



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1385

Introduced 2/14/2011, by Rep. John D'Amico

SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Vehicle Code. Removes the religious exemption to the requirement that an individual provide his or her social security number when applying for a driver's license or instruction permit. Removes provision for the use of a federal tax number or other distinctive number in lieu of a driver's license applicant's social security number. Removes provision for the use of an alternate identifying number in place of a commercial drivers license applicant's social security number. Effective immediately.

LRB097 05666 HEP 45729 b

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 Illinois Vehicle Code is amended by changing
5 Sections 6-106, 6-110, and 6-510 as follows:

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

1 is true and correct; and shall bear the applicant's signature.
2 In addition to the residence address, the Secretary may allow
3 the applicant to provide a mailing address. The application
4 form may also require the statement of such additional relevant
5 information as the Secretary of State shall deem necessary to
6 determine the applicant's competency and eligibility. ~~The~~
7 ~~Secretary of State may in his discretion substitute a federal~~
8 ~~tax number in lieu of a social security number, or he may~~
9 ~~instead assign an additional distinctive number in lieu~~
10 ~~thereof, where an applicant is prohibited by bona fide~~
11 ~~religious convictions from applying or is exempt from applying~~
12 ~~for a social security number. The Secretary of State shall,~~
13 ~~however, determine which religious orders or sects have such~~
14 ~~bona fide religious convictions.~~ The Secretary of State may, in
15 his discretion, by rule or regulation, provide that an
16 application for a drivers license or permit may include a
17 suitable photograph of the applicant in the form prescribed by
18 the Secretary, and he may further provide that each drivers
19 license shall include a photograph of the driver. The Secretary
20 of State may utilize a photograph process or system most
21 suitable to deter alteration or improper reproduction of a
22 drivers license and to prevent substitution of another photo
23 thereon.

24 (c) The application form shall include a notice to the
25 applicant of the registration obligations of sex offenders
26 under the Sex Offender Registration Act. The notice shall be

1 provided in a form and manner prescribed by the Secretary of
2 State. For purposes of this subsection (c), "sex offender" has
3 the meaning ascribed to it in Section 2 of the Sex Offender
4 Registration Act.

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

22 (Source: P.A. 96-1231, eff. 7-23-10.)

23 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

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

25 (a) The Secretary of State shall issue to every qualifying

1 applicant a driver's license as applied for, which license
2 shall bear a distinguishing number assigned to the licensee,
3 the legal name, signature, zip code, date of birth, residence
4 address, and a brief description of the licensee.

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

7 ~~In lieu of the social security number, the Secretary may in~~
8 ~~his discretion substitute a federal tax number or other~~
9 ~~distinctive number.~~

10 A driver's license issued may, in the discretion of the
11 Secretary, include a suitable photograph of a type prescribed
12 by the Secretary.

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

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

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

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

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

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

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

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

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

6 (5) involved in an emergency;

7 (6) going to or returning home from, without any detour
8 or stop, an official school, religious, or other
9 recreational activity supervised by adults and sponsored
10 by a government or governmental agency, a civic
11 organization, or another similar entity that takes
12 responsibility for the licensee, without any detour or
13 stop;

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

17 (8) married or had been married or is an emancipated
18 minor under the Emancipation of Minors Act.

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

24 (1) the program is sponsored by the Boy Scouts of
25 America or another national public service organization;
26 and

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

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

14 (a-4) If an applicant for a driver's license or instruction
15 permit has a current identification card issued by the
16 Secretary of State, the Secretary may require the applicant to
17 utilize the same residence address and name on the
18 identification card, driver's license, and instruction permit
19 records maintained by the Secretary. The Secretary may
20 promulgate rules to implement this provision.

21 (b) Until the Secretary of State establishes a First Person
22 Consent organ and tissue donor registry under Section 6-117 of
23 this Code, the Secretary of State shall provide a format on the
24 reverse of each driver's license issued which the licensee may
25 use to execute a document of gift conforming to the provisions
26 of the Illinois Anatomical Gift Act. The format shall allow the

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

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

23 The sticker may be provided by any person, hospital,
24 school, medical group, or association interested in assisting
25 in implementing the Emergency Medical Information Card, but
26 shall meet the specifications as the Secretary may by rule or

1 regulation require.

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

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

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

16 (f) The Secretary of State shall inform all Illinois
17 licensed commercial motor vehicle operators of the
18 requirements of the Uniform Commercial Driver License Act,
19 Article V of this Chapter, and shall make provisions to insure
20 that all drivers, seeking to obtain a commercial driver's
21 license, be afforded an opportunity prior to April 1, 1992, to
22 obtain the license. The Secretary is authorized to extend
23 driver's license expiration dates, and assign specific times,
24 dates and locations where these commercial driver's tests shall
25 be conducted. Any applicant, regardless of the current
26 expiration date of the applicant's driver's license, may be

1 subject to any assignment by the Secretary. Failure to comply
2 with the Secretary's assignment may result in the applicant's
3 forfeiture of an opportunity to receive a commercial driver's
4 license prior to April 1, 1992.

5 (g) The Secretary of State shall designate on a driver's
6 license issued, a space where the licensee may indicate that he
7 or she has drafted a living will in accordance with the
8 Illinois Living Will Act or a durable power of attorney for
9 health care in accordance with the Illinois Power of Attorney
10 Act.

11 (g-1) The Secretary of State, in his or her discretion, may
12 designate on each driver's license issued a space where the
13 licensee may place a sticker or decal, issued by the Secretary
14 of State, of uniform size as the Secretary may specify, that
15 shall indicate in appropriate language that the owner of the
16 license has renewed his or her driver's license.

17 (h) A person who acts in good faith in accordance with the
18 terms of this Section is not liable for damages in any civil
19 action or subject to prosecution in any criminal proceeding for
20 his or her act.

21 (Source: P.A. 95-310, eff. 1-1-08; 95-747, eff. 7-22-08;
22 96-607, eff. 8-24-09; 96-1231, eff. 7-23-10.)

23 (625 ILCS 5/6-510) (from Ch. 95 1/2, par. 6-510)

24 Sec. 6-510. Application for Commercial Driver's License
25 (CDL). The application for a CDL or commercial driver

1 instruction permit, must include, but not necessarily be
2 limited to, the following:

3 (1) the full legal name and current Illinois
4 domiciliary address (unless the application is for a
5 Non-resident CDL) of the driver applicant;

6 (2) a physical description of the driver applicant
7 including sex, height, weight, color of eyes and hair
8 color;

9 (3) date of birth;

10 (4) the driver applicant's social security number ~~or~~
11 ~~other identifying number acceptable to the Secretary of~~
12 ~~State;~~

13 (5) the driver applicant's signature;

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

15 (6.1) the names of all states where the driver
16 applicant has previously been licensed to drive any type of
17 motor vehicle during the previous 10 years pursuant to 49
18 C.F.R. Part 383; and

19 (7) any other information required by the Secretary of
20 State.

21 (Source: P.A. 94-307, eff. 9-30-05; 95-382, eff. 8-23-07;
22 95-876, eff. 8-21-08.)

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