



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB5095

Introduced 2/10/2026, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

15 ILCS 335/5

625 ILCS 5/2-110

625 ILCS 5/6-106

from Ch. 95 1/2, par. 2-110

from Ch. 95 1/2, par. 6-106

Amends the Illinois Identification Card Act and the Illinois Vehicle Code. Provides that the Secretary of State shall permit applicants to choose between "male", "female", or "X" (rather than "male", "female", or "non-binary") on an application for an identification card, driver's license, or permit. Provides that an applicant who wants to change the sex listed on an issued identification card, driver's license, or permit must submit a gender designation form. Sets forth the requirements of the gender designation form.

LRB104 17181 SPS 30600 b

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 5 as follows:

6 (15 ILCS 335/5)

7 Sec. 5. Applications.

8 (a) Any natural person who is a resident of the State of
9 Illinois may file an application for an identification card,
10 or for the renewal thereof, in a manner prescribed by the
11 Secretary. Each original application shall be completed by the
12 applicant in full and shall set forth the legal name,
13 residence address and zip code, social security number, if the
14 person has a social security number, birth date, sex and a
15 brief description of the applicant. The applicant shall be
16 photographed, unless the Secretary of State has provided by
17 rule for the issuance of identification cards without
18 photographs and the applicant is deemed eligible for an
19 identification card without a photograph under the terms and
20 conditions imposed by the Secretary of State. The applicant ~~and he or she~~
21 shall also submit any other information as the
22 Secretary may deem necessary or such documentation as the
23 Secretary may require to determine the identity of the

1 applicant, except as limited under subsection (a-5). In
2 addition to the residence address, the Secretary may allow the
3 applicant to provide a mailing address. If the applicant is an
4 employee of the Department of Children and Family Services
5 with a job title of "Child Protection Specialist Trainee",
6 "Child Protection Specialist", "Child Protection Advanced
7 Specialist", "Child Welfare Specialist Trainee", "Child
8 Welfare Specialist", or "Child Welfare Advanced Specialist" or
9 a judicial officer as defined in Section 1-10 of the Judicial
10 Privacy Act, or a public official as defined in Section 10 of
11 the Public Official Safety and Privacy Act, or a peace
12 officer, the applicant may elect to have his or her office or
13 work address in lieu of the applicant's residence or mailing
14 address. An applicant for an Illinois Person with a Disability
15 Identification Card must also submit with each original or
16 renewal application, on forms prescribed by the Secretary,
17 such documentation as the Secretary may require, establishing
18 that the applicant is a "person with a disability" as defined
19 in Section 4A of this Act, and setting forth the applicant's
20 type and class of disability as set forth in Section 4A of this
21 Act. For the purposes of this subsection (a), "peace officer"
22 means any person who by virtue of his or her office or public
23 employment is vested by law with a duty to maintain public
24 order or to make arrests for a violation of any penal statute
25 of this State, whether that duty extends to all violations or
26 is limited to specific violations.

1 (a-5) ~~The~~ ~~Upon the first issuance of a request for~~
2 ~~proposals for a digital driver's license and identification~~
3 ~~card issuance and facial recognition system issued after~~
4 ~~January 1, 2020 (the effective date of Public Act 101-513),~~
5 ~~and upon implementation of a new or revised system procured~~
6 ~~pursuant to that request for proposals,~~ the Secretary shall
7 permit applicants to choose between "male", "female", or "X"
8 "~~non binary~~" when designating the applicant's sex on the
9 identification card application form or when changing the sex
10 listed on an issued identification card. The sex designated by
11 the applicant shall be displayed on the identification card
12 issued to the applicant.

13 For an initial identification card, an applicant shall
14 designate a sex on the application form. If the applicant's
15 documents used to establish identity include a sex different
16 than the sex the applicant has designated, then the applicant
17 must submit a gender designation form.

18 An applicant who wants to change the sex listed on an
19 issued identification card must submit a gender designation
20 form.

21 The gender designation form shall only request the
22 applicant's information, gender designation statement,
23 attestation, and signature or mark. The applicant's
24 information required on the form shall be limited to name as
25 reflected on the applicant's current driver's license or
26 identification card, if applicable; current driver's license

1 or identification card number, if applicable; and residential
2 address of the applicant. The gender designation statement
3 shall allow the applicant to designate a sex on the
4 applicant's identification card as "male", "female", or "X".
5 The attestation shall state that the applicant swears, under
6 the penalty of perjury, that the request for the selected
7 gender designation is to ensure that the applicant's
8 identification card accurately reflects the applicant's gender
9 identity and is not for a fraudulent or unlawful purpose.

10 The Secretary of State shall not require any additional
11 question, documentation, support, certification, or
12 verification to change a gender marker.

13 The Secretary of State shall not require any documentation
14 other than the gender designation form to confirm the sex or
15 gender identity of the applicant.

16 (b) Beginning on or before July 1, 2015, for each original
17 or renewal identification card application under this Act, the
18 Secretary shall inquire as to whether the applicant is a
19 veteran for purposes of issuing an identification card with a
20 veteran designation under subsection (c-5) of Section 4 of
21 this Act. The acceptable forms of proof shall include, but are
22 not limited to, Department of Defense form DD-214, Department
23 of Defense form DD-256 for applicants who did not receive a
24 form DD-214 upon the completion of initial basic training,
25 Department of Defense form DD-2 (Retired), an identification
26 card issued under the federal Veterans Identification Card Act

1 of 2015, or a United States Department of Veterans Affairs
2 summary of benefits letter. If the document cannot be stamped,
3 the Illinois Department of Veterans Affairs shall provide a
4 certificate to the veteran to provide to the Secretary of
5 State. The Illinois Department of Veterans Affairs shall
6 advise the Secretary as to what other forms of proof of a
7 person's status as a veteran are acceptable.

8 For each applicant who is issued an identification card
9 with a veteran designation, the Secretary shall provide the
10 Department of Veterans Affairs with the applicant's name,
11 address, date of birth, gender, and such other demographic
12 information as agreed to by the Secretary and the Department.
13 The Department may take steps necessary to confirm the
14 applicant is a veteran. If after due diligence, including
15 writing to the applicant at the address provided by the
16 Secretary, the Department is unable to verify the applicant's
17 veteran status, the Department shall inform the Secretary, who
18 shall notify the applicant that he or she must confirm status
19 as a veteran, or the identification card will be canceled.

20 For purposes of this subsection (b):

21 "Armed forces" means any of the Armed Forces of the United
22 States, including a member of any reserve component or
23 National Guard unit.

24 "Veteran" means a person who has served in the armed
25 forces and was discharged or separated under honorable
26 conditions.

1 (b-1) An applicant who is eligible for Gold Star license
2 plates under Section 3-664 of the Illinois Vehicle Code may
3 apply for an identification card with space for a designation
4 as a Gold Star Family. The Secretary may waive any fee for this
5 application. If the Secretary does not waive the fee, any fee
6 charged to the applicant must be deposited into the Illinois
7 Veterans Assistance Fund. The Secretary is authorized to issue
8 rules to implement this subsection.

9 (c) All applicants for REAL ID compliant standard Illinois
10 Identification Cards and Illinois Person with a Disability
11 Identification Cards shall provide proof of lawful status in
12 the United States as defined in 6 CFR 37.3, as amended.
13 Applicants who are unable to provide the Secretary with proof
14 of lawful status are ineligible for REAL ID compliant
15 identification cards under this Act.

16 (d) The Secretary of State may accept, as proof of date of
17 birth and written signature for any applicant for a standard
18 identification card who does not have a social security number
19 or documentation issued by the United States Department of
20 Homeland Security authorizing the applicant's presence in this
21 country, any passport validly issued to the applicant from the
22 applicant's country of citizenship or a consular
23 identification document validly issued to the applicant by a
24 consulate of that country as defined in Section 5 of the
25 Consular Identification Document Act. Any such documents must
26 be either unexpired or presented by an applicant within 2

1 years of its expiration date.

2 (Source: P.A. 103-210, eff. 7-1-24; 103-888, eff. 8-9-24;
3 103-933, eff. 1-1-25; 104-234, eff. 8-15-25; 104-417, eff.
4 8-15-25; 104-443, eff. 1-1-26; revised 1-7-26.)

5 Section 10. The Illinois Vehicle Code is amended by
6 changing Sections 2-110 6-106 and as follows:

7 (625 ILCS 5/2-110) (from Ch. 95 1/2, par. 2-110)

8 Sec. 2-110. Authority to grant or refuse applications.
9 The Secretary of State shall examine and determine the
10 genuineness, regularity and legality of every application for
11 registration of a vehicle, for a certificate of title
12 therefor, and for a driver's license and of any other
13 application lawfully made to the Secretary of State, and may
14 in all cases, except as limited under subsection (b-3) of
15 Section 6-106, make investigation and verify the information
16 and the authenticity of the documents submitted as may be
17 deemed necessary or require additional information, and shall
18 reject any such application if not satisfied of the
19 genuineness, regularity or legality thereof or the truth of
20 any statement contained therein, or for any other reason, when
21 authorized by law.

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

23 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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

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

1 competency and eligibility. The Secretary of State may, in his
2 discretion, by rule or regulation, provide that an application
3 for a driver's ~~drivers~~ license or permit may include a
4 suitable photograph of the applicant in the form prescribed by
5 the Secretary, and he may further provide that each driver's
6 ~~drivers~~ license shall include a photograph of the driver. The
7 Secretary of State may utilize a photograph process or system
8 most suitable to deter alteration or improper reproduction of
9 a driver's ~~drivers~~ license and to prevent substitution of
10 another photo thereon. For the purposes of this subsection
11 (b):

12 "Peace officer" means any person who by virtue of his or
13 her office or public employment is vested by law with a duty to
14 maintain public order or to make arrests for a violation of any
15 penal statute of this State, whether that duty extends to all
16 violations or is limited to specific violations.

17 "Public official" has the meaning given in Section 10 of
18 the Public Official Safety and Privacy Act.

19 (b-1) Every application shall state the social security
20 number of the applicant; except if the applicant is applying
21 for a standard driver's license and, on the date of
22 application, is ineligible for a social security number, then:

23 (1) if the applicant has documentation, issued by the
24 United States Department of Homeland Security, authorizing
25 the applicant's presence in this country, the applicant
26 shall provide such documentation instead of a social

1 security number; and

2 (2) if the applicant does not have documentation
3 described in paragraph (1), the applicant shall provide,
4 instead of a social security number, the following:

5 (A) documentation establishing that the applicant
6 has resided in this State for a period in excess of one
7 year;

8 (B) a passport validly issued to the applicant
9 from the applicant's country of citizenship or a
10 consular identification document validly issued to the
11 applicant by a consulate of that country as defined in
12 Section 5 of the Consular Identification Document Act,
13 as long as such documents are either unexpired or
14 presented by an applicant within 2 years of its
15 expiration date; and

16 (C) a social security card, if the applicant has a
17 social security number.

18 (b-3) ~~The Upon the first issuance of a request for~~
19 ~~proposals for a digital driver's license and identification~~
20 ~~card issuance and facial recognition system issued after~~
21 ~~January 1, 2020 (the effective date of Public Act 101-513),~~
22 ~~and upon implementation of a new or revised system procured~~
23 ~~pursuant to that request for proposals, the~~ Secretary shall
24 permit applicants to choose between "male", "female" or "X"
25 "~~non-binary~~" when designating the applicant's sex on the
26 driver's license or permit application form or when changing

1 the sex listed on an issued driver's license or permit. The sex
2 designated by the applicant shall be displayed on the driver's
3 license or permit issued to the applicant.

4 For an initial driver's license or permit, an applicant
5 shall designate a sex on the application form. If the
6 applicant's documents used to establish identity include a sex
7 different than the sex the applicant has designated, then the
8 applicant must submit a gender designation form.

9 An applicant who wants to change the sex listed on an
10 issued driver's license or permit must submit a gender
11 designation form.

12 The gender designation form shall only request the
13 applicant's information, gender designation statement,
14 attestation, and signature or mark. The applicant's
15 information required on the form shall be limited to name as
16 reflected on the applicant's current driver's license or
17 identification card, if applicable; current driver's license
18 or identification card number, if applicable; and residential
19 address of the applicant. The gender designation statement
20 shall allow the applicant to designate a sex on the
21 applicant's driver's license or permit as "male", "female", or
22 "X". The attestation shall state that the applicant swears,
23 under the penalty of perjury, that the request for the
24 selected gender designation is to ensure that the applicant's
25 driver's license or permit accurately reflects the applicant's
26 gender identity and is not for a fraudulent or unlawful

1 purpose.

2 The Secretary of State shall not require any additional
3 question, documentation, support, certification, or
4 verification to change a gender marker.

5 The Secretary of State shall not require any documentation
6 other than the gender designation form to confirm the sex or
7 gender identity of the applicant.

8 (b-5) Every applicant for a REAL ID compliant driver's
9 license or permit shall provide proof of lawful status in the
10 United States as defined in 6 CFR 37.3, as amended.

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

18 (d) Any male United States citizen or immigrant who
19 applies for any permit or license authorized to be issued
20 under this Code or for a renewal of any permit or license, and
21 who is at least 18 years of age but less than 26 years of age,
22 must be registered in compliance with the requirements of the
23 federal Military Selective Service Act. The Secretary of State
24 must forward in an electronic format the necessary personal
25 information regarding the applicants identified in this
26 subsection (d) to the Selective Service System. The

1 applicant's signature on the application serves as an
2 indication that the applicant either has already registered
3 with the Selective Service System or that he is authorizing
4 the Secretary to forward to the Selective Service System the
5 necessary information for registration. The Secretary must
6 notify the applicant at the time of application that his
7 signature constitutes consent to registration with the
8 Selective Service System, if he is not already registered.

9 (e) Beginning on or before July 1, 2015, for each original
10 or renewal driver's license application under this Code, the
11 Secretary shall inquire as to whether the applicant is a
12 veteran for purposes of issuing a driver's license with a
13 veteran designation under subsection (e-5) of Section 6-110 of
14 this Code. The acceptable forms of proof shall include, but
15 are not limited to, Department of Defense form DD-214,
16 Department of Defense form DD-256 for applicants who did not
17 receive a form DD-214 upon the completion of initial basic
18 training, Department of Defense form DD-2 (Retired), an
19 identification card issued under the federal Veterans
20 Identification Card Act of 2015, or a United States Department
21 of Veterans Affairs summary of benefits letter. If the
22 document cannot be stamped, the Illinois Department of
23 Veterans Affairs shall provide a certificate to the veteran to
24 provide to the Secretary of State. The Illinois Department of
25 Veterans Affairs shall advise the Secretary as to what other
26 forms of proof of a person's status as a veteran are

1 acceptable.

2 For each applicant who is issued a driver's license with a
3 veteran designation, the Secretary shall provide the
4 Department of Veterans Affairs with the applicant's name,
5 address, date of birth, gender and such other demographic
6 information as agreed to by the Secretary and the Department.
7 The Department may take steps necessary to confirm the
8 applicant is a veteran. If after due diligence, including
9 writing to the applicant at the address provided by the
10 Secretary, the Department is unable to verify the applicant's
11 veteran status, the Department shall inform the Secretary, who
12 shall notify the applicant that he or she must confirm status
13 as a veteran, or the driver's license will be canceled.

14 For purposes of this subsection (e):

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

18 "Veteran" means a person who has served in the armed
19 forces and was discharged or separated under honorable
20 conditions.

21 (f) An applicant who is eligible for Gold Star license
22 plates under Section 3-664 of this Code may apply for an
23 original or renewal driver's license with space for a
24 designation as a Gold Star Family. The Secretary may waive any
25 fee for this application. If the Secretary does not waive the
26 fee, any fee charged to the applicant must be deposited into

1 the Illinois Veterans Assistance Fund. The Secretary is
2 authorized to issue rules to implement this subsection.

3 (Source: P.A. 103-210, eff. 7-1-24; 103-933, eff. 1-1-25;
4 104-234, eff. 8-15-25; 104-443, eff. 1-1-26.)