

HB3536



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3536

by Rep. Anne Stava-Murray

SYNOPSIS AS INTRODUCED:

15 ILCS 335/5
625 ILCS 5/6-106

from Ch. 124, par. 25
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 accept a Department of Defense honorable discharge certificate from an applicant for a veteran designation as proof of veteran status if the applicant did not receive a Department of Defense certificate of release or discharge from active duty upon the completion of initial basic training. Effective immediately.

LRB101 10511 TAE 55617 b

A BILL FOR

1 AN ACT concerning the Secretary of State.

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) (from Ch. 124, par. 25)

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, or
10 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, residence
13 address and zip code, social security number, birth date, sex
14 and a brief description of the applicant. The applicant shall
15 be photographed, unless the Secretary of State has provided by
16 rule for the issuance of identification cards without
17 photographs and the applicant is deemed eligible for an
18 identification card without a photograph under the terms and
19 conditions imposed by the Secretary of State, and he or she
20 shall also submit any other information as the Secretary may
21 deem necessary or such documentation as the Secretary may
22 require to determine the identity of the applicant. In addition
23 to the residence address, the Secretary may allow the applicant

1 to provide a mailing address. If the applicant is a judicial
2 officer as defined in Section 1-10 of the Judicial Privacy Act
3 or a peace officer, the applicant may elect to have his or her
4 office or work address in lieu of the applicant's residence or
5 mailing address. An applicant for an Illinois Person with a
6 Disability Identification Card must also submit with each
7 original or renewal application, on forms prescribed by the
8 Secretary, such documentation as the Secretary may require,
9 establishing that the applicant is a "person with a disability"
10 as defined in Section 4A of this Act, and setting forth the
11 applicant's type and class of disability as set forth in
12 Section 4A of this Act. For the purposes of this subsection
13 (a), "peace officer" means any person who by virtue of his or
14 her office or public employment is vested by law with a duty to
15 maintain public order or to make arrests for a violation of any
16 penal statute of this State, whether that duty extends to all
17 violations or is limited to specific violations.

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

1 identification card issued under the federal Veterans
2 Identification Card Act of 2015. If the document cannot be
3 stamped, the Illinois Department of Veterans' Affairs shall
4 provide a certificate to the veteran to provide to the
5 Secretary of State. The Illinois Department of Veterans'
6 Affairs shall advise the Secretary as to what other forms of
7 proof of a person's status as a veteran are acceptable.

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

11 For purposes of this subsection (b):

12 "Armed forces" means any of the Armed Forces of the United
13 States, including a member of any reserve component or National
14 Guard unit.

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

17 (c) All applicants for REAL ID compliant standard Illinois
18 Identification Cards and Illinois Person with a Disability
19 Identification Cards shall provide proof of lawful status in
20 the United States as defined in 6 CFR 37.3, as amended.
21 Applicants who are unable to provide the Secretary with proof
22 of lawful status are ineligible for REAL ID compliant
23 identification cards under this Act.

24 (Source: P.A. 99-511, eff. 1-1-17; 99-544, eff. 7-15-16;
25 100-201, eff. 8-18-17; 100-248, eff. 8-22-17; 100-811, eff.
26 1-1-19.)

1 Section 10. The Illinois Vehicle Code is amended by
2 changing Section 6-106 as follows:

3 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

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

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

12 (b) Every application shall state the legal name, social
13 security number, zip code, date of birth, sex, and residence
14 address of the applicant; briefly describe the applicant; state
15 whether the applicant has theretofore been licensed as a
16 driver, and, if so, when and by what state or country, and
17 whether any such license has ever been cancelled, suspended,
18 revoked or refused, and, if so, the date and reason for such
19 cancellation, suspension, revocation or refusal; shall include
20 an affirmation by the applicant that all information set forth
21 is true and correct; and shall bear the applicant's signature.
22 In addition to the residence address, the Secretary may allow
23 the applicant to provide a mailing address. In the case of an
24 applicant who is a judicial officer or peace officer, the

1 Secretary may allow the applicant to provide an office or work
2 address in lieu of a residence or mailing address. The
3 application form may also require the statement of such
4 additional relevant information as the Secretary of State shall
5 deem necessary to determine the applicant's competency and
6 eligibility. The Secretary of State may, in his discretion, by
7 rule or regulation, provide that an application for a drivers
8 license or permit may include a suitable photograph of the
9 applicant in the form prescribed by the Secretary, and he may
10 further provide that each drivers license shall include a
11 photograph of the driver. The Secretary of State may utilize a
12 photograph process or system most suitable to deter alteration
13 or improper reproduction of a drivers license and to prevent
14 substitution of another photo thereon. For the purposes of this
15 subsection (b), "peace officer" means any person who by virtue
16 of his or her office or public employment is vested by law with
17 a duty to maintain public order or to make arrests for a
18 violation of any penal statute of this State, whether that duty
19 extends to all violations or is limited to specific violations.

20 (b-5) Every applicant for a REAL ID compliant driver's
21 license or permit shall provide proof of lawful status in the
22 United States as defined in 6 CFR 37.3, as amended. Applicants
23 who are unable to provide the Secretary with proof of lawful
24 status may apply for a driver's license or permit under Section
25 6-105.1 of this Code.

26 (c) The application form shall include a notice to the

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

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

24 (e) Beginning on or before July 1, 2015, for each original
25 or renewal driver's license application under this Code, the
26 Secretary shall inquire as to whether the applicant is a

1 veteran for purposes of issuing a driver's license with a
2 veteran designation under subsection (e-5) of Section 6-110 of
3 this Code. The acceptable forms of proof shall include, but are
4 not limited to, Department of Defense form DD-214, Department
5 of Defense form DD-256 for applicants who did not receive a
6 form DD-214 upon the completion of initial basic training, or
7 an identification card issued under the federal Veterans
8 Identification Card Act of 2015. If the document cannot be
9 stamped, the Illinois Department of Veterans' Affairs shall
10 provide a certificate to the veteran to provide to the
11 Secretary of State. The Illinois Department of Veterans'
12 Affairs shall advise the Secretary as to what other forms of
13 proof of a person's status as a veteran are acceptable.

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

17 For purposes of this subsection (e):

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.

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

23 (Source: P.A. 99-511, eff. 1-1-17; 99-544, eff. 7-15-16;
24 100-201, eff. 8-18-17; 100-248, eff. 8-22-17; 100-811, eff.
25 1-1-19.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.