



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB6228

by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.811 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 5/6-107.5 new	
625 ILCS 5/6-118	
625 ILCS 5/6-205	

Amends the Illinois Vehicle Code and the State Finance Act. Provides for the issuance of a driver's certificate that states that it may not be accepted by a federal agency for a federal identification or other official purpose and uses a unique design or color indicator that visually distinguishes it from a driver's license or permit. Provides that an applicant for a driver's certificate must: be at least 18 years of age; provide a valid federal individual tax identification number or social security number; provide a valid passport and additional specified documents; file proof provided to the applicant by the Illinois State Police that a set of the applicant's fingerprints has been collected; and surrender all false driver's licenses or State identification cards in the applicant's possession. Contains provisions regarding: destruction of certain documents; exchanges of information by the Secretary of State and the Illinois Department of Revenue and the Illinois State Police; applicability of the Code to a driver's certificate holder or applicant; mandatory insurance; review of a denial of a driver's certificate; other licenses and identification; photographs; fees; revocation; and other matters. Creates the Secretary of State Driver's Certificate Fund as a special fund in the State treasury and provides that the Fund shall be used for the increase in costs associated with additional applicants for driver's certificates and costs associated with specialized verification procedures regarding those applicants. Makes other changes. Makes certain provisions inoperative 5 years after the effective date of the amendatory Act but provides that a document issued under those provisions remains valid until the expiration date on the document.

LRB097 22806 HEP 71592 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 State Finance Act is amended by adding
5 Section 5.811 as follows:

6 (30 ILCS 105/5.811 new)

7 Sec. 5.811. The Secretary of State Driver's Certificate
8 Fund.

9 Section 10. The Illinois Vehicle Code is amended by
10 changing Sections 2-119, 6-106, 6-118, and 6-205 and by adding
11 Section 6-107.5 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,

1 duplicate certificate of title and corrected certificate of
2 title, \$1.50 shall be deposited in the Park and Conservation
3 Fund.

4 Beginning January 1, 1995, of the money collected for each
5 certificate of title, duplicate certificate of title and
6 corrected certificate of title, \$2 shall be deposited in the
7 Park and Conservation Fund. The moneys deposited in the Park
8 and Conservation Fund pursuant to this Section shall be used
9 for the acquisition and development of bike paths as provided
10 for in Section 805-420 of the Department of Natural Resources
11 (Conservation) Law (20 ILCS 805/805-420).

12 Beginning January 1, 2000, of the moneys collected for each
13 certificate of title, duplicate certificate of title, and
14 corrected certificate of title, \$48 shall be deposited into the
15 Road Fund and \$4 shall be deposited into the Motor Vehicle
16 License Plate Fund, except that if the balance in the Motor
17 Vehicle License Plate Fund exceeds \$40,000,000 on the last day
18 of a calendar month, then during the next calendar month the \$4
19 shall instead be deposited into the Road Fund.

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

23 Except as otherwise provided in this Code, all remaining
24 moneys collected for certificates of title, and all moneys
25 collected for filing of security interests, shall be placed in
26 the General Revenue Fund in the State Treasury.

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

5 (d) Beginning January 1, 1999, of the monies collected as a
6 registration fee for each motorcycle, motor driven cycle and
7 moped, 27% of each annual registration fee for such vehicle and
8 27% of each semiannual registration fee for such vehicle is
9 deposited in the Cycle Rider Safety Training Fund.

10 (e) Of the monies received by the Secretary of State as
11 registration fees or taxes or as payment of any other fee, as
12 provided in this Act, except fees received by the Secretary
13 under paragraph (7) of subsection (b) of Section 5-101 and
14 Section 5-109 of this Code, 37% shall be deposited into the
15 State Construction Fund.

16 (f) Of the total money collected for a CDL instruction
17 permit or original or renewal issuance of a commercial driver's
18 license (CDL) pursuant to the Uniform Commercial Driver's
19 License Act (UCDLA): (i) \$6 of the total fee for an original or
20 renewal CDL, and \$6 of the total CDL instruction permit fee
21 when such permit is issued to any person holding a valid
22 Illinois driver's license, shall be paid into the
23 CDLIS/AAMVAnet Trust Fund (Commercial Driver's License
24 Information System/American Association of Motor Vehicle
25 Administrators network Trust Fund) and shall be used for the
26 purposes provided in Section 6z-23 of the State Finance Act and

1 (ii) \$20 of the total fee for an original or renewal CDL or
2 commercial driver instruction permit shall be paid into the
3 Motor Carrier Safety Inspection Fund, which is hereby created
4 as a special fund in the State Treasury, to be used by the
5 Department of State Police, subject to appropriation, to hire
6 additional officers to conduct motor carrier safety
7 inspections pursuant to Chapter 18b of this Code.

8 (g) All remaining moneys received by the Secretary of State
9 as registration fees or taxes or as payment of any other fee,
10 as provided in this Act, except fees received by the Secretary
11 under paragraph (7) (A) of subsection (b) of Section 5-101 and
12 Section 5-109 of this Code, shall be deposited in the Road Fund
13 in the State Treasury. Moneys in the Road Fund shall be used
14 for the purposes provided in Section 8.3 of the State Finance
15 Act.

16 (h) (Blank).

17 (i) (Blank).

18 (j) (Blank).

19 (k) There is created in the State Treasury a special fund
20 to be known as the Secretary of State Special License Plate
21 Fund. Money deposited into the Fund shall, subject to
22 appropriation, be used by the Office of the Secretary of State
23 (i) to help defray plate manufacturing and plate processing
24 costs for the issuance and, when applicable, renewal of any new
25 or existing registration plates authorized under this Code and
26 (ii) for grants made by the Secretary of State to benefit

1 Illinois Veterans Home libraries.

2 On or before October 1, 1995, the Secretary of State shall
3 direct the State Comptroller and State Treasurer to transfer
4 any unexpended balance in the Special Environmental License
5 Plate Fund, the Special Korean War Veteran License Plate Fund,
6 and the Retired Congressional License Plate Fund to the
7 Secretary of State Special License Plate Fund.

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

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

23 (n) The Illinois Fire Fighters' Memorial Fund is created as
24 a special fund in the State Treasury. Moneys deposited into the
25 Fund shall, subject to appropriation, be used by the Office of
26 the State Fire Marshal for construction of the Illinois Fire

1 Fighters' Memorial to be located at the State Capitol grounds
2 in Springfield, Illinois. Upon the completion of the Memorial,
3 moneys in the Fund shall be used in accordance with Section
4 3-634.

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

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

11 (q) The Secretary of State Driver's Certificate Fund is
12 created as a special fund in the State treasury. Moneys
13 deposited into the Fund shall, subject to appropriation, be
14 used by the Secretary of State to pay for the increase in the
15 costs associated with additional applicants for driver's
16 certificates issued under subsection (b-2) of Section 6-106 of
17 this Code and costs associated with specialized verification
18 procedures regarding those applicants.

19 (Source: P.A. 96-554, eff. 1-1-10.)

20 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

22 (a) Every application for any permit or license authorized
23 to be issued under this Act shall be made upon a form furnished
24 by the Secretary of State. Every application shall be
25 accompanied by the proper fee and payment of such fee shall

1 entitle the applicant to not more than 3 attempts to pass the
2 examination within a period of 1 year after the date of
3 application.

4 (b) Every application shall state the legal name, social
5 security number, zip code, date of birth, sex, and residence
6 address of the applicant; briefly describe the applicant; state
7 whether the applicant has theretofore been licensed as a
8 driver, and, if so, when and by what state or country, and
9 whether any such license has ever been cancelled, suspended,
10 revoked or refused, and, if so, the date and reason for such
11 cancellation, suspension, revocation or refusal; shall include
12 an affirmation by the applicant that all information set forth
13 is true and correct; and shall bear the applicant's signature.
14 In addition to the residence address, the Secretary may allow
15 the applicant to provide a mailing address. In the case of an
16 applicant who is a judicial officer, the Secretary may allow
17 the applicant to provide an office or work address in lieu of a
18 residence or mailing address. The application form may also
19 require the statement of such additional relevant information
20 as the Secretary of State shall deem necessary to determine the
21 applicant's competency and eligibility.

22 (b-1) The Secretary of State may, in his discretion, by
23 rule or regulation, provide that an application for a drivers
24 license or permit may include a suitable photograph of the
25 applicant in the form prescribed by the Secretary, and he may
26 further provide that each drivers license shall include a

1 photograph of the driver. The Secretary of State may utilize a
2 photograph process or system most suitable to deter alteration
3 or improper reproduction of a drivers license and to prevent
4 substitution of another photo thereon.

5 (b-2)(1) In compliance with the federal Real ID Act of
6 2005, Division B of Public Law 109-13, the Secretary of State,
7 on and after the effective date of this amendatory Act of the
8 97th General Assembly, shall issue to an Illinois resident who
9 meets the requirements of this subsection (b-2) a driver's
10 certificate that shall:

11 (A) clearly state on its face that it may not be
12 accepted by any federal agency for any federal
13 identification or other official purpose ("official
14 purpose" being defined under Section 201 of the federal
15 Real ID Act of 2005); and

16 (B) use a unique design or color indicator that shall
17 visually distinguish the certificate from a driver's
18 license or permit issued under the Illinois Vehicle Code so
19 as to alert federal agents and other law enforcement
20 personnel that the certificate may not be accepted for any
21 federal identification or other official purpose.

22 (2) An applicant for a driver's certificate issued under
23 this subsection (b-2) must be at least 18 years of age and
24 must:

25 (A) provide the Secretary with a valid individual tax
26 identification number issued by the federal Internal

1 Revenue Service or social security number issued by the
2 federal Social Security Administration;

3 (B) provide a valid passport and any additional
4 documents as the Secretary may set forth by administrative
5 rule in order to ensure that the passport and additional
6 documents in combination shall include the following:

7 (i) a photo identity document, except that a
8 non-photo identity document is acceptable if it
9 includes both the person's full legal name and date of
10 birth;

11 (ii) documentation showing the person's date of
12 birth;

13 (iii) documentation showing the person's name and
14 address of principal residence; provided that the
15 Secretary shall not accept any foreign document, other
16 than a valid official passport, for purposes of this
17 subparagraph. The Secretary shall verify, in a manner
18 and form prescribed by the Secretary by administrative
19 rule, the issuance, validity, and completeness of each
20 document presented by the applicant to satisfy the
21 requirements of this subdivision (b-2)(2)(B). The
22 Secretary has the right to reject any document
23 presented by the applicant that cannot be verified; and

24 (C) file with the Secretary of State proof provided to
25 the applicant by the Illinois State Police that a set of
26 the applicant's fingerprints has been collected (costs

1 associated with this fingerprinting shall be paid by the
2 applicant at the time of collection); and

3 (D) surrender all false driver's licenses or State
4 identification cards in the applicant's possession. The
5 Secretary shall handle the surrender of these documents at
6 the Secretary's discretion, provided that no applicant
7 shall be subject to civil or criminal prosecution for the
8 acquisition, possession, use, or distribution of these
9 documents, and provided further that the Secretary shall
10 destroy any relinquished documents within 24 hours of
11 receipt and shall not maintain any records of those
12 documents, except that this requirement does not apply if
13 the Secretary of State can identify a bona fide law
14 enforcement purpose for retaining the documents.

15 (3) The Secretary of State shall provide to the Illinois
16 Department of Revenue all information, including the
17 individual tax identification number, captured on the
18 application. If the Illinois Department of Revenue determines
19 that an individual to whom a driver's certificate was issued is
20 not in compliance with any applicable tax laws administered by
21 the Department of Revenue, the Department of Revenue shall
22 request that the Secretary of State revoke the certificate.

23 (4) An applicant for or the bearer of a driver's
24 certificate issued under this subsection (b-2) shall be subject
25 to any and all provisions of this Code and any and all
26 implementing regulations issued by the Secretary of State to

1 the same extent as a driver issued a driver's license,
2 including but not limited to the mandatory insurance
3 requirements and penalties in Chapter 7, Article VI of this
4 Code, unless otherwise specified in this subsection (b-2). To
5 the extent that a driver is required by law to have a valid
6 Illinois driver's license in order to purchase insurance to
7 comply with the mandatory insurance provisions of this Code, a
8 driver's certificate issued under this subsection (b-2) shall
9 satisfy that requirement. Within 30 days of receiving a
10 certificate, the driver shall provide to the Secretary of
11 State, in a manner and form prescribed by the Secretary, proof
12 of liability insurance coverage for the driver and for any and
13 all vehicles to which the driver has title of ownership; if the
14 driver fails to provide that proof within 30 days, the
15 Secretary is authorized to suspend the certificate until the
16 driver provides the proof.

17 (5) A person denied a driver's certificate under this
18 subsection (b-2) may seek review under the Administrative
19 Review Law. This amendatory Act of the 97th General Assembly
20 does not affect the issuance of a commercial driver's license
21 or school bus driver's permit under the Illinois Vehicle Code
22 or a State identification card under the Illinois
23 Identification Card Act. A driver's certificate issued under
24 this subsection (b-2) may not be used to obtain a Firearm
25 Owner's Identification Card and may not be used to obtain a
26 driver's license in another state.

1 (6) The Secretary of State may provide by rule that an
2 application for a driver's certificate under this subsection
3 (b-2) may include a suitable photograph of the applicant in the
4 form prescribed by the Secretary, and the Secretary of State
5 shall further provide that each driver's certificate shall
6 include a photograph of the driver. The Secretary of State
7 shall utilize a photographic process or system most suitable to
8 deter alteration or improper reproduction of a driver's
9 certificate issued under this subsection (b-2) and to prevent
10 substitution of another photo on the certificate.

11 (b-3) Subsection (b-2) becomes inoperative 5 years after
12 the effective date of this amendatory Act of the 97th General
13 Assembly; however, any document issued under subsection (b-2)
14 shall remain valid until the expiration date on the document
15 set by the Secretary of State.

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

23 (d) Any male United States citizen or immigrant who applies
24 for any permit or license authorized to be issued under this
25 Act or for a renewal of any permit or license, and who is at
26 least 18 years of age but less than 26 years of age, must be

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

14 (e) Beginning on or before July 1, 2015, for each original
15 or renewal driver's license application under this Act, the
16 Secretary shall inquire as to whether the applicant is a
17 veteran for purposes of issuing a driver's license with a
18 veteran designation under subsection (e-5) of Section 6-110 of
19 this Chapter. The acceptable forms of proof shall include, but
20 are not limited to, Department of Defense form DD-214. The
21 Secretary shall determine by rule what other forms of proof of
22 a person's status as a veteran are acceptable.

23 The Illinois Department of Veterans' Affairs shall confirm
24 the status of the applicant as an honorably discharged veteran
25 before the Secretary may issue the driver's license.

26 For purposes of this subsection (e):

1 "Active duty" means active duty under an executive order of
2 the President of the United States, an Act of the Congress of
3 the United States, or an order of the Governor.

4 "Armed forces" means any of the Armed Forces of the United
5 States, including a member of any reserve component or National
6 Guard unit called to active duty.

7 "Veteran" means a person who has served on active duty in
8 the armed forces and was discharged or separated under
9 honorable conditions.

10 (Source: P.A. 96-1231, eff. 7-23-10; 97-263, eff. 8-5-11;
11 97-739, eff. 1-1-13; 97-847, eff. 1-1-13; revised 8-3-12.)

12 (625 ILCS 5/6-107.5 new)

13 Sec. 6-107.5. Ineligible applicants for Firearm Owner's
14 Identification Cards. The Secretary of State shall, in
15 conjunction with the Illinois State Police, establish
16 administrative procedures for determining and identifying
17 ineligible Firearm Owner's Identification Card applicants
18 through information provided to the Secretary of State in
19 connection with the driver's license and driver's certificate
20 application process, to ensure compliance with the Firearm
21 Owners Identification Card Act.

22 (625 ILCS 5/6-118)

23 Sec. 6-118. Fees.

24 (a) The fee for licenses and permits under this Article is

1 as follows:

2 Original driver's license \$30

3 Original or renewal driver's license

4 issued to 18, 19 and 20 year olds 5

5 All driver's licenses for persons

6 age 69 through age 80 5

7 All driver's licenses for persons

8 age 81 through age 86 2

9 All driver's licenses for persons

10 age 87 or older 0

11 Renewal driver's license (except for

12 applicants ages 18, 19 and 20 or

13 age 69 and older) 30

14 Original instruction permit issued to

15 persons (except those age 69 and older)

16 who do not hold or have not previously

17 held an Illinois instruction permit or

18 driver's license 20

19 Instruction permit issued to any person

20 holding an Illinois driver's license

21 who wishes a change in classifications,

22 other than at the time of renewal 5

23 Any instruction permit issued to a person

24 age 69 and older 5

25 Instruction permit issued to any person,

26 under age 69, not currently holding a

1 valid Illinois driver's license or
2 instruction permit but who has
3 previously been issued either document
4 in Illinois 10
5 Restricted driving permit 8
6 Monitoring device driving permit 8
7 Duplicate or corrected driver's license
8 or permit 5
9 Duplicate or corrected restricted
10 driving permit 5
11 Duplicate or corrected monitoring
12 device driving permit 5
13 Duplicate driver's license or permit issued to
14 an active-duty member of the
15 United States Armed Forces,
16 the member's spouse, or
17 the dependent children living
18 with the member 0

19 Original or renewal M or L endorsement..... 5
20 The fee for a driver's certificate issued under subsection
21 (b-2) of Section 6-106 of this Code shall be \$10 plus an
22 additional fee of not less than \$50, to be set by the Secretary
23 by rule to cover the additional cost associated with issuing
24 the driver's certificate.

25 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

26 The fees for commercial driver licenses and permits

1 under Article V shall be as follows:

2 Commercial driver's license:

3 \$6 for the CDLIS/AAMVAnet Trust Fund
 4 (Commercial Driver's License Information
 5 System/American Association of Motor Vehicle
 6 Administrators network Trust Fund);
 7 \$20 for the Motor Carrier Safety Inspection Fund;
 8 \$10 for the driver's license;
 9 and \$24 for the CDL: \$60

10 Renewal commercial driver's license:

11 \$6 for the CDLIS/AAMVAnet Trust Fund;
 12 \$20 for the Motor Carrier Safety Inspection Fund;
 13 \$10 for the driver's license; and
 14 \$24 for the CDL: \$60

15 Commercial driver instruction permit

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

24 Commercial driver instruction permit

25 issued to any person holding a valid
 26 Illinois CDL for the purpose of

1 making a change in a classification,
 2 endorsement or restriction \$5
 3 CDL duplicate or corrected license \$5

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

9 The fee for any duplicate license or permit shall be waived
 10 for any person who presents the Secretary of State's office
 11 with a police report showing that his license or permit was
 12 stolen.

13 The fee for any duplicate license or permit shall be waived
 14 for any person age 60 or older whose driver's license or permit
 15 has been lost or stolen.

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

20 (b) Any person whose license or privilege to operate a
 21 motor vehicle in this State has been suspended or revoked under
 22 Section 3-707, any provision of Chapter 6, Chapter 11, or
 23 Section 7-205, 7-303, or 7-702 of the Family Financial
 24 Responsibility Law of this Code, shall in addition to any other
 25 fees required by this Code, pay a reinstatement fee as follows:

26 Suspension under Section 3-707 \$100

1	Summary suspension under Section 11-501.1	\$250
2	Summary revocation under Section 11-501.1	\$500
3	Other suspension	\$70
4	Revocation	\$500

5 However, any person whose license or privilege to operate a
6 motor vehicle in this State has been suspended or revoked for a
7 second or subsequent time for a violation of Section 11-501 or
8 11-501.1 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense or Section 9-3 of
10 the Criminal Code of 1961 and each suspension or revocation was
11 for a violation of Section 11-501 or 11-501.1 of this Code or a
12 similar provision of a local ordinance or a similar
13 out-of-state offense or Section 9-3 of the Criminal Code of
14 1961 shall pay, in addition to any other fees required by this
15 Code, a reinstatement fee as follows:

16	Summary suspension under Section 11-501.1	\$500
17	Summary revocation under Section 11-501.1	\$500
18	Revocation	\$500

19 (c) All fees collected under the provisions of this Chapter
20 6 shall be paid into the Road Fund in the State Treasury except
21 as follows:

22 1. The following amounts shall be paid into the Driver
23 Education Fund:

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

26 (B) \$5 of the \$30 fee for an original driver's

1 license;

2 (C) \$5 of the \$30 fee for a 4 year renewal driver's
3 license;

4 (D) \$4 of the \$8 fee for a restricted driving
5 permit; and

6 (E) \$4 of the \$8 fee for a monitoring device
7 driving 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. \$190 of the
20 \$500 fee for reinstatement of a license summarily revoked
21 pursuant to Section 11-501.1 shall be deposited into the
22 Drunk and Drugged Driving Prevention Fund.

23 3. \$6 of such original or renewal fee for a commercial
24 driver's license and \$6 of the commercial driver
25 instruction permit fee when such permit is issued to any
26 person holding a valid Illinois driver's license, shall be

1 paid into the CDLIS/AAMVAnet Trust Fund.

2 4. \$30 of the \$70 fee for reinstatement of a license
3 suspended under the Family Financial Responsibility Law
4 shall be paid into the Family Responsibility Fund.

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

8 6. \$20 of any original or renewal fee for a commercial
9 driver's license or commercial driver instruction permit
10 shall be paid into the Motor Carrier Safety Inspection
11 Fund.

12 7. The following amounts shall be paid into the General
13 Revenue Fund:

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

16 (B) \$40 of the \$70 reinstatement fee for any other
17 suspension provided in subsection (b) of this Section;
18 and

19 (C) \$440 of the \$500 reinstatement fee for a first
20 offense revocation and \$310 of the \$500 reinstatement
21 fee for a second or subsequent revocation.

22 8. All except \$10 of any fee for a driver's certificate
23 issued under subsection (b-2) of Section 6-106 of this Code
24 shall be deposited into the Secretary of State Driver's
25 Certificate Fund. The Secretary of State shall adopt rules
26 setting the fee for issuing a driver's certificate, in an

1 amount which will cover the additional cost associated with
2 issuing the driver's certificate.

3 (d) All of the proceeds of the additional fees imposed by
4 this amendatory Act of the 96th General Assembly shall be
5 deposited into the Capital Projects Fund.

6 (e) The additional fees imposed by this amendatory Act of
7 the 96th General Assembly shall become effective 90 days after
8 becoming law.

9 (f) As used in this Section, "active-duty member of the
10 United States Armed Forces" means a member of the Armed
11 Services or Reserve Forces of the United States or a member of
12 the Illinois National Guard who is called to active duty
13 pursuant to an executive order of the President of the United
14 States, an act of the Congress of the United States, or an
15 order of the Governor.

16 (Source: P.A. 96-34, eff. 7-13-09; 96-38, eff. 7-13-09;
17 96-1231, eff. 7-23-10; 96-1344, eff. 7-1-11; 97-333, eff.
18 8-12-11.)

19 (625 ILCS 5/6-205)

20 Sec. 6-205. Mandatory revocation of license or permit;
21 Hardship cases.

22 (a) Except as provided in this Section, the Secretary of
23 State shall immediately revoke the license, permit, or driving
24 privileges of any driver upon receiving a report of the
25 driver's conviction of any of the following offenses:

1 1. Reckless homicide resulting from the operation of a
2 motor vehicle;

3 2. Violation of Section 11-501 of this Code or a
4 similar provision of a local ordinance relating to the
5 offense of operating or being in physical control of a
6 vehicle while under the influence of alcohol, other drug or
7 drugs, intoxicating compound or compounds, or any
8 combination thereof;

9 3. Any felony under the laws of any State or the
10 federal government in the commission of which a motor
11 vehicle was used;

12 4. Violation of Section 11-401 of this Code relating to
13 the offense of leaving the scene of a traffic accident
14 involving death or personal injury;

15 5. Perjury or the making of a false affidavit or
16 statement under oath to the Secretary of State under this
17 Code or under any other law relating to the ownership or
18 operation of motor vehicles;

19 6. Conviction upon 3 charges of violation of Section
20 11-503 of this Code relating to the offense of reckless
21 driving committed within a period of 12 months;

22 7. Conviction of any offense defined in Section 4-102
23 of this Code;

24 8. Violation of Section 11-504 of this Code relating to
25 the offense of drag racing;

26 9. Violation of Chapters 8 and 9 of this Code;

1 10. Violation of Section 12-5 of the Criminal Code of
2 1961 arising from the use of a motor vehicle;

3 11. Violation of Section 11-204.1 of this Code relating
4 to aggravated fleeing or attempting to elude a peace
5 officer;

6 12. Violation of paragraph (1) of subsection (b) of
7 Section 6-507, or a similar law of any other state,
8 relating to the unlawful operation of a commercial motor
9 vehicle;

10 13. Violation of paragraph (a) of Section 11-502 of
11 this Code or a similar provision of a local ordinance if
12 the driver has been previously convicted of a violation of
13 that Section or a similar provision of a local ordinance
14 and the driver was less than 21 years of age at the time of
15 the offense;

16 14. Violation of paragraph (a) of Section 11-506 of
17 this Code or a similar provision of a local ordinance
18 relating to the offense of street racing;

19 15. A second or subsequent conviction of driving while
20 the person's driver's license, permit or privileges was
21 revoked for reckless homicide or a similar out-of-state
22 offense;

23 16. Any offense against any provision in this Code, or
24 any local ordinance, regulating the movement of traffic
25 when that offense was the proximate cause of the death of
26 any person. Any person whose driving privileges have been

1 revoked pursuant to this paragraph may seek to have the
2 revocation terminated or to have the length of revocation
3 reduced by requesting an administrative hearing with the
4 Secretary of State prior to the projected driver's license
5 application eligibility date;

6 17. Violation of subsection (a-2) of Section 11-1301.3
7 of this Code or a similar provision of a local ordinance;~~;~~

8 18 ~~17~~. A second or subsequent conviction of illegal
9 possession, while operating or in actual physical control,
10 as a driver, of a motor vehicle, of any controlled
11 substance prohibited under the Illinois Controlled
12 Substances Act, any cannabis prohibited under the Cannabis
13 Control Act, or any methamphetamine prohibited under the
14 Methamphetamine Control and Community Protection Act. A
15 defendant found guilty of this offense while operating a
16 motor vehicle shall have an entry made in the court record
17 by the presiding judge that this offense did occur while
18 the defendant was operating a motor vehicle and order the
19 clerk of the court to report the violation to the Secretary
20 of State.

21 (a-5) The Secretary of State shall immediately revoke a
22 driver's certificate issued under subdivision (b-2) of Section
23 6-106 of this Code upon notification from the Illinois
24 Department of Revenue that the holder of the driver's
25 certificate is not in compliance with any applicable tax laws
26 administered by the Department of Revenue.

1 (b) The Secretary of State shall also immediately revoke
2 the license or permit of any driver in the following
3 situations:

4 1. Of any minor upon receiving the notice provided for
5 in Section 5-901 of the Juvenile Court Act of 1987 that the
6 minor has been adjudicated under that Act as having
7 committed an offense relating to motor vehicles prescribed
8 in Section 4-103 of this Code;

9 2. Of any person when any other law of this State
10 requires either the revocation or suspension of a license
11 or permit;

12 3. Of any person adjudicated under the Juvenile Court
13 Act of 1987 based on an offense determined to have been
14 committed in furtherance of the criminal activities of an
15 organized gang as provided in Section 5-710 of that Act,
16 and that involved the operation or use of a motor vehicle
17 or the use of a driver's license or permit. The revocation
18 shall remain in effect for the period determined by the
19 court. Upon the direction of the court, the Secretary shall
20 issue the person a judicial driving permit, also known as a
21 JDP. The JDP shall be subject to the same terms as a JDP
22 issued under Section 6-206.1, except that the court may
23 direct that a JDP issued under this subdivision (b)(3) be
24 effective immediately.

25 (c)(1) Whenever a person is convicted of any of the
26 offenses enumerated in this Section, the court may recommend

1 and the Secretary of State in his discretion, without regard to
2 whether the recommendation is made by the court may, upon
3 application, issue to the person a restricted driving permit
4 granting the privilege of driving a motor vehicle between the
5 petitioner's residence and petitioner's place of employment or
6 within the scope of the petitioner's employment related duties,
7 or to allow the petitioner to transport himself or herself or a
8 family member of the petitioner's household to a medical
9 facility for the receipt of necessary medical care or to allow
10 the petitioner to transport himself or herself to and from
11 alcohol or drug remedial or rehabilitative activity
12 recommended by a licensed service provider, or to allow the
13 petitioner to transport himself or herself or a family member
14 of the petitioner's household to classes, as a student, at an
15 accredited educational institution, or to allow the petitioner
16 to transport children, elderly persons, or disabled persons who
17 do not hold driving privileges and are living in the
18 petitioner's household to and from daycare; if the petitioner
19 is able to demonstrate that no alternative means of
20 transportation is reasonably available and that the petitioner
21 will not endanger the public safety or welfare; provided that
22 the Secretary's discretion shall be limited to cases where
23 undue hardship, as defined by the rules of the Secretary of
24 State, would result from a failure to issue the restricted
25 driving permit. Those multiple offenders identified in
26 subdivision (b)4 of Section 6-208 of this Code, however, shall

1 not be eligible for the issuance of a restricted driving
2 permit.

3 (2) If a person's license or permit is revoked or
4 suspended due to 2 or more convictions of violating Section
5 11-501 of this Code or a similar provision of a local
6 ordinance or a similar out-of-state offense, or Section 9-3
7 of the Criminal Code of 1961, where the use of alcohol or
8 other drugs is recited as an element of the offense, or a
9 similar out-of-state offense, or a combination of these
10 offenses, arising out of separate occurrences, that
11 person, if issued a restricted driving permit, may not
12 operate a vehicle unless it has been equipped with an
13 ignition interlock device as defined in Section 1-129.1.

14 (3) If:

15 (A) a person's license or permit is revoked or
16 suspended 2 or more times within a 10 year period due
17 to any combination of:

18 (i) a single conviction of violating Section
19 11-501 of this Code or a similar provision of a
20 local ordinance or a similar out-of-state offense,
21 or Section 9-3 of the Criminal Code of 1961, where
22 the use of alcohol or other drugs is recited as an
23 element of the offense, or a similar out-of-state
24 offense; or

25 (ii) a statutory summary suspension or
26 revocation under Section 11-501.1; or

1 (iii) a suspension pursuant to Section
2 6-203.1;

3 arising out of separate occurrences; or

4 (B) a person has been convicted of one violation of
5 Section 6-303 of this Code committed while his or her
6 driver's license, permit, or privilege was revoked
7 because of a violation of Section 9-3 of the Criminal
8 Code of 1961, relating to the offense of reckless
9 homicide where the use of alcohol or other drugs was
10 recited as an element of the offense, or a similar
11 provision of a law of another state;

12 that person, if issued a restricted driving permit, may not
13 operate a vehicle unless it has been equipped with an
14 ignition interlock device as defined in Section 1-129.1.

15 (4) The person issued a permit conditioned on the use
16 of an ignition interlock device must pay to the Secretary
17 of State DUI Administration Fund an amount not to exceed
18 \$30 per month. The Secretary shall establish by rule the
19 amount and the procedures, terms, and conditions relating
20 to these fees.

21 (5) If the restricted driving permit is issued for
22 employment purposes, then the prohibition against
23 operating a motor vehicle that is not equipped with an
24 ignition interlock device does not apply to the operation
25 of an occupational vehicle owned or leased by that person's
26 employer when used solely for employment purposes.

1 (6) In each case the Secretary of State may issue a
2 restricted driving permit for a period he deems
3 appropriate, except that the permit shall expire within one
4 year from the date of issuance. The Secretary may not,
5 however, issue a restricted driving permit to any person
6 whose current revocation is the result of a second or
7 subsequent conviction for a violation of Section 11-501 of
8 this Code or a similar provision of a local ordinance or
9 any similar out-of-state offense, or Section 9-3 of the
10 Criminal Code of 1961, where the use of alcohol or other
11 drugs is recited as an element of the offense, or any
12 similar out-of-state offense, or any combination of these
13 offenses, until the expiration of at least one year from
14 the date of the revocation. A restricted driving permit
15 issued under this Section shall be subject to cancellation,
16 revocation, and suspension by the Secretary of State in
17 like manner and for like cause as a driver's license issued
18 under this Code may be cancelled, revoked, or suspended;
19 except that a conviction upon one or more offenses against
20 laws or ordinances regulating the movement of traffic shall
21 be deemed sufficient cause for the revocation, suspension,
22 or cancellation of a restricted driving permit. The
23 Secretary of State may, as a condition to the issuance of a
24 restricted driving permit, require the petitioner to
25 participate in a designated driver remedial or
26 rehabilitative program. The Secretary of State is

1 authorized to cancel a restricted driving permit if the
2 permit holder does not successfully complete the program.
3 However, if an individual's driving privileges have been
4 revoked in accordance with paragraph 13 of subsection (a)
5 of this Section, no restricted driving permit shall be
6 issued until the individual has served 6 months of the
7 revocation period.

8 (c-5) (Blank).

9 (c-6) If a person is convicted of a second violation of
10 operating a motor vehicle while the person's driver's license,
11 permit or privilege was revoked, where the revocation was for a
12 violation of Section 9-3 of the Criminal Code of 1961 relating
13 to the offense of reckless homicide or a similar out-of-state
14 offense, the person's driving privileges shall be revoked
15 pursuant to subdivision (a) (15) of this Section. The person may
16 not make application for a license or permit until the
17 expiration of five years from the effective date of the
18 revocation or the expiration of five years from the date of
19 release from a term of imprisonment, whichever is later.

20 (c-7) If a person is convicted of a third or subsequent
21 violation of operating a motor vehicle while the person's
22 driver's license, permit or privilege was revoked, where the
23 revocation was for a violation of Section 9-3 of the Criminal
24 Code of 1961 relating to the offense of reckless homicide or a
25 similar out-of-state offense, the person may never apply for a
26 license or permit.

1 (d) (1) Whenever a person under the age of 21 is convicted
2 under Section 11-501 of this Code or a similar provision of a
3 local ordinance or a similar out-of-state offense, the
4 Secretary of State shall revoke the driving privileges of that
5 person. One year after the date of revocation, and upon
6 application, the Secretary of State may, if satisfied that the
7 person applying will not endanger the public safety or welfare,
8 issue a restricted driving permit granting the privilege of
9 driving a motor vehicle only between the hours of 5 a.m. and 9
10 p.m. or as otherwise provided by this Section for a period of
11 one year. After this one year period, and upon reapplication
12 for a license as provided in Section 6-106, upon payment of the
13 appropriate reinstatement fee provided under paragraph (b) of
14 Section 6-118, the Secretary of State, in his discretion, may
15 reinstate the petitioner's driver's license and driving
16 privileges, or extend the restricted driving permit as many
17 times as the Secretary of State deems appropriate, by
18 additional periods of not more than 12 months each.

19 (2) If a person's license or permit is revoked or
20 suspended due to 2 or more convictions of violating Section
21 11-501 of this Code or a similar provision of a local
22 ordinance or a similar out-of-state offense, or Section 9-3
23 of the Criminal Code of 1961, where the use of alcohol or
24 other drugs is recited as an element of the offense, or a
25 similar out-of-state offense, or a combination of these
26 offenses, arising out of separate occurrences, that

1 person, if issued a restricted driving permit, may not
2 operate a vehicle unless it has been equipped with an
3 ignition interlock device as defined in Section 1-129.1.

4 (3) If a person's license or permit is revoked or
5 suspended 2 or more times within a 10 year period due to
6 any combination of:

7 (A) a single conviction of violating Section
8 11-501 of this Code or a similar provision of a local
9 ordinance or a similar out-of-state offense, or
10 Section 9-3 of the Criminal Code of 1961, where the use
11 of alcohol or other drugs is recited as an element of
12 the offense, or a similar out-of-state offense; or

13 (B) a statutory summary suspension or revocation
14 under Section 11-501.1; or

15 (C) a suspension pursuant to Section 6-203.1;

16 arising out of separate occurrences, that person, if issued
17 a restricted driving permit, may not operate a vehicle
18 unless it has been equipped with an ignition interlock
19 device as defined in Section 1-129.1.

20 (4) The person issued a permit conditioned upon the use
21 of an interlock device must pay to the Secretary of State
22 DUI Administration Fund an amount not to exceed \$30 per
23 month. The Secretary shall establish by rule the amount and
24 the procedures, terms, and conditions relating to these
25 fees.

26 (5) If the restricted driving permit is issued for

1 employment purposes, then the prohibition against driving
2 a vehicle that is not equipped with an ignition interlock
3 device does not apply to the operation of an occupational
4 vehicle owned or leased by that person's employer when used
5 solely for employment purposes.

6 (6) A restricted driving permit issued under this
7 Section shall be subject to cancellation, revocation, and
8 suspension by the Secretary of State in like manner and for
9 like cause as a driver's license issued under this Code may
10 be cancelled, revoked, or suspended; except that a
11 conviction upon one or more offenses against laws or
12 ordinances regulating the movement of traffic shall be
13 deemed sufficient cause for the revocation, suspension, or
14 cancellation of a restricted driving permit.

15 (d-5) The revocation of the license, permit, or driving
16 privileges of a person convicted of a third or subsequent
17 violation of Section 6-303 of this Code committed while his or
18 her driver's license, permit, or privilege was revoked because
19 of a violation of Section 9-3 of the Criminal Code of 1961,
20 relating to the offense of reckless homicide, or a similar
21 provision of a law of another state, is permanent. The
22 Secretary may not, at any time, issue a license or permit to
23 that person.

24 (e) This Section is subject to the provisions of the Driver
25 License Compact.

26 (f) Any revocation imposed upon any person under

1 subsections 2 and 3 of paragraph (b) that is in effect on
2 December 31, 1988 shall be converted to a suspension for a like
3 period of time.

4 (g) The Secretary of State shall not issue a restricted
5 driving permit to a person under the age of 16 years whose
6 driving privileges have been revoked under any provisions of
7 this Code.

8 (h) The Secretary of State shall require the use of
9 ignition interlock devices on all vehicles owned by a person
10 who has been convicted of a second or subsequent offense under
11 Section 11-501 of this Code or a similar provision of a local
12 ordinance. The person must pay to the Secretary of State DUI
13 Administration Fund an amount not to exceed \$30 for each month
14 that he or she uses the device. The Secretary shall establish
15 by rule and regulation the procedures for certification and use
16 of the interlock system, the amount of the fee, and the
17 procedures, terms, and conditions relating to these fees.

18 (i) (Blank).

19 (j) In accordance with 49 C.F.R. 384, the Secretary of
20 State may not issue a restricted driving permit for the
21 operation of a commercial motor vehicle to a person holding a
22 CDL whose driving privileges have been revoked, suspended,
23 cancelled, or disqualified under any provisions of this Code.

24 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
25 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
26 7-1-11; 97-333, eff. 8-12-11; 97-838, eff. 1-1-13; 97-844, eff.

1 1-1-13; revised 8-3-12.)

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