95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1100

Introduced 2/8/2007, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code and the State Finance Act. Provides that the Secretary of State, in compliance with the federal REAL ID Act, may issue a driver's certificate that clearly states on its face that it may not be accepted by any federal agency for federal identification or any other official purpose. Provides that the driver's certificate must be distinguishable from a driver's license or permit. Provides that one of these driver's certificates may be issued to an applicant who is an immigrant residing in this State, is ineligible to obtain a social security number, and is ineligible to receive a driver's license. Establishes requirements for the application. Provides that an applicant for one of these certificates must pay an additional fee of not less than \$50, to be set by the Secretary of State by rule, to be deposited into the Secretary of State Immigrant Driver's Certificate Fund. Creates the Secretary of State Immigrant Driver's Certificate Fund as a special fund in the State treasury. Provides that moneys deposited into the fund shall, subject to appropriation, be used by the Secretary of State to pay for the additional costs associated with immigrant applicants for driver's certificates. Provides that a person denied a driver's certificate may seek administrative review. Provides that a driver's certificate may not be used to obtain a Firearm Owner's Identification Card or a driver's license from another state. Provides that the Secretary of State shall, in conjunction with the Illinois State Police, establish administrative procedures for determining and identifying ineligible Firearm Owner's Identification Card applicants to ensure compliance with the Firearm Owners Identification Card Act. Provides for severability of the bill's provisions. Effective immediately.

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FISCAL NOTE ACT MAY APPLY

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:

Section 5. The State Finance Act is amended by adding
Section 5.675 as follows:

6 (30 ILCS 105/5.675 new)

7 <u>Sec. 5.675. The Secretary of State Immigrant Driver's</u>
8 <u>Certificate Fund.</u>

9 Section 10. The Illinois Vehicle Code is amended by 10 changing Sections 2-119, 6-106, and 6-118 and by adding Section 11 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 be15 deposited in the Common School Fund in the State Treasury.

(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.

Beginning January 1, 1995, of the money collected for each 4 5 certificate of title, duplicate certificate of title and corrected certificate of title, \$2 shall be deposited in the 6 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 corrected certificate of title, \$48 shall be deposited into the 14 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 of a calendar month, then during the next calendar month the \$4 18 19 shall instead be deposited into the Road Fund.

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

Except as otherwise provided in this Code, all remaining moneys collected for certificates of title, and all moneys collected for filing of security interests, shall be placed in 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 motorized pedalcycle, 27% of each annual registration fee for 8 such vehicle and 27% of each semiannual registration fee for 9 such vehicle is deposited in the Cycle Rider Safety Training 10 Fund.

11 (e) Of the monies received by the Secretary of State as 12 registration fees or taxes or as payment of any other fee, as 13 provided in this Act, except fees received by the Secretary 14 under paragraph (7) of subsection (b) of Section 5-101 and 15 Section 5-109 of this Code, 37% shall be deposited into the 16 State Construction Fund.

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

purposes provided in Section 6z-23 of the State Finance Act and 1 2 (ii) \$20 of the total fee for an original or renewal CDL or commercial driver instruction permit shall be paid into the 3 Motor Carrier Safety Inspection Fund, which is hereby created 4 5 as a special fund in the State Treasury, to be used by the 6 Department of State Police, subject to appropriation, to hire 7 additional officers to conduct motor carrier safetv 8 inspections pursuant to Chapter 18b of this Code.

9 (q) All remaining moneys received by the Secretary of State 10 as registration fees or taxes or as payment of any other fee, 11 as provided in this Act, except fees received by the Secretary 12 under paragraph (7) (A) of subsection (b) of Section 5-101 and 13 Section 5-109 of this Code, shall be deposited in the Road Fund in the State Treasury. Moneys in the Road Fund shall be used 14 15 for the purposes provided in Section 8.3 of the State Finance 16 Act.

- 17 (h) (Blank).
- 18 (i) (Blank).
- 19 (j) (Blank).

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

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

9 (1) The Motor Vehicle Review Board Fund is created as a 10 special fund in the State Treasury. Moneys deposited into the 11 Fund under paragraph (7) of subsection (b) of Section 5-101 and 12 Section 5-109 shall, subject to appropriation, be used by the 13 Office of the Secretary of State to administer the Motor Vehicle Review Board, including without limitation payment of 14 15 compensation and all necessary expenses incurred in 16 administering the Motor Vehicle Review Board under the Motor 17 Vehicle Franchise Act.

Effective July 1, 1996, there is created in the State 18 (m) 19 Treasury a special fund to be known the as Familv 20 Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the 21 22 Secretary of State for the purpose of enforcing the Family 23 Financial Responsibility Law.

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

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

- 6 (o) Of the money collected for each certificate of title 7 for all-terrain vehicles and off-highway motorcycles, \$17 8 shall be deposited into the Off-Highway Vehicle Trails Fund.
- 9 (p) For audits conducted on or after July 1, 2003 pursuant 10 to Section 2-124(d) of this Code, 50% of the money collected as 11 audit fees shall be deposited into the General Revenue Fund.
- 12 (q) The Secretary of State Immigrant Driver's Certificate 13 Fund is created as a special fund in the State treasury. Moneys 14 deposited into the fund shall, subject to appropriation, be 15 used by the Secretary of State to pay for the increased costs 16 associated with immigrant applicants for driver's certificates 17 issued under subsection (b-2) of Section 6-106 and costs associated with specialized verification procedures regarding 18 19 those applicants.

20 (Source: P.A. 92-16, eff. 6-28-01; 93-32, eff. 7-1-03; 93-840, 21 eff. 7-30-04.)

(625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)
Sec. 6-106. Application for license or instruction permit.
(a) Every application for any permit or license authorized
to be issued under this Act shall be made upon a form furnished

1 by the Secretary of State. Every application shall be 2 accompanied by the proper fee and payment of such fee shall 3 entitle the applicant to not more than 3 attempts to pass the 4 examination within a period of 1 year after the date of 5 application.

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

20 <u>(b-1)</u> The Secretary of State may in his discretion 21 substitute a federal tax number in lieu of a social security 22 number, or he may instead assign an additional distinctive 23 number in lieu thereof, where an applicant is prohibited by 24 bona fide religious convictions from applying or is exempt from 25 applying for a social security number. The Secretary of State 26 shall, however, determine which religious orders or sects have

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1 such bona fide religious convictions.

2	(b-2) In compliance with the federal REAL ID Act, Division
3	<u>B of Public Law 109-13, the Secretary of State may issue a</u>
4	driver's certificate that shall (i) clearly state on its face
5	that it may not be accepted by any federal agency for any
6	federal identification or other official purpose ("official
7	purpose" being defined under Section 201 of the federal REAL ID
8	Act) and (ii) use a unique design or color indicator that shall
9	visually distinguish such certificates from driver's licenses
10	and permits issued under the Illinois Vehicle Code so as to
11	alert federal agency and other law enforcement personnel that
12	such certificates may not be accepted for any such purpose.
13	A driver's certificate may be issued under this subsection
14	(b-2) to an applicant who is an immigrant residing in this
15	State, is ineligible to obtain a social security number, and is
16	ineligible to receive a driver's license under Section 6-105.1
17	<u>of this Act.</u>
18	Any applicant for a driver's certificate issued under this
19	subsection (b-2) must:
20	(1) provide the Secretary with a valid individual tax
21	identification number issued by the federal Internal
22	Revenue Service;
23	(2) file with the Secretary, at the time of
24	application, an affidavit stating that the applicant will
25	file an application to become a permanent resident of the
26	United States at the earliest opportunity the applicant is

eligible to do so; 1 2 (3) provide a valid foreign passport and any additional 3 documents, as the Secretary may set forth by administrative rule, such that the passport and additional documents in 4 5 combination shall include the following: (A) a photo identity document, except that a 6 non-photo identity document is acceptable if it 7 8 includes both the person's full legal name and date of 9 birth; 10 (B) documentation showing the person's date of 11 birth; and 12 (C) documentation showing the person's name 13 and address of principal residence; provided that the 14 Secretary shall not accept any foreign document, other than a valid official passport, for purposes of this 15 16 subparagraph; and provided further that the Secretary shall verify, with the issuing agency, the issuance, 17 validity, and completeness of each document presented 18 19 by the applicant to satisfy the requirements of this 20 subsection (b-2); (4) file with the Secretary of State proof provided to 21 22 the applicant by the Illinois State Police that a set of 23 the applicant's fingerprints has been collected (costs 24 associated with this fingerprinting shall be paid by the 25 applicant at the time of collection); and 26 (5) surrender all illegally obtained forms of drivers

1	licenses or State identification cards issued to the
2	applicant by the Secretary. Relinquishment of State issued
3	identification shall be handled by the Secretary at his or
4	her discretion, provided that no applicant shall thereupon
5	be subject to civil or criminal prosecution for the
6	acquisition, possession, use, or distribution of such
7	documents, and provided further that the Secretary shall
8	destroy any such relinquished documents and shall not
9	maintain any records of such documents.

10 The Secretary of State shall provide to the United States 11 Department of Revenue all information, including the 12 individual tax identification number, captured on the 13 application. If the United States Department of Revenue 14 determines that an individual to whom a driver's certificate was issued is not in compliance with any applicable tax laws 15 16 administered by the United States Department of Revenue, the 17 United States Department of Revenue shall request that the 18 Secretary of State suspend or revoke the certificate.

19 A person denied a driver's certificate under this 20 subsection (b-2) may seek review under the Administrative 21 Review Law. This amendatory Act of the 95th General Assembly 22 does not affect the issuance of any commercial driver's license 23 or school bus driver's permit under the Illinois Vehicle Code 24 or any State identification card under the Illinois 25 Identification Card Act. A driver's certificate issued under this subsection (b-2) may not be used to obtain a Firearm 26

Owner's Identification Card and may not be used to obtain a driver's license in another state. A driver issued a driver's certificate under this subsection (b-2) shall, within 30 days of receiving the certificate, provide to the Secretary of State proof of insurance. The holder of a driver's certificate is subject to the mandatory insurance requirements of this Code.

(b-3) The Secretary of State may, in his discretion, by 7 8 rule or regulation, provide that an application for a drivers 9 license or permit may include a suitable photograph of the 10 applicant in the form prescribed by the Secretary, and he may 11 further provide that each drivers license shall include a 12 photograph of the driver. The Secretary of State may utilize a 13 photograph process or system most suitable to deter alteration or improper reproduction of a drivers license and to prevent 14 15 substitution of another photo thereon.

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

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

registered in compliance with the requirements of the federal 1 2 Military Selective Service Act. The Secretary of State must 3 forward in an electronic format the necessary personal information regarding the applicants identified in this 4 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 Service System or that he is authorizing the Secretary to 8 9 forward to the Selective Service System the necessary information for registration. The Secretary must notify the 10 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 (Source: P.A. 92-117, eff. 1-1-02; 93-895, eff. 1-1-05.)

15 (625 ILCS 5/6-107.5 new)

16 Sec. 6-107.5. Driver's license applicants who are ineligible for Firearms Owner's Identification Cards. 17 The Secretary of State shall, in conjunction with the Illinois 18 19 State Police, establish administrative procedures for 20 determining and identifying ineligible Firearm Owner's 21 Identification Card applicants, using information provided to 22 the Secretary of State through the driver's license application process, to ensure compliance with the Firearm Owners 23 24 Identification Card Act.

1	(625 ILCS 5/6-118) (from Ch. 95 1/2, par. 6-118)
2	Sec. 6-118. Fees.
3	(a) The fee for licenses and permits under this Article is
4	as follows:
5	Original driver's license <u>issued to a person who has</u>
6	provided the Secretary with his or her social security number
7	or to a person who has not provided a social security number
8	for religious reasons or because he or she is exempt from
9	applying for a social security number \$10
10	Original or renewal driver's license
11	issued to 18, 19 and 20 year olds 5
12	All driver's licenses for persons
13	age 69 through age 80 5
14	All driver's licenses for persons
15	age 81 through age 86 2
16	All driver's licenses for persons
17	age 87 or older 0
18	Renewal driver's license (except for
19	applicants ages 18, 19 and 20 or
20	age 69 and older) 10
21	Original instruction permit issued to
22	persons (except those age 69 and older)
23	who do not hold or have not previously
24	held an Illinois instruction permit or
25	driver's license 20
26	Instruction permit issued to any person

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1	holding an Illinois driver's license
2	who wishes a change in classifications,
3	other than at the time of renewal
4	Any instruction permit issued to a person
5	age 69 and older 5
6	Instruction permit issued to any person,
7	under age 69, not currently holding a
8	valid Illinois driver's license or
9	instruction permit but who has
10	previously been issued either document
11	in Illinois 10
12	Restricted driving permit 8
13	Duplicate or corrected driver's license
14	or permit5
15	Duplicate or corrected restricted
16	driving permit 5
17	Original or renewal M or L endorsement 5
18	The fee for an original driver's certificate issued under
19	subsection (b-2) of Section 6-106 shall be \$10; and through the
20	date that is 3 years after the effective date of this
21	amendatory Act of the 95th General Assembly, an additional fee
22	of not less than \$50, to be set by the Secretary by rule, shall
23	be paid and deposited into the Secretary of State Immigrant
24	Driver's Certificate Fund, to cover the additional costs
25	associated with issuing those driver's certificates.
26	SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

1	The fees for commercial driver licenses and permits
2	under Article V shall be as follows:
3	Commercial driver's license:
4	\$6 for the CDLIS/AAMVAnet Fund
5	(Commercial Driver's License Information
6	System/American Association of Motor Vehicle
7	Administrators network Trust Fund);
8	\$20 for the Motor Carrier Safety Inspection Fund;
9	\$10 for the driver's license;
10	and \$24 for the CDL: \$60
11	Renewal commercial driver's license:
12	\$6 for the CDLIS/AAMVAnet Trust Fund;
13	\$20 for the Motor Carrier Safety Inspection Fund;
14	\$10 for the driver's license; and
15	\$24 for the CDL:\$60
16	Commercial driver instruction permit
17	issued to any person holding a valid
18	Illinois driver's license for the
19	purpose of changing to a
20	CDL classification: \$6 for the
21	CDLIS/AAMVAnet Trust Fund;
22	\$20 for the Motor Carrier
23	Safety Inspection Fund; and
24	\$24 for the CDL classification\$50
25	Commercial driver instruction permit
26	issued to any person holding a valid

1

Illinois CDL for the purpose of

2 making a change in a classification,

10 The fee for any duplicate license or permit shall be waived 11 for any person age 60 or older who presents the Secretary of 12 State's office with a police report showing that his license or 13 permit was stolen.

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

(b) Any person whose license or privilege to operate a 18 19 motor vehicle in this State has been suspended or revoked under 20 Section 3-707, any provision of Chapter 6, Chapter 11, or Section 7-205, 7-303, or 7-702 of the Family Financial 21 22 Responsibility Law of this Code, shall in addition to any other 23 fees required by this Code, pay a reinstatement fee as follows: Suspension under Section 3-707 24 \$100 Summary suspension under Section 11-501.1 \$250 25 26 Other suspension \$70 – 17 – LRB095 07913 DRH 28075 b

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Revocation\$500

2 However, any person whose license or privilege to operate a 3 motor vehicle in this State has been suspended or revoked for a second or subsequent time for a violation of Section 11-501 or 4 5 11-501.1 of this Code or a similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of 6 7 the Criminal Code of 1961 and each suspension or revocation was for a violation of Section 11-501 or 11-501.1 of this Code or a 8 9 similar provision of a local ordinance or a similar out-of-state offense or Section 9-3 of the Criminal Code of 10 11 1961 shall pay, in addition to any other fees required by this 12 Code, a reinstatement fee as follows:

 13
 Summary suspension under Section 11-501.1 \$500

 14
 Revocation \$500

15 (c) All fees collected under the provisions of this Chapter 16 6 shall be paid into the Road Fund in the State Treasury except 17 as follows:

The following amounts shall be paid into the Driver
 Education Fund:

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

(B) \$5 of the \$10 fee for an original driver's
license;

24 (C) \$5 of the \$10 fee for a 4 year renewal driver's
25 license; and

26 (D) \$4 of the \$8 fee for a restricted driving

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1 permit.

2 2. \$30 of the \$250 fee for reinstatement of a license 3 summarily suspended under Section 11-501.1 shall be deposited into the Drunk and Drugged Driving Prevention 4 Fund. However, for a person whose license or privilege to 5 6 operate a motor vehicle in this State has been suspended or 7 revoked for a second or subsequent time for a violation of Section 11-501 or 11-501.1 of this Code or Section 9-3 of 8 9 the Criminal Code of 1961, \$190 of the \$500 fee for 10 reinstatement of a license summarily suspended under 11 Section 11-501.1, and \$190 of the \$500 fee for 12 reinstatement of a revoked license shall be deposited into 13 the Drunk and Drugged Driving Prevention Fund.

3. \$6 of such original or renewal fee for a commercial
driver's license and \$6 of the commercial driver
instruction permit fee when such permit is issued to any
person holding a valid Illinois driver's license, shall be
paid into the CDLIS/AAMVAnet Trust Fund.

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

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

25 6. \$20 of any original or renewal fee for a commercial
 26 driver's license or commercial driver instruction permit

1	shall	be	paid	into	the	Motor	Carrier	Safety	Inspection
2	Fund.								

3 7. The following amounts shall be paid into the General4 Revenue Fund:

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

7 (B) \$40 of the \$70 reinstatement fee for any other
8 suspension provided in subsection (b) of this Section;
9 and

10 (C) \$440 of the \$500 reinstatement fee for a first
11 offense revocation and \$310 of the \$500 reinstatement
12 fee for a second or subsequent revocation.

13 8. The entire amount over \$10 of any fee for an 14 original driver's certificate issued under subsection 15 (b-2) of Section 6-106 shall be deposited into the 16 Secretary of State Immigrant Driver's Certificate Fund. 17 The Secretary of State shall adopt rules setting the fee for issuing a driver's certificate, based on the additional 18 19 costs associated with issuing those driver's certificates. 20 (Source: P.A. 93-32, eff. 1-1-04; 93-788, eff. 1-1-05; 94-1035, eff. 7-1-07.) 21

22 Section 97. Severability. The provisions of this Act are 23 severable under Section 1.31 of the Statute on Statutes.

24 Section 99. Effective date. This Act takes effect upon 25 becoming law.

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1 2	Statutes amend	INDEX ed in order	of appearance
3	30 ILCS 105/5.675 new		
4	625 ILCS 5/2-119	from Ch. 95	1/2, par. 2-119
5	625 ILCS 5/6-106	from Ch. 95	1/2, par. 6-106
6	625 ILCS 5/6-107.5 new		
7	625 ILCS 5/6-118	from Ch. 95	1/2, par. 6-118