

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 State Finance Act is amended by adding
5 Section 5.826 as follows:

6 (30 ILCS 105/5.826 new)

7 Sec. 5.826. The Driver Services Administration Fund.

8 Section 10. The Illinois Vehicle Code is amended by
9 changing Sections 6-105.1 and 6-601 as follows:

10 (625 ILCS 5/6-105.1)

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

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

18 (a-5) The Secretary of State may issue a temporary
19 visitor's driver's license to an applicant who (i) has resided
20 in this State for a period in excess of one year, (ii) is
21 ineligible to obtain a social security number, and (iii) is

1 unable to present documentation issued by the United States
2 Citizenship and Immigration Services authorizing the person's
3 presence in this country. The applicant shall submit a valid
4 unexpired passport from the applicant's country of citizenship
5 or a valid unexpired consular identification document issued by
6 a consulate of that country as defined in Section 5 of the
7 Consular Identification Document Act (5 ILCS 230/5).

8 (a-10) Applicants for a temporary visitor's driver's
9 license who are under 18 years of age at the time of
10 application shall be subject to the provisions of Sections
11 6-107 and 6-108 of this Code.

12 (b) A temporary visitor's driver's license issued under
13 subsection (a) is valid for 3 years, or for the period of time
14 the individual is authorized to remain in this country,
15 whichever ends sooner. A temporary visitor's driver's license
16 issued under subsection (a-5) shall be valid for a period of 3
17 years.

18 (b-5) A temporary visitor's driver's license issued under
19 this Section may not be accepted for proof of the holder's
20 identity. A temporary visitor's driver's license issued under
21 this Section shall contain a notice on its face, in capitalized
22 letters, stating that the temporary visitor's driver's license
23 may not be accepted for proof of identity.

24 (c) The Secretary shall adopt rules for implementing this
25 Section, including rules:

26 (1) regarding the design and content of the temporary

1 visitor's driver's license;

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

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

7 (4) regarding the issuance of temporary visitor's
8 instruction permits.

9 (d) Any person to whom the Secretary of State may issue a
10 temporary visitor's driver's license shall be subject to any
11 and all provisions of this Code and any and all implementing
12 regulations issued by the Secretary of State to the same extent
13 as any person issued a driver's license, unless otherwise
14 provided in this Code or by administrative rule, including but
15 not limited to the examination requirements in Section 6-109 as
16 well as the mandatory insurance requirements and penalties set
17 forth in Article VI of Chapter 7 of this Code.

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

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

26 (f) There is created in the State treasury a special fund

1 to be known as the Driver Services Administration Fund. All
2 fees collected for the issuance of temporary visitor's driver's
3 licenses shall be deposited into the Fund. These funds shall,
4 subject to appropriation, be used by the Office of the
5 Secretary of State for costs related to the issuance of
6 temporary visitor's driver's licenses, and other operational
7 costs, including personnel, facilities, computer programming,
8 and data transmission.

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

10 (625 ILCS 5/6-601) (from Ch. 95 1/2, par. 6-601)

11 Sec. 6-601. Penalties.

12 (a) It is a petty offense for any person to violate any of
13 the provisions of this Chapter unless such violation is by this
14 Code or other law of this State declared to be a misdemeanor or
15 a felony.

16 (b) General penalties. Unless another penalty is in this
17 Code or other laws of this State, every person convicted of a
18 petty offense for the violation of any provision of this
19 Chapter shall be punished by a fine of not more than \$500.

20 (c) Unlicensed driving. Except as hereinafter provided a
21 violation of Section 6-101 shall be:

22 1. A Class A misdemeanor if the person failed to obtain
23 a driver's license or permit after expiration of a period
24 of revocation.

25 2. A Class B misdemeanor if the person has been issued

1 a driver's license or permit, which has expired, and if the
2 period of expiration is greater than one year; or if the
3 person has never been issued a driver's license or permit,
4 or is not qualified to obtain a driver's license or permit
5 because of his age.

6 3. A petty offense if the person has been issued a
7 temporary visitor's driver's license or permit and is
8 unable to provide proof of liability insurance as provided
9 in subsection (d-5) of Section 6-105.1.

10 If a licensee under this Code is convicted of violating
11 Section 6-303 for operating a motor vehicle during a time when
12 such licensee's driver's license was suspended under the
13 provisions of Section 6-306.3, then such act shall be a petty
14 offense (provided the licensee has answered the charge which
15 was the basis of the suspension under Section 6-306.3), and
16 there shall be imposed no additional like period of suspension
17 as provided in paragraph (b) of Section 6-303.

18 (Source: P.A. 96-607, eff. 8-24-09.)

19 Section 15. The Consular Identification Document Act is
20 amended by changing Section 10 as follows:

21 (5 ILCS 230/10)

22 Sec. 10. Acceptance of consular identification document.

23 (a) When requiring members of the public to provide
24 identification, each State agency and officer and unit of local

1 government shall accept a consular identification document as
2 valid identification of a person.

3 (b) A consular identification document shall be accepted
4 for purposes of identification only and does not convey an
5 independent right to receive benefits of any type.

6 (c) A consular identification document may not be accepted
7 as identification for obtaining a driver's license, other than
8 a temporary visitor's driver's license, or registering to vote.

9 (d) A consular identification document does not establish
10 or indicate lawful U.S. immigration status and may not be
11 viewed as valid for that purpose, nor does a consular
12 identification document establish a foreign national's right
13 to be in the United States or remain in the United States.

14 (e) The requirements of subsection (a) do not apply if:

15 (1) a federal law, regulation, or directive or a
16 federal court decision requires a State agency or officer
17 or a unit of local government to obtain different
18 identification;

19 (2) a federal law, regulation, or directive preempts
20 state regulation of identification requirements; or

21 (3) a State agency or officer or a unit of local
22 government would be unable to comply with a condition
23 imposed by a funding source which would cause the State
24 agency or officer or unit of local government to lose funds
25 from that source.

26 (f) Nothing in subsection (a) shall be construed to

1 prohibit a State agency or officer or a unit of local
2 government from:

3 (1) requiring additional information from persons in
4 order to verify a current address or other facts that would
5 enable the State agency or officer or unit of local
6 government to fulfill its responsibilities, except that
7 this paragraph (1) does not permit a State agency or
8 officer or a unit of local government to require additional
9 information solely in order to establish identification of
10 the person when the consular identification document is the
11 form of identification presented;

12 (2) requiring fingerprints for identification purposes
13 under circumstances where the State agency or officer or
14 unit of local government also requires fingerprints from
15 persons who have a driver's license or Illinois
16 Identification Card; or

17 (3) requiring additional evidence of identification if
18 the State agency or officer or unit of local government
19 reasonably believes that: (A) the consular identification
20 document is forged, fraudulent, or altered; or (B) the
21 holder does not appear to be the same person on the
22 consular identification document.

23 (Source: P.A. 94-389, eff. 1-1-06.)

24 Section 99. Effective date. This Act takes effect 10 months
25 after becoming law.