

HB3153



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB3153

by Rep. Jim Durkin

SYNOPSIS AS INTRODUCED:

625 ILCS 5/6-105.1

Amends the Illinois Vehicle Code. Requires applicants for a temporary visitor's driver's license to submit to fingerprinting for the purpose of conducting a background check in State and federal databases. Requires the applicant to pay for the cost of this fingerprinting and background check. Effective immediately.

LRB098 08571 MLW 38687 b

A BILL FOR

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 Section 6-105.1 as follows:

6 (625 ILCS 5/6-105.1)

7 (Text of Section before amendment by P.A. 97-1157)

8 Sec. 6-105.1. Temporary visitor's driver's license.

9 (a) The Secretary of State may issue a temporary visitor's
10 driver's license to a foreign national who (i) resides in this
11 State, (ii) is ineligible to obtain a social security number,
12 and (iii) presents to the Secretary documentation, issued by
13 United States Citizenship and Immigration Services,
14 authorizing the person's presence in this country. Each
15 applicant for the temporary visitor's driver's license shall
16 submit fingerprints as required by the Department of State
17 Police to conduct fingerprint based criminal background checks
18 on information available in the State system and information
19 available through the Federal Bureau of Investigation's
20 system. The applicant shall be required to pay all related
21 fingerprinting fees as established by rule including, but not
22 limited to, the amounts established by the Department of State
23 Police and the Federal Bureau of Investigation to process

1 fingerprint based criminal background investigations. All fees
2 paid for fingerprint processing services under this Section
3 shall be deposited into the State Police Services Fund for
4 costs incurred in processing the fingerprint based criminal
5 background investigations.

6 (b) A temporary visitor's driver's license is valid for 3
7 years, or for the period of time the individual is authorized
8 to remain in this country, whichever ends sooner.

9 (c) The Secretary shall adopt rules for implementing this
10 Section, including rules regarding the design and content of
11 the temporary visitor's driver's license.

12 (Source: P.A. 93-752, eff. 1-1-05.)

13 (Text of Section after amendment by P.A. 97-1157)

14 Sec. 6-105.1. Temporary visitor's driver's license.

15 (a) The Secretary of State may issue a temporary visitor's
16 driver's license to a foreign national who (i) resides in this
17 State, (ii) is ineligible to obtain a social security number,
18 and (iii) presents to the Secretary documentation, issued by
19 United States Citizenship and Immigration Services,
20 authorizing the person's presence in this country.

21 (a-5) The Secretary of State may issue a temporary
22 visitor's driver's license to an applicant who (i) has resided
23 in this State for a period in excess of one year, (ii) is
24 ineligible to obtain a social security number, and (iii) is
25 unable to present documentation issued by the United States

1 Citizenship and Immigration Services authorizing the person's
2 presence in this country. Each applicant for the temporary
3 visitor's driver's license shall submit fingerprints as
4 required by the Department of State Police to conduct
5 fingerprint based criminal background checks on information
6 available in the State system and information available through
7 the Federal Bureau of Investigation's system. The applicant
8 shall be required to pay all related fingerprinting fees as
9 established by rule including, but not limited to, the amounts
10 established by the Department of State Police and the Federal
11 Bureau of Investigation to process fingerprint based criminal
12 background investigations. All fees paid for fingerprint
13 processing services under this Section shall be deposited into
14 the State Police Services Fund for costs incurred in processing
15 the fingerprint based criminal background investigations. The
16 applicant shall submit a valid unexpired passport from the
17 applicant's country of citizenship or a valid unexpired
18 consular identification document issued by a consulate of that
19 country as defined in Section 5 of the Consular Identification
20 Document Act (5 ILCS 230/5).

21 (a-10) Applicants for a temporary visitor's driver's
22 license who are under 18 years of age at the time of
23 application shall be subject to the provisions of Sections
24 6-107 and 6-108 of this Code.

25 (b) A temporary visitor's driver's license issued under
26 subsection (a) is valid for 3 years, or for the period of time

1 the individual is authorized to remain in this country,
2 whichever ends sooner. A temporary visitor's driver's license
3 issued under subsection (a-5) shall be valid for a period of 3
4 years.

5 (b-5) A temporary visitor's driver's license issued under
6 this Section may not be accepted for proof of the holder's
7 identity. A temporary visitor's driver's license issued under
8 this Section shall contain a notice on its face, in capitalized
9 letters, stating that the temporary visitor's driver's license
10 may not be accepted for proof of identity.

11 (c) The Secretary shall adopt rules for implementing this
12 Section, including rules:

13 (1) regarding the design and content of the temporary
14 visitor's driver's license;

15 (2) establishing criteria for proof of identification
16 and residency of an individual applying under subsection
17 (a-5);

18 (3) designating acceptable evidence that an applicant
19 is not eligible for a social security number; and

20 (4) regarding the issuance of temporary visitor's
21 instruction permits.

22 (d) Any person to whom the Secretary of State may issue a
23 temporary visitor's driver's license shall be subject to any
24 and all provisions of this Code and any and all implementing
25 regulations issued by the Secretary of State to the same extent
26 as any person issued a driver's license, unless otherwise

1 provided in this Code or by administrative rule, including but
2 not limited to the examination requirements in Section 6-109 as
3 well as the mandatory insurance requirements and penalties set
4 forth in Article VI of Chapter 7 of this Code.

5 (d-5) A temporary visitor's driver's license is invalid if
6 the holder is unable to provide proof of liability insurance as
7 required by Section 7-601 of this Code upon the request of a
8 law enforcement officer, in which case the holder commits a
9 violation of Section 6-101 of this Code.

10 (e) Temporary visitor's driver's licenses shall be issued
11 from a central location after the Secretary of State has
12 verified the information provided by the applicant.

13 (f) There is created in the State treasury a special fund
14 to be known as the Driver Services Administration Fund. All
15 fees collected for the issuance of temporary visitor's driver's
16 licenses shall be deposited into the Fund. These funds shall,
17 subject to appropriation, be used by the Office of the
18 Secretary of State for costs related to the issuance of
19 temporary visitor's driver's licenses, and other operational
20 costs, including personnel, facilities, computer programming,
21 and data transmission.

22 (Source: P.A. 97-1157, eff. 11-28-13.)

23 Section 95. No acceleration or delay. Where this Act makes
24 changes in a statute that is represented in this Act by text
25 that is not yet or no longer in effect (for example, a Section

1 represented by multiple versions), the use of that text does
2 not accelerate or delay the taking effect of (i) the changes
3 made by this Act or (ii) provisions derived from any other
4 Public Act.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.