



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2084

Introduced 2/20/2009, by Sen. Pamela J. Althoff

SYNOPSIS AS INTRODUCED:

15 ILCS 335/4	from Ch. 124, par. 24
15 ILCS 335/5	from Ch. 124, par. 25
625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110

Amends the Illinois Vehicle Code and Illinois Identification Card Act to provide that for every applicant who applies for any identification card (a State identification card or driver's license), the Secretary of State must inquire as to whether the applicant is a veteran for purposes of issuing a distinct identification card. Provides that the Secretary of State shall determine by rule what forms of proof of a person's status as a veteran are acceptable, and those forms shall include, but are not limited, a Department of Defense form DD-214. Provides that the design of the distinct identification card is in the Secretary of State's discretion. Defines "veteran" as a person that has served on active duty in the armed forces of the United States and was discharged or separated under honorable conditions. Effective January 1, 2010.

LRB096 10764 AJT 20956 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning identification cards.

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 and 5 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification Card.

8 (a) The Secretary of State shall issue a standard Illinois
9 Identification Card to any natural person who is a resident of
10 the State of Illinois who applies for such card, or renewal
11 thereof, or who applies for a standard Illinois Identification
12 Card upon release as a committed person on parole, mandatory
13 supervised release, final discharge, or pardon from the
14 Department of Corrections by submitting an identification card
15 issued by the Department of Corrections under Section 3-14-1 of
16 the Unified Code of Corrections, together with the prescribed
17 fees. No identification card shall be issued to any person who
18 holds a valid foreign state identification card, license, or
19 permit unless the person first surrenders to the Secretary of
20 State the valid foreign state identification card, license, or
21 permit. The card shall be prepared and supplied by the
22 Secretary of State and shall include a photograph of the
23 applicant. The applicant, upon receipt of a card and prior to

1 its use for any purpose, shall affix his signature thereon in
2 the space provided therefor. The Illinois Identification Card
3 may be used for identification purposes in any lawful situation
4 only by the person to whom it was issued. As used in this Act,
5 "photograph" means any color photograph or digitally produced
6 and captured image of an applicant for an identification card.
7 As used in this Act, "signature" means the name of a person as
8 written by that person and captured in a manner acceptable to
9 the Secretary of State.

10 (b) The Secretary of State shall issue a special Illinois
11 Identification Card, which shall be known as an Illinois
12 Disabled Person Identification Card, to any natural person who
13 is a resident of the State of Illinois, who is a disabled
14 person as defined in Section 4A of this Act, who applies for
15 such card, or renewal thereof. No Disabled Person
16 Identification Card shall be issued to any person who holds a
17 valid foreign state identification card, license, or permit
18 unless the person first surrenders to the Secretary of State
19 the valid foreign state identification card, license, or
20 permit. The Secretary of State shall charge no fee to issue
21 such card. The card shall be prepared and supplied by the
22 Secretary of State, and shall include a photograph of the
23 applicant, a designation indicating that the card is an
24 Illinois Disabled Person Identification Card, and shall
25 include a comprehensible designation of the type and
26 classification of the applicant's disability as set out in

1 Section 4A of this Act. If the applicant so requests, the card
2 shall include a description of the applicant's disability and
3 any information about the applicant's disability or medical
4 history which the Secretary determines would be helpful to the
5 applicant in securing emergency medical care. The applicant,
6 upon receipt of such a card and prior to its use for any
7 purpose, shall have affixed thereon in the space provided
8 therefor his signature or mark. If a mark is used in lieu of a
9 signature, such mark shall be affixed to the card in the
10 presence of two witnesses who attest to the authenticity of the
11 mark. The Illinois Disabled Person Identification Card may be
12 used for identification purposes in any lawful situation by the
13 person to whom it was issued.

14 The Illinois Disabled Person Identification Card may be
15 used as adequate documentation of disability in lieu of a
16 physician's determination of disability, a determination of
17 disability from a physician assistant who has been delegated
18 the authority to make this determination by his or her
19 supervising physician, a determination of disability from an
20 advanced practice nurse who has a written collaborative
21 agreement with a collaborating physician that authorizes the
22 advanced practice nurse to make this determination, or any
23 other documentation of disability whenever any State law
24 requires that a disabled person provide such documentation of
25 disability, however an Illinois Disabled Person Identification
26 Card shall not qualify the cardholder to participate in any

1 program or to receive any benefit which is not available to all
2 persons with like disabilities. Notwithstanding any other
3 provisions of law, an Illinois Disabled Person Identification
4 Card, or evidence that the Secretary of State has issued an
5 Illinois Disabled Person Identification Card, shall not be used
6 by any person other than the person named on such card to prove
7 that the person named on such card is a disabled person or for
8 any other purpose unless the card is used for the benefit of
9 the person named on such card, and the person named on such
10 card consents to such use at the time the card is so used.

11 An optometrist's determination of a visual disability
12 under Section 4A of this Act is acceptable as documentation for
13 the purpose of issuing an Illinois Disabled Person
14 Identification Card.

15 When medical information is contained on an Illinois
16 Disabled Person Identification Card, the Office of the
17 Secretary of State shall not be liable for any actions taken
18 based upon that medical information.

19 (c) Beginning January 1, 1986, the Secretary of State shall
20 provide that each original or renewal Illinois Identification
21 Card or Illinois Disabled Person Identification Card issued to
22 a person under the age of 21, shall be of a distinct nature
23 from those Illinois Identification Cards or Illinois Disabled
24 Person Identification Cards issued to individuals 21 years of
25 age or older. The color designated for Illinois Identification
26 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 (c-5) The Secretary of State shall provide that each
10 original or renewal identification card issued to a person
11 identified as a veteran pursuant to subsection (b) of Section 5
12 of this Act be of a distinct nature from all other
13 identification cards. The design of the distinction shall be at
14 the discretion of the Secretary of State.

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

25 (e) The Secretary of State, in his or her discretion, may
26 designate on each Illinois Identification Card or Illinois

1 Disabled Person Identification Card a space where the card
2 holder may place a sticker or decal, issued by the Secretary of
3 State, of uniform size as the Secretary may specify, that shall
4 indicate in appropriate language that the card holder has
5 renewed his or her Illinois Identification Card or Illinois
6 Disabled Person Identification Card.

7 (Source: P.A. 95-762, eff. 1-1-09; 95-779, eff. 1-1-09; revised
8 9-5-08.)

9 (15 ILCS 335/5) (from Ch. 124, par. 25)

10 Sec. 5. Applications.

11 (a) Any natural person who is a resident of the State of
12 Illinois, may file an application for an identification card or
13 for the renewal thereof, in a manner prescribed by the
14 Secretary. Each original application shall be completed by the
15 applicant in full and shall set forth the legal name, residence
16 address and zip code, social security number, birth date, sex
17 and a brief description of the applicant. The applicant shall
18 be photographed and he shall also submit any other information
19 as the Secretary may deem necessary or such documentation as
20 the Secretary may require to determine the identity of the
21 applicant. An applicant for a disabled persons card must also
22 submit with each original or renewal application, on forms
23 prescribed by the Secretary, such documentation as the
24 Secretary may require, establishing that the applicant is a
25 "disabled person" as defined in Section 4A of this Act, and

1 setting forth the applicant's type and class of disability as
2 set forth in Section 4A of this Act.

3 (b) For each original or renewal identification card
4 application under this Act, the Secretary shall inquire as to
5 whether the applicant is a veteran for purposes of issuing a
6 distinct identification card under subsection (c-5) of Section
7 4 of this Act. The acceptable forms of proof shall include, but
8 are not limited to, Department of Defense form DD-214. The
9 Secretary shall determine by rule what other forms of proof of
10 a person's status as a veteran are acceptable.

11 For purposes of this subsection:

12 "Active duty" means active duty pursuant to an executive
13 order of the President of the United States, an act of the
14 Congress of the United States, or an order of the Governor.

15 "Armed forces" means any of the Armed Forces of the United
16 States, including a member of any reserve component thereof or
17 National Guard unit called to active duty.

18 "Veteran" means a person that has served on active duty in
19 the armed forces of the United States and was discharged or
20 separated under honorable conditions.

21 (Source: P.A. 93-895, eff. 1-1-05.)

22 Section 10. The Illinois Vehicle Code is amended by
23 changing Sections 6-106 and 6-110 as follows:

24 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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

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

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

13 (c) The application form shall include a notice to the
14 applicant of the registration obligations of sex offenders
15 under the Sex Offender Registration Act. The notice shall be
16 provided in a form and manner prescribed by the Secretary of
17 State.

18 For purposes of this subsection (c), "sex offender" has the
19 meaning ascribed to it in Section 2 of the Sex Offender
20 Registration Act.

21 (d) Any male United States citizen or immigrant who applies
22 for any permit or license authorized to be issued under this
23 Act or for a renewal of any permit or license, and who is at
24 least 18 years of age but less than 26 years of age, must be
25 registered in compliance with the requirements of the federal
26 Military Selective Service Act. The Secretary of State must

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

12 (e) For each original or renewal driver's license
13 application under this Act, the Secretary shall inquire as to
14 whether the applicant is a veteran for purposes of issuing a
15 distinct driver's license under subsection (e-5) of Section
16 6-110 of this Chapter. The acceptable forms of proof shall
17 include, but are not limited to, Department of Defense form
18 DD-214. The Secretary shall determine by rule what other forms
19 of proof of a person's status as a veteran are acceptable.

20 For purposes of this subsection:

21 "Active duty" means active duty pursuant to an executive
22 order of the President of the United States, an act of the
23 Congress of the United States, or an order of the Governor.

24 "Armed forces" means any of the Armed Forces of the United
25 States, including a member of any reserve component thereof or
26 National Guard unit called to active duty.

1 "Veteran" means a person that has served on active duty in
2 the armed forces of the United States and was discharged or
3 separated under honorable conditions.

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

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

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

7 (a) The Secretary of State shall issue to every qualifying
8 applicant a driver's license as applied for, which license
9 shall bear a distinguishing number assigned to the licensee,
10 the legal name, zip code, date of birth, residence address, and
11 a brief description of the licensee, and a space where the
12 licensee may write his usual signature.

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

15 In lieu of the social security number, the Secretary may in
16 his discretion substitute a federal tax number or other
17 distinctive number.

18 A driver's license issued may, in the discretion of the
19 Secretary, include a suitable photograph of a type prescribed
20 by the Secretary.

21 (a-1) If the licensee is less than 18 years of age, unless
22 one of the exceptions in subsection (a-2) apply, the license
23 shall, as a matter of law, be invalid for the operation of any
24 motor vehicle during the following times:

25 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

1 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
2 Sunday; and

3 (C) Between 10:00 p.m. on Sunday to Thursday,
4 inclusive, and 6:00 a.m. on the following day.

5 (a-2) The driver's license of a person under the age of 18
6 shall not be invalid as described in subsection (a-1) of this
7 Section if the licensee under the age of 18 was:

8 (1) accompanied by the licensee's parent or guardian or
9 other person in custody or control of the minor;

10 (2) on an errand at the direction of the minor's parent
11 or guardian, without any detour or stop;

12 (3) in a motor vehicle involved in interstate travel;

13 (4) going to or returning home from an employment
14 activity, without any detour or stop;

15 (5) involved in an emergency;

16 (6) going to or returning home from, without any detour
17 or stop, an official school, religious, or other
18 recreational activity supervised by adults and sponsored
19 by a government or governmental agency, a civic
20 organization, or another similar entity that takes
21 responsibility for the licensee, without any detour or
22 stop;

23 (7) exercising First Amendment rights protected by the
24 United States Constitution, such as the free exercise of
25 religion, freedom of speech, and the right of assembly; or

26 (8) married or had been married or is an emancipated

1 minor under the Emancipation of Minors Act.

2 (a-2.5) The driver's license of a person who is 17 years of
3 age and has been licensed for at least 12 months is not invalid
4 as described in subsection (a-1) of this Section while the
5 licensee is participating as an assigned driver in a Safe Rides
6 program that meets the following criteria:

7 (1) the program is sponsored by the Boy Scouts of
8 America or another national public service organization;
9 and

10 (2) the sponsoring organization carries liability
11 insurance covering the program.

12 (a-3) If a graduated driver's license holder over the age
13 of 18 committed an offense against traffic regulations
14 governing the movement of vehicles or any violation of Section
15 6-107 or Section 12-603.1 of this Code in the 6 months prior to
16 the graduated driver's license holder's 18th birthday, and was
17 subsequently convicted of the offense, the provisions of
18 subsection (a-1) shall continue to apply until such time as a
19 period of 6 consecutive months has elapsed without an
20 additional violation and subsequent conviction of an offense
21 against traffic regulations governing the movement of vehicles
22 or Section 6-107 or Section 12-603.1 of this Code.

23 (b) Until the Secretary of State establishes a First Person
24 Consent organ and tissue donor registry under Section 6-117 of
25 this Code, the Secretary of State shall provide a format on the
26 reverse of each driver's license issued which the licensee may

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

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

25 The sticker may be provided by any person, hospital,
26 school, medical group, or association interested in assisting

1 in implementing the Emergency Medical Information Card, but
2 shall meet the specifications as the Secretary may by rule or
3 regulation require.

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

7 (e) The Secretary of State shall provide that each original
8 or renewal driver's license issued to a licensee under 21 years
9 of age shall be of a distinct nature from those driver's
10 licenses issued to individuals 21 years of age and older. The
11 color designated for driver's licenses for licensees under 21
12 years of age shall be at the discretion of the Secretary of
13 State.

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

18 (e-5) The Secretary of State shall provide that each
19 original or renewal driver's license issued to a person
20 identified as a veteran pursuant to subsection (e) of Section
21 6-106 of this Chapter be of a distinct nature from all other
22 driver's licenses. The design of the distinction shall be at
23 the discretion of the Secretary of State.

24 (f) The Secretary of State shall inform all Illinois
25 licensed commercial motor vehicle operators of the
26 requirements of the Uniform Commercial Driver License Act,

1 Article V of this Chapter, and shall make provisions to insure
2 that all drivers, seeking to obtain a commercial driver's
3 license, be afforded an opportunity prior to April 1, 1992, to
4 obtain the license. The Secretary is authorized to extend
5 driver's license expiration dates, and assign specific times,
6 dates and locations where these commercial driver's tests shall
7 be conducted. Any applicant, regardless of the current
8 expiration date of the applicant's driver's license, may be
9 subject to any assignment by the Secretary. Failure to comply
10 with the Secretary's assignment may result in the applicant's
11 forfeiture of an opportunity to receive a commercial driver's
12 license prior to April 1, 1992.

13 (g) The Secretary of State shall designate on a driver's
14 license issued, a space where the licensee may indicate that he
15 or she has drafted a living will in accordance with the
16 Illinois Living Will Act or a durable power of attorney for
17 health care in accordance with the Illinois Power of Attorney
18 Act.

19 (g-1) The Secretary of State, in his or her discretion, may
20 designate on each driver's license issued a space where the
21 licensee may place a sticker or decal, issued by the Secretary
22 of State, of uniform size as the Secretary may specify, that
23 shall indicate in appropriate language that the owner of the
24 license has renewed his or her driver's license.

25 (h) A person who acts in good faith in accordance with the
26 terms of this Section is not liable for damages in any civil

1 action or subject to prosecution in any criminal proceeding for
2 his or her act.

3 (Source: P.A. 94-75, eff. 1-1-06; 94-930, eff. 6-26-06; 95-310,
4 eff. 1-1-08; 95-747, eff. 7-22-08.)

5 Section 99. Effective date. This Act takes effect January
6 1, 2010.