 CDLIS/AAMVAnet Trust Fund;
- 27 \$20 for the Motor Carrier
- 28 Safety Inspection Fund; and
- 29 \$24 for the CDL classification ..... \$50

30 Commercial driver instruction permit

- 31 issued to any person holding a valid
- 32 Illinois CDL for the purpose of
- 33 making a change in a classification,
- 34 endorsement or restriction ..... \$5

35 CDL duplicate or corrected license ..... \$5

36 In order to ensure the proper implementation of the Uniform

1 Commercial Driver License Act, Article V of this Chapter, the  
2 Secretary of State is empowered to pro-rate the \$24 fee for the  
3 commercial driver's license proportionate to the expiration  
4 date of the applicant's Illinois driver's license.

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

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

13 (b) Any person whose license or privilege to operate a  
14 motor vehicle in this State has been suspended or revoked under  
15 any provision of Chapter 6, Chapter 11, or Section 7-205,  
16 7-303, or 7-702 of the Family Financial Responsibility Law of  
17 this Code, shall in addition to any other fees required by this  
18 Code, pay a reinstatement fee as follows:

- 19 Summary suspension under Section 11-501.1 ..... \$250
- 20 Other suspension ..... \$70
- 21 Revocation ..... \$500

22 However, any person whose license or privilege to operate a  
23 motor vehicle in this State has been suspended or revoked for a  
24 second or subsequent time for a violation of Section 11-501 or  
25 11-501.1 of this Code or a similar provision of a local  
26 ordinance or a similar out-of-state offense or Section 9-3 of  
27 the Criminal Code of 1961 and each suspension or revocation was  
28 for a violation of Section 11-501 or 11-501.1 of this Code or a  
29 similar provision of a local ordinance or a similar  
30 out-of-state offense or Section 9-3 of the Criminal Code of  
31 1961 shall pay, in addition to any other fees required by this  
32 Code, a reinstatement fee as follows:

- 33 Summary suspension under Section 11-501.1 ..... \$500
- 34 Revocation ..... \$500

35 (c) All fees collected under the provisions of this Chapter  
36 6 shall be paid into the Road Fund in the State Treasury except

1 as follows:

2 1. The following amounts shall be paid into the Driver  
3 Education Fund:

4 (A) \$16 of the \$20 fee for an original driver's  
5 instruction permit;

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

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

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

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

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

29 4. \$30 of the \$70 fee for reinstatement of a license  
30 suspended under the Family Financial Responsibility Law  
31 shall be paid into the Family Responsibility Fund.

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

35 6. \$20 of any original or renewal fee for a commercial  
36 driver's license or commercial driver instruction permit

1 shall be paid into the Motor Carrier Safety Inspection  
2 Fund.

3 7. The following amounts shall be paid into the General  
4 Revenue Fund:

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

7 (B) \$40 of the \$70 reinstatement fee for any other  
8 suspension provided in subsection (b) of this Section;  
9 and

10 (C) \$440 of the \$500 reinstatement fee for a first  
11 offense revocation and \$310 of the \$500 reinstatement  
12 fee for a second or subsequent revocation.

13 8. The entire amount over \$10 of any fee for an  
14 original driver's certificate issued under subsection  
15 (b-2) of Section 6-106 shall be deposited into the  
16 Secretary of State Immigrant Driver's Certificate Fund.  
17 The Secretary of State shall adopt rules setting the fee  
18 for issuing a driver's certificate, based on the additional  
19 costs associated with issuing those driver's certificates.

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

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.