



Rep. Barbara Flynn Currie

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1 AMENDMENT TO SENATE BILL 637

2 AMENDMENT NO. _____. Amend Senate Bill 637, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Identification Card Act is amended
6 by changing Sections 2, 5, and 8 as follows:

7 (15 ILCS 335/2) (from Ch. 124, par. 22)

8 Sec. 2. Administration and powers and duties of the
9 Administrator.

10 (a) The Secretary of State is the Administrator of this
11 Act, and he is charged with the duty of observing,
12 administering and enforcing the provisions of this Act.

13 (b) The Secretary is vested with the powers and duties for
14 the proper administration of this Act as follows:

15 1. He shall organize the administration of this Act as
16 he may deem necessary and appoint such subordinate

1 officers, clerks and other employees as may be necessary.

2 2. From time to time, he may make, amend or rescind
3 rules and regulations as may be in the public interest to
4 implement the Act.

5 3. He may prescribe or provide suitable forms as
6 necessary, including such forms as are necessary to
7 establish that an applicant for an Illinois Person with a
8 Disability Identification Card is a "person with a
9 disability" as defined in Section 4A of this Act, and
10 establish that an applicant for a State identification card
11 is a "homeless person" as defined in Section 1A of this
12 Act.

13 4. He may prepare under the seal of the Secretary of
14 State certified copies of any records utilized under this
15 Act and any such certified copy shall be admissible in any
16 proceeding in any court in like manner as the original
17 thereof.

18 5. Records compiled under this Act shall be maintained
19 for 6 years, but the Secretary may destroy such records
20 with the prior approval of the State Records Commission.

21 6. He shall examine and determine the genuineness,
22 regularity and legality of every application filed with him
23 under this Act, and he may in all cases investigate the
24 same, require additional information or proof or
25 documentation from any applicant.

26 7. He shall require the payment of all fees prescribed

1 in this Act, and all such fees received by him shall be
2 placed in the Road Fund of the State treasury except as
3 otherwise provided in Section 12 of this Act. Whenever any
4 application to the Secretary for an identification card
5 under this Act is accompanied by any fee, as required by
6 law, and the application is denied after a review of
7 eligibility, which may include facial recognition
8 comparison, the applicant shall not be entitled to a refund
9 of any fees paid.

10 8. Beginning July 1, 2017, he shall refuse to issue any
11 identification card under this Act to any person who has
12 been issued a driver's license under the Illinois Vehicle
13 Code. Any such person may, at his or her discretion,
14 surrender the driver's license in order to become eligible
15 to obtain an identification card.

16 (Source: P.A. 99-143, eff. 7-27-15; 99-305, eff. 1-1-16;
17 revised 10-14-15.)

18 (15 ILCS 335/5) (from Ch. 124, par. 25)

19 Sec. 5. Applications.

20 (a) Any natural person who is a resident of the State of
21 Illinois may file an application for an identification card, or
22 for the renewal thereof, in a manner prescribed by the
23 Secretary. Each original application shall be completed by the
24 applicant in full and shall set forth the legal name, residence
25 address and zip code, social security number, birth date, sex

1 and a brief description of the applicant. The applicant shall
2 be photographed, unless the Secretary of State has provided by
3 rule for the issuance of identification cards without
4 photographs and the applicant is deemed eligible for an
5 identification card without a photograph under the terms and
6 conditions imposed by the Secretary of State, and he or she
7 shall also submit any other information as the Secretary may
8 deem necessary or such documentation as the Secretary may
9 require to determine the identity of the applicant. In addition
10 to the residence address, the Secretary may allow the applicant
11 to provide a mailing address. If the applicant is a judicial
12 officer as defined in Section 1-10 of the Judicial Privacy Act
13 or a peace officer, the applicant may elect to have his or her
14 office or work address in lieu of the applicant's residence or
15 mailing address. An applicant for an Illinois Person with a
16 Disability Identification Card must also submit with each
17 original or renewal application, on forms prescribed by the
18 Secretary, such documentation as the Secretary may require,
19 establishing that the applicant is a "person with a disability"
20 as defined in Section 4A of this Act, and setting forth the
21 applicant's type and class of disability as set forth in
22 Section 4A of this Act. For the purposes of this subsection
23 (a), "peace officer" means any person who by virtue of his or
24 her office or public employment is vested by law with a duty to
25 maintain public order or to make arrests for a violation of any
26 penal statute of this State, whether that duty extends to all

1 violations or is limited to specific violations.

2 (b) Beginning on or before July 1, 2015, for each original
3 or renewal identification card application under this Act, the
4 Secretary shall inquire as to whether the applicant is a
5 veteran for purposes of issuing an identification card with a
6 veteran designation under subsection (c-5) of Section 4 of this
7 Act. The acceptable forms of proof shall include, but are not
8 limited to, Department of Defense form DD-214. The Secretary
9 shall determine by rule what other forms of proof of a person's
10 status as a veteran are acceptable.

11 The Illinois Department of Veterans' Affairs shall confirm
12 the status of the applicant as an honorably discharged veteran
13 before the Secretary may issue the identification card.

14 For purposes of this subsection (b):

15 "Active duty" means active duty under an executive order of
16 the President of the United States, an Act of the Congress of
17 the United States, or an order of the Governor.

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

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

24 (c) Beginning July 1, 2017, all applicants for standard
25 Illinois Identification Cards and Illinois Person with a
26 Disability Identification Cards shall provide proof of lawful

1 status in the United States as defined in 6 CFR 37.3, as
2 amended. Applicants who are unable to provide the Secretary
3 with proof of lawful status are ineligible for identification
4 cards under this Act.

5 (Source: P.A. 97-371, eff. 1-1-12; 97-739, eff. 1-1-13; 97-847,
6 eff. 1-1-13; 97-1064, eff. 1-1-13; 98-323, eff. 1-1-14; 98-463,
7 eff. 8-16-13.)

8 (15 ILCS 335/8) (from Ch. 124, par. 28)

9 Sec. 8. Expiration.

10 (a) Except as otherwise provided in this Section:

11 (1) Every identification card issued hereunder, except
12 to persons who have reached their 15th birthday, but are
13 not yet 21 years of age, persons who are 65 years of age or
14 older, and persons who are issued an Illinois Person with a
15 Disability Identification Card, shall expire 5 years from
16 the ensuing birthday of the applicant and a renewal shall
17 expire 5 years thereafter.

18 (2) Every original or renewal identification card
19 issued to a person who has reached his or her 15th
20 birthday, but is not yet 21 years of age shall expire 3
21 months after the person's 21st birthday.

22 (b) Except as provided elsewhere in this Section, every
23 ~~Every~~ original, renewal, or duplicate: (i) identification card
24 issued prior to July 1, 2017, to a person who has reached his
25 or her 65th birthday shall be permanent and need not be

1 renewed; (ii) identification card issued on or after July 1,
2 2017, to a person who has reached his or her 65th birthday
3 shall expire 8 years thereafter; ~~(iii) and (ii)~~ Illinois Person
4 with a Disability Identification Card issued prior to July 1,
5 2017, to a qualifying person shall expire 10 years thereafter;
6 and (iv) Illinois Person with a Disability Identification Card
7 issued on or after July 1, 2017, shall expire 8 years
8 thereafter. The Secretary of State shall promulgate rules
9 setting forth the conditions and criteria for the renewal of
10 all Illinois Person with a Disability Identification Cards.

11 (c) Beginning July 1, 2016, every identification card or
12 Illinois Person with a Disability Identification Card issued
13 under this Act to an applicant who is not a United States
14 citizen shall expire on whichever is the earlier date of the
15 following:

16 (1) as provided under subsection (a) or (b) of this
17 Section; or

18 (2) on the date the applicant's authorized stay in the
19 United States terminates.

20 (Source: P.A. 99-305, eff. 1-1-16.)

21 Section 10. The Illinois Vehicle Code is amended by
22 changing Sections 6-103 and 6-106 as follows:

23 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

24 Sec. 6-103. What persons shall not be licensed as drivers

1 or granted permits. The Secretary of State shall not issue,
2 renew, or allow the retention of any driver's license nor issue
3 any permit under this Code:

4 1. To any person, as a driver, who is under the age of
5 18 years except as provided in Section 6-107, and except
6 that an instruction permit may be issued under Section
7 6-107.1 to a child who is not less than 15 years of age if
8 the child is enrolled in an approved driver education
9 course as defined in Section 1-103 of this Code and
10 requires an instruction permit to participate therein,
11 except that an instruction permit may be issued under the
12 provisions of Section 6-107.1 to a child who is 17 years
13 and 3 months of age without the child having enrolled in an
14 approved driver education course and except that an
15 instruction permit may be issued to a child who is at least
16 15 years and 3 months of age, is enrolled in school, meets
17 the educational requirements of the Driver Education Act,
18 and has passed examinations the Secretary of State in his
19 or her discretion may prescribe;

20 1.5. To any person at least 18 years of age but less
21 than 21 years of age unless the person has, in addition to
22 any other requirements of this Code, successfully
23 completed an adult driver education course as provided in
24 Section 6-107.5 of this Code;

25 2. To any person who is under the age of 18 as an
26 operator of a motorcycle other than a motor driven cycle

1 unless the person has, in addition to meeting the
2 provisions of Section 6-107 of this Code, successfully
3 completed a motorcycle training course approved by the
4 Illinois Department of Transportation and successfully
5 completes the required Secretary of State's motorcycle
6 driver's examination;

7 3. To any person, as a driver, whose driver's license
8 or permit has been suspended, during the suspension, nor to
9 any person whose driver's license or permit has been
10 revoked, except as provided in Sections 6-205, 6-206, and
11 6-208;

12 4. To any person, as a driver, who is a user of alcohol
13 or any other drug to a degree that renders the person
14 incapable of safely driving a motor vehicle;

15 5. To any person, as a driver, who has previously been
16 adjudged to be afflicted with or suffering from any mental
17 or physical disability or disease and who has not at the
18 time of application been restored to competency by the
19 methods provided by law;

20 6. To any person, as a driver, who is required by the
21 Secretary of State to submit an alcohol and drug evaluation
22 or take an examination provided for in this Code unless the
23 person has successfully passed the examination and
24 submitted any required evaluation;

25 7. To any person who is required under the provisions
26 of the laws of this State to deposit security or proof of

1 financial responsibility and who has not deposited the
2 security or proof;

3 8. To any person when the Secretary of State has good
4 cause to believe that the person by reason of physical or
5 mental disability would not be able to safely operate a
6 motor vehicle upon the highways, unless the person shall
7 furnish to the Secretary of State a verified written
8 statement, acceptable to the Secretary of State, from a
9 competent medical specialist, a licensed physician
10 assistant, or a licensed advanced practice nurse, to the
11 effect that the operation of a motor vehicle by the person
12 would not be inimical to the public safety;

13 9. To any person, as a driver, who is 69 years of age
14 or older, unless the person has successfully complied with
15 the provisions of Section 6-109;

16 10. To any person convicted, within 12 months of
17 application for a license, of any of the sexual offenses
18 enumerated in paragraph 2 of subsection (b) of Section
19 6-205;

20 11. To any person who is under the age of 21 years with
21 a classification prohibited in paragraph (b) of Section
22 6-104 and to any person who is under the age of 18 years
23 with a classification prohibited in paragraph (c) of
24 Section 6-104;

25 12. To any person who has been either convicted of or
26 adjudicated under the Juvenile Court Act of 1987 based upon

1 a violation of the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act while that person was in
4 actual physical control of a motor vehicle. For purposes of
5 this Section, any person placed on probation under Section
6 10 of the Cannabis Control Act, Section 410 of the Illinois
7 Controlled Substances Act, or Section 70 of the
8 Methamphetamine Control and Community Protection Act shall
9 not be considered convicted. Any person found guilty of
10 this offense, while in actual physical control of a motor
11 vehicle, shall have an entry made in the court record by
12 the judge that this offense did occur while the person was
13 in actual physical control of a motor vehicle and order the
14 clerk of the court to report the violation to the Secretary
15 of State as such. The Secretary of State shall not issue a
16 new license or permit for a period of one year;

17 13. To any person who is under the age of 18 years and
18 who has committed the offense of operating a motor vehicle
19 without a valid license or permit in violation of Section
20 6-101 or a similar out of state offense;

21 14. To any person who is 90 days or more delinquent in
22 court ordered child support payments or has been
23 adjudicated in arrears in an amount equal to 90 days'
24 obligation or more and who has been found in contempt of
25 court for failure to pay the support, subject to the
26 requirements and procedures of Article VII of Chapter 7 of

1 the Illinois Vehicle Code;

2 14.5. To any person certified by the Illinois
3 Department of Healthcare and Family Services as being 90
4 days or more delinquent in payment of support under an
5 order of support entered by a court or administrative body
6 of this or any other State, subject to the requirements and
7 procedures of Article VII of Chapter 7 of this Code
8 regarding those certifications;

9 15. To any person released from a term of imprisonment
10 for violating Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, or a similar provision of a law
12 of another state relating to reckless homicide or for
13 violating subparagraph (F) of paragraph (1) of subsection
14 (d) of Section 11-501 of this Code relating to aggravated
15 driving under the influence of alcohol, other drug or
16 drugs, intoxicating compound or compounds, or any
17 combination thereof, if the violation was the proximate
18 cause of a death, within 24 months of release from a term
19 of imprisonment;

20 16. To any person who, with intent to influence any act
21 related to the issuance of any driver's license or permit,
22 by an employee of the Secretary of State's Office, or the
23 owner or employee of any commercial driver training school
24 licensed by the Secretary of State, or any other individual
25 authorized by the laws of this State to give driving
26 instructions or administer all or part of a driver's

1 license examination, promises or tenders to that person any
2 property or personal advantage which that person is not
3 authorized by law to accept. Any persons promising or
4 tendering such property or personal advantage shall be
5 disqualified from holding any class of driver's license or
6 permit for 120 consecutive days. The Secretary of State
7 shall establish by rule the procedures for implementing
8 this period of disqualification and the procedures by which
9 persons so disqualified may obtain administrative review
10 of the decision to disqualify;

11 17. To any person for whom the Secretary of State
12 cannot verify the accuracy of any information or
13 documentation submitted in application for a driver's
14 license; ~~or~~

15 18. To any person who has been adjudicated under the
16 Juvenile Court Act of 1987 based upon an offense that is
17 determined by the court to have been committed in
18 furtherance of the criminal activities of an organized
19 gang, as provided in Section 5-710 of that Act, and that
20 involved the operation or use of a motor vehicle or the use
21 of a driver's license or permit. The person shall be denied
22 a license or permit for the period determined by the court;
23 or -

24 19. Beginning July 1, 2017, to any person who has been
25 issued an identification card under the Illinois
26 Identification Card Act. Any such person may, at his or her

1 discretion, surrender the identification card in order to
2 become eligible to obtain a driver's license.

3 The Secretary of State shall retain all conviction
4 information, if the information is required to be held
5 confidential under the Juvenile Court Act of 1987.

6 (Source: P.A. 98-167, eff. 7-1-14; 98-756, eff. 7-16-14;
7 99-173, eff. 7-29-15.)

8 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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

17 (b) Every application shall state the legal name, social
18 security number, zip code, date of birth, sex, and residence
19 address of the applicant; briefly describe the applicant; state
20 whether the applicant has theretofore been licensed as a
21 driver, and, if so, when and by what state or country, and
22 whether any such license has ever been cancelled, suspended,
23 revoked or refused, and, if so, the date and reason for such
24 cancellation, suspension, revocation or refusal; shall include
25 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. In the case of an
4 applicant who is a judicial officer or peace officer, the
5 Secretary may allow the applicant to provide an office or work
6 address in lieu of a residence or mailing address. The
7 application form may also require the statement of such
8 additional relevant information as the Secretary of State shall
9 deem necessary to determine the applicant's competency and
10 eligibility. The Secretary of State may, in his discretion, by
11 rule or regulation, provide that an application for a drivers
12 license or permit may include a suitable photograph of the
13 applicant in the form prescribed by the Secretary, and he may
14 further provide that each drivers license shall include a
15 photograph of the driver. The Secretary of State may utilize a
16 photograph process or system most suitable to deter alteration
17 or improper reproduction of a drivers license and to prevent
18 substitution of another photo thereon. For the purposes of this
19 subsection (b), "peace officer" means any person who by virtue
20 of his or her office or public employment is vested by law with
21 a duty to maintain public order or to make arrests for a
22 violation of any penal statute of this State, whether that duty
23 extends to all violations or is limited to specific violations.

24 (b-5) Beginning July 1, 2017, every applicant for a
25 driver's license or permit shall provide proof of lawful status
26 in the United States as defined in 6 CFR 37.3, as amended.

1 Applicants who are unable to provide the Secretary with proof
2 of lawful status may apply for a driver's license or permit
3 under Section 6-105.1 of this Code.

4 (c) The application form shall include a notice to the
5 applicant of the registration obligations of sex offenders
6 under the Sex Offender Registration Act. The notice shall be
7 provided in a form and manner prescribed by the Secretary of
8 State. For purposes of this subsection (c), "sex offender" has
9 the meaning ascribed to it in Section 2 of the Sex Offender
10 Registration Act.

11 (d) Any male United States citizen or immigrant who applies
12 for any permit or license authorized to be issued under this
13 Code or for a renewal of any permit or license, and who is at
14 least 18 years of age but less than 26 years of age, must be
15 registered in compliance with the requirements of the federal
16 Military Selective Service Act. The Secretary of State must
17 forward in an electronic format the necessary personal
18 information regarding the applicants identified in this
19 subsection (d) to the Selective Service System. The applicant's
20 signature on the application serves as an indication that the
21 applicant either has already registered with the Selective
22 Service System or that he is authorizing the Secretary to
23 forward to the Selective Service System the necessary
24 information for registration. The Secretary must notify the
25 applicant at the time of application that his signature
26 constitutes consent to registration with the Selective Service

1 System, if he is not already registered.

2 (e) Beginning on or before July 1, 2015, for each original
3 or renewal driver's license application under this Code, the
4 Secretary shall inquire as to whether the applicant is a
5 veteran for purposes of issuing a driver's license with a
6 veteran designation under subsection (e-5) of Section 6-110 of
7 this Code. The acceptable forms of proof shall include, but are
8 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 The Illinois Department of Veterans' Affairs shall confirm
12 the status of the applicant as an honorably discharged veteran
13 before the Secretary may issue the driver's license.

14 For purposes of this subsection (e):

15 "Active duty" means active duty under an executive order of
16 the President of the United States, an Act of the Congress of
17 the United States, or an order of the Governor.

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

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

24 (Source: P.A. 97-263, eff. 8-5-11; 97-739, eff. 1-1-13; 97-847,
25 eff. 1-1-13; 98-323, eff. 1-1-14; 98-463, eff. 8-16-13; 98-756,
26 eff. 7-16-14.)".