



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1891

Introduced 2/10/2011, by Sen. Pamela J. Althoff - David Luechtefeld

SYNOPSIS AS INTRODUCED:

15 ILCS 335/4	from Ch. 124, par. 24
15 ILCS 335/5	from Ch. 124, par. 25
15 ILCS 335/11	from Ch. 124, par. 31
625 ILCS 5/2-123	from Ch. 95 1/2, par. 2-123
625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/6-110	from Ch. 95 1/2, par. 6-110

Amends the Illinois Identification Card Act and Illinois Vehicle Code to provide that: the Secretary of State must inquire as to whether an applicant for a State identification card or driver's license is a veteran for purposes of issuing a State identification card or driver's license with a veteran designation; the Secretary shall determine by rule what forms of proof of a person's status as a veteran are acceptable; and the Secretary may disclose an individual's social security number or associated information to the Illinois Department of Veterans' Affairs for the purpose of confirming veteran status. Defines "veteran" and other terms. Effective January 1, 2012.

LRB097 00054 WGH 40057 b

FISCAL NOTE ACT
MAY APPLY

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 Sections 4, 5, and 11 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification Card.

8 (a) The Secretary of State shall issue a standard Illinois
9 Identification Card to any natural person who is a resident of
10 the State of Illinois who applies for such card, or renewal
11 thereof, or who applies for a standard Illinois Identification
12 Card upon release as a committed person on parole, mandatory
13 supervised release, final discharge, or pardon from the
14 Department of Corrections by submitting an identification card
15 issued by the Department of Corrections under Section 3-14-1 of
16 the Unified Code of Corrections, together with the prescribed
17 fees. No identification card shall be issued to any person who
18 holds a valid foreign state identification card, license, or
19 permit unless the person first surrenders to the Secretary of
20 State the valid foreign state identification card, license, or
21 permit. The card shall be prepared and supplied by the
22 Secretary of State and shall include a photograph and signature
23 or mark of the applicant. The Illinois Identification Card may

1 be used for identification purposes in any lawful situation
2 only by the person to whom it was issued. As used in this Act,
3 "photograph" means any color photograph or digitally produced
4 and captured image of an applicant for an identification card.
5 As used in this Act, "signature" means the name of a person as
6 written by that person and captured in a manner acceptable to
7 the Secretary of State.

8 (a-5) If an applicant for an identification card has a
9 current driver's license or instruction permit issued by the
10 Secretary of State, the Secretary may require the applicant to
11 utilize the same residence address and name on the
12 identification card, driver's license, and instruction permit
13 records maintained by the Secretary. The Secretary may
14 promulgate rules to implement this provision.

15 (b) The Secretary of State shall issue a special Illinois
16 Identification Card, which shall be known as an Illinois
17 Disabled Person Identification Card, to any natural person who
18 is a resident of the State of Illinois, who is a disabled
19 person as defined in Section 4A of this Act, who applies for
20 such card, or renewal thereof. No Disabled Person
21 Identification Card shall be issued to any person who holds a
22 valid foreign state identification card, license, or permit
23 unless the person first surrenders to the Secretary of State
24 the valid foreign state identification card, license, or
25 permit. The Secretary of State shall charge no fee to issue
26 such card. The card shall be prepared and supplied by the

1 Secretary of State, and shall include a photograph and
2 signature or mark of the applicant, a designation indicating
3 that the card is an Illinois Disabled Person Identification
4 Card, and shall include a comprehensible designation of the
5 type and classification of the applicant's disability as set
6 out in Section 4A of this Act. If the applicant so requests,
7 the card shall include a description of the applicant's
8 disability and any information about the applicant's
9 disability or medical history which the Secretary determines
10 would be helpful to the applicant in securing emergency medical
11 care. If a mark is used in lieu of a signature, such mark shall
12 be affixed to the card in the presence of two witnesses who
13 attest to the authenticity of the mark. The Illinois Disabled
14 Person Identification Card may be used for identification
15 purposes in any lawful situation by the person to whom it was
16 issued.

17 The Illinois Disabled Person Identification Card may be
18 used as adequate documentation of disability in lieu of a
19 physician's determination of disability, a determination of
20 disability from a physician assistant who has been delegated
21 the authority to make this determination by his or her
22 supervising physician, a determination of disability from an
23 advanced practice nurse who has a written collaborative
24 agreement with a collaborating physician that authorizes the
25 advanced practice nurse to make this determination, or any
26 other documentation of disability whenever any State law

1 requires that a disabled person provide such documentation of
2 disability, however an Illinois Disabled Person Identification
3 Card shall not qualify the cardholder to participate in any
4 program or to receive any benefit which is not available to all
5 persons with like disabilities. Notwithstanding any other
6 provisions of law, an Illinois Disabled Person Identification
7 Card, or evidence that the Secretary of State has issued an
8 Illinois Disabled Person Identification Card, shall not be used
9 by any person other than the person named on such card to prove
10 that the person named on such card is a disabled person or for
11 any other purpose unless the card is used for the benefit of
12 the person named on such card, and the person named on such
13 card consents to such use at the time the card is so used.

14 An optometrist's determination of a visual disability
15 under Section 4A of this Act is acceptable as documentation for
16 the purpose of issuing an Illinois Disabled Person
17 Identification Card.

18 When medical information is contained on an Illinois
19 Disabled Person Identification Card, the Office of the
20 Secretary of State shall not be liable for any actions taken
21 based upon that medical information.

22 (c) Beginning January 1, 1986, the Secretary of State shall
23 provide that each original or renewal Illinois Identification
24 Card or Illinois Disabled Person Identification Card issued to
25 a person under the age of 21, shall be of a distinct nature
26 from those Illinois Identification Cards or Illinois Disabled

1 Person Identification Cards issued to individuals 21 years of
2 age or older. The color designated for Illinois Identification
3 Cards or Illinois Disabled Person Identification Cards for
4 persons under the age of 21 shall be at the discretion of the
5 Secretary of State.

6 (c-1) Beginning January 1, 2003, each original or renewal
7 Illinois Identification Card or Illinois Disabled Person
8 Identification Card issued to a person under the age of 21
9 shall display the date upon which the person becomes 18 years
10 of age and the date upon which the person becomes 21 years of
11 age.

12 (c-5) The Secretary of State shall designate a space on
13 each original or renewal identification card where, at the
14 request of the applicant, the word "veteran" shall be placed.
15 The veteran designation shall be available to a person
16 identified as a veteran pursuant to subsection (b) of Section 5
17 of this Act who was discharged or separated under honorable
18 conditions.

19 (d) The Secretary of State may issue a Senior Citizen
20 discount card, to any natural person who is a resident of the
21 State of Illinois who is 60 years of age or older and who
22 applies for such a card or renewal thereof. The Secretary of
23 State shall charge no fee to issue such card. The card shall be
24 issued in every county and applications shall be made available
25 at, but not limited to, nutrition sites, senior citizen centers
26 and Area Agencies on Aging. The applicant, upon receipt of such

1 card and prior to its use for any purpose, shall have affixed
2 thereon in the space provided therefor his signature or mark.

3 (e) The Secretary of State, in his or her discretion, may
4 designate on each Illinois Identification Card or Illinois
5 Disabled Person Identification Card a space where the card
6 holder may place a sticker or decal, issued by the Secretary of
7 State, of uniform size as the Secretary may specify, that shall
8 indicate in appropriate language that the card holder has
9 renewed his or her Illinois Identification Card or Illinois
10 Disabled Person Identification Card.

11 (Source: P.A. 95-762, eff. 1-1-09; 95-779, eff. 1-1-09; 96-146,
12 eff. 1-1-10; 96-328, eff. 8-11-09; 96-1231, eff. 7-23-10.)

13 (15 ILCS 335/5) (from Ch. 124, par. 25)

14 Sec. 5. Applications.

15 (a) Any natural person who is a resident of the State of
16 Illinois, may file an application for an identification card or
17 for the renewal thereof, in a manner prescribed by the
18 Secretary. Each original application shall be completed by the
19 applicant in full and shall set forth the legal name, residence
20 address and zip code, social security number, birth date, sex
21 and a brief description of the applicant. The applicant shall
22 be photographed and he shall also submit any other information
23 as the Secretary may deem necessary or such documentation as
24 the Secretary may require to determine the identity of the
25 applicant. In addition to the residence address, the Secretary

1 may allow the applicant to provide a mailing address. An
2 applicant for a disabled persons card must also submit with
3 each original or renewal application, on forms prescribed by
4 the Secretary, such documentation as the Secretary may require,
5 establishing that the applicant is a "disabled person" as
6 defined in Section 4A of this Act, and setting forth the
7 applicant's type and class of disability as set forth in
8 Section 4A of this Act.

9 (b) For each original or renewal identification card
10 application under this Act, the Secretary shall inquire as to
11 whether the applicant is a veteran for purposes of issuing an
12 identification card with a veteran designation under
13 subsection (c-5) of Section 4 of this Act. The acceptable forms
14 of proof shall include, but are not limited to, Department of
15 Defense form DD-214. The Secretary shall determine by rule what
16 other forms of proof of a person's status as a veteran are
17 acceptable.

18 For purposes of this subsection (b):

19 "Active duty" means active duty pursuant to an executive
20 order of the President of the United States, an Act of the
21 Congress of the United States, or an order of the Governor.

22 "Armed forces" means any of the Armed Forces of the United
23 States, including a member of any reserve component thereof or
24 National Guard unit called to active duty.

25 "Veteran" means a person who has served on active duty in
26 the armed forces of the United States and was discharged or

1 separated under honorable conditions.

2 (Source: P.A. 96-1231, eff. 7-23-10.)

3 (15 ILCS 335/11) (from Ch. 124, par. 31)

4 Sec. 11. The Secretary may make a search of his records and
5 furnish information as to whether a person has a current
6 Standard Illinois Identification Card or an Illinois Disabled
7 Person Identification Card then on file, upon receipt of a
8 written application therefor accompanied with the prescribed
9 fee. However, the Secretary may not disclose medical
10 information concerning an individual to any person, public
11 agency, private agency, corporation or governmental body
12 unless the individual has submitted a written request for the
13 information or unless the individual has given prior written
14 consent for the release of the information to a specific person
15 or entity. This exception shall not apply to: (1) offices and
16 employees of the Secretary who have a need to know the medical
17 information in performance of their official duties, or (2)
18 orders of a court of competent jurisdiction. When medical
19 information is disclosed by the Secretary in accordance with
20 the provisions of this Section, no liability shall rest with
21 the Office of the Secretary of State as the information is
22 released for informational purposes only.

23 The Secretary may release personally identifying
24 information or highly restricted personal information only to:

25 (1) officers and employees of the Secretary who have a

1 need to know that information;

2 (2) other governmental agencies for use in their
3 official governmental functions;

4 (3) law enforcement agencies that need the information
5 for a criminal or civil investigation; or

6 (4) any entity that the Secretary has authorized, by
7 rule, to receive this information.

8 The Secretary may not disclose an individual's social
9 security number or any associated information obtained from the
10 Social Security Administration without the written request or
11 consent of the individual except: (i) to officers and employees
12 of the Secretary who have a need to know the social security
13 number in the performance of their official duties; (ii) to law
14 enforcement officials for a lawful civil or criminal law
15 enforcement investigation if the head of the law enforcement
16 agency has made a written request to the Secretary specifying
17 the law enforcement investigation for which the social security
18 number is being sought; ~~or~~ (iii) under a lawful court order
19 signed by a judge; or (iv) to the Illinois Department of
20 Veterans' Affairs for the purpose of confirming veteran status.

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

22 Section 10. The Illinois Vehicle Code is amended by
23 changing Sections 2-123, 6-106, and 6-110 as follows:

24 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

1 Sec. 2-123. Sale and Distribution of Information.

2 (a) Except as otherwise provided in this Section, the
3 Secretary may make the driver's license, vehicle and title
4 registration lists, in part or in whole, and any statistical
5 information derived from these lists available to local
6 governments, elected state officials, state educational
7 institutions, and all other governmental units of the State and
8 Federal Government requesting them for governmental purposes.
9 The Secretary shall require any such applicant for services to
10 pay for the costs of furnishing such services and the use of
11 the equipment involved, and in addition is empowered to
12 establish prices and charges for the services so furnished and
13 for the use of the electronic equipment utilized.

14 (b) The Secretary is further empowered to and he may, in
15 his discretion, furnish to any applicant, other than listed in
16 subsection (a) of this Section, vehicle or driver data on a
17 computer tape, disk, other electronic format or computer
18 processable medium, or printout at a fixed fee of \$250 for
19 orders received before October 1, 2003 and \$500 for orders
20 received on or after October 1, 2003, in advance, and require
21 in addition a further sufficient deposit based upon the
22 Secretary of State's estimate of the total cost of the
23 information requested and a charge of \$25 for orders received
24 before October 1, 2003 and \$50 for orders received on or after
25 October 1, 2003, per 1,000 units or part thereof identified or
26 the actual cost, whichever is greater. The Secretary is

1 authorized to refund any difference between the additional
2 deposit and the actual cost of the request. This service shall
3 not be in lieu of an abstract of a driver's record nor of a
4 title or registration search. This service may be limited to
5 entities purchasing a minimum number of records as required by
6 administrative rule. The information sold pursuant to this
7 subsection shall be the entire vehicle or driver data list, or
8 part thereof. The information sold pursuant to this subsection
9 shall not contain personally identifying information unless
10 the information is to be used for one of the purposes
11 identified in subsection (f-5) of this Section. Commercial
12 purchasers of driver and vehicle record databases shall enter
13 into a written agreement with the Secretary of State that
14 includes disclosure of the commercial use of the information to
15 be purchased.

16 (b-1) The Secretary is further empowered to and may, in his
17 or her discretion, furnish vehicle or driver data on a computer
18 tape, disk, or other electronic format or computer processible
19 medium, at no fee, to any State or local governmental agency
20 that uses the information provided by the Secretary to transmit
21 data back to the Secretary that enables the Secretary to
22 maintain accurate driving records, including dispositions of
23 traffic cases. This information may be provided without fee not
24 more often than once every 6 months.

25 (c) Secretary of State may issue registration lists. The
26 Secretary of State may compile a list of all registered

1 vehicles. Each list of registered vehicles shall be arranged
2 serially according to the registration numbers assigned to
3 registered vehicles and may contain in addition the names and
4 addresses of registered owners and a brief description of each
5 vehicle including the serial or other identifying number
6 thereof. Such compilation may be in such form as in the
7 discretion of the Secretary of State may seem best for the
8 purposes intended.

9 (d) The Secretary of State shall furnish no more than 2
10 current available lists of such registrations to the sheriffs
11 of all counties and to the chiefs of police of all cities and
12 villages and towns of 2,000 population and over in this State
13 at no cost. Additional copies may be purchased by the sheriffs
14 or chiefs of police at the fee of \$500 each or at the cost of
15 producing the list as determined by the Secretary of State.
16 Such lists are to be used for governmental purposes only.

17 (e) (Blank).

18 (e-1) (Blank).

19 (f) The Secretary of State shall make a title or
20 registration search of the records of his office and a written
21 report on the same for any person, upon written application of
22 such person, accompanied by a fee of \$5 for each registration
23 or title search. The written application shall set forth the
24 intended use of the requested information. No fee shall be
25 charged for a title or registration search, or for the
26 certification thereof requested by a government agency. The

1 report of the title or registration search shall not contain
2 personally identifying information unless the request for a
3 search was made for one of the purposes identified in
4 subsection (f-5) of this Section. The report of the title or
5 registration search shall not contain highly restricted
6 personal information unless specifically authorized by this
7 Code.

8 The Secretary of State shall certify a title or
9 registration record upon written request. The fee for
10 certification shall be \$5 in addition to the fee required for a
11 title or registration search. Certification shall be made under
12 the signature of the Secretary of State and shall be
13 authenticated by Seal of the Secretary of State.

14 The Secretary of State may notify the vehicle owner or
15 registrant of the request for purchase of his title or
16 registration information as the Secretary deems appropriate.

17 No information shall be released to the requestor until
18 expiration of a 10 day period. This 10 day period shall not
19 apply to requests for information made by law enforcement
20 officials, government agencies, financial institutions,
21 attorneys, insurers, employers, automobile associated
22 businesses, persons licensed as a private detective or firms
23 licensed as a private detective agency under the Private
24 Detective, Private Alarm, Private Security, Fingerprint
25 Vendor, and Locksmith Act of 2004, who are employed by or are
26 acting on behalf of law enforcement officials, government

1 agencies, financial institutions, attorneys, insurers,
2 employers, automobile associated businesses, and other
3 business entities for purposes consistent with the Illinois
4 Vehicle Code, the vehicle owner or registrant or other entities
5 as the Secretary may exempt by rule and regulation.

6 Any misrepresentation made by a requestor of title or
7 vehicle information shall be punishable as a petty offense,
8 except in the case of persons licensed as a private detective
9 or firms licensed as a private detective agency which shall be
10 subject to disciplinary sanctions under Section 40-10 of the
11 Private Detective, Private Alarm, Private Security,
12 Fingerprint Vendor, and Locksmith Act of 2004.

13 (f-5) The Secretary of State shall not disclose or
14 otherwise make available to any person or entity any personally
15 identifying information obtained by the Secretary of State in
16 connection with a driver's license, vehicle, or title
17 registration record unless the information is disclosed for one
18 of the following purposes:

19 (1) For use by any government agency, including any
20 court or law enforcement agency, in carrying out its
21 functions, or any private person or entity acting on behalf
22 of a federal, State, or local agency in carrying out its
23 functions.

24 (2) For use in connection with matters of motor vehicle
25 or driver safety and theft; motor vehicle emissions; motor
26 vehicle product alterations, recalls, or advisories;

1 performance monitoring of motor vehicles, motor vehicle
2 parts, and dealers; and removal of non-owner records from
3 the original owner records of motor vehicle manufacturers.

4 (3) For use in the normal course of business by a
5 legitimate business or its agents, employees, or
6 contractors, but only:

7 (A) to verify the accuracy of personal information
8 submitted by an individual to the business or its
9 agents, employees, or contractors; and

10 (B) if such information as so submitted is not
11 correct or is no longer correct, to obtain the correct
12 information, but only for the purposes of preventing
13 fraud by, pursuing legal remedies against, or
14 recovering on a debt or security interest against, the
15 individual.

16 (4) For use in research activities and for use in
17 producing statistical reports, if the personally
18 identifying information is not published, redisclosed, or
19 used to contact individuals.

20 (5) For use in connection with any civil, criminal,
21 administrative, or arbitral proceeding in any federal,
22 State, or local court or agency or before any
23 self-regulatory body, including the service of process,
24 investigation in anticipation of litigation, and the
25 execution or enforcement of judgments and orders, or
26 pursuant to an order of a federal, State, or local court.

1 (6) For use by any insurer or insurance support
2 organization or by a self-insured entity or its agents,
3 employees, or contractors in connection with claims
4 investigation activities, antifraud activities, rating, or
5 underwriting.

6 (7) For use in providing notice to the owners of towed
7 or impounded vehicles.

8 (8) For use by any person licensed as a private
9 detective or firm licensed as a private detective agency
10 under the Private Detective, Private Alarm, Private
11 Security, Fingerprint Vendor, and Locksmith Act of 2004,
12 private investigative agency or security service licensed
13 in Illinois for any purpose permitted under this
14 subsection.

15 (9) For use by an employer or its agent or insurer to
16 obtain or verify information relating to a holder of a
17 commercial driver's license that is required under chapter
18 313 of title 49 of the United States Code.

19 (10) For use in connection with the operation of
20 private toll transportation facilities.

21 (11) For use by any requester, if the requester
22 demonstrates it has obtained the written consent of the
23 individual to whom the information pertains.

24 (12) For use by members of the news media, as defined
25 in Section 1-148.5, for the purpose of newsgathering when
26 the request relates to the operation of a motor vehicle or

1 public safety.

2 (13) For any other use specifically authorized by law,
3 if that use is related to the operation of a motor vehicle
4 or public safety.

5 (f-6) The Secretary of State shall not disclose or
6 otherwise make available to any person or entity any highly
7 restricted personal information obtained by the Secretary of
8 State in connection with a driver's license, vehicle, or title
9 registration record unless specifically authorized by this
10 Code.

11 (g) 1. The Secretary of State may, upon receipt of a
12 written request and a fee of \$6 before October 1, 2003 and
13 a fee of \$12 on and after October 1, 2003, furnish to the
14 person or agency so requesting a driver's record. Such
15 document may include a record of: current driver's license
16 issuance information, except that the information on
17 judicial driving permits shall be available only as
18 otherwise provided by this Code; convictions; orders
19 entered revoking, suspending or cancelling a driver's
20 license or privilege; and notations of accident
21 involvement. All other information, unless otherwise
22 permitted by this Code, shall remain confidential.
23 Information released pursuant to a request for a driver's
24 record shall not contain personally identifying
25 information, unless the request for the driver's record was
26 made for one of the purposes set forth in subsection (f-5)

1 of this Section. The Secretary of State may, without fee,
2 allow a parent or guardian of a person under the age of 18
3 years, who holds an instruction permit or graduated
4 driver's license, to view that person's driving record
5 online, through a computer connection. The parent or
6 guardian's online access to the driving record will
7 terminate when the instruction permit or graduated
8 driver's license holder reaches the age of 18.

9 2. The Secretary of State shall not disclose or
10 otherwise make available to any person or entity any highly
11 restricted personal information obtained by the Secretary
12 of State in connection with a driver's license, vehicle, or
13 title registration record unless specifically authorized
14 by this Code. The Secretary of State may certify an
15 abstract of a driver's record upon written request
16 therefor. Such certification shall be made under the
17 signature of the Secretary of State and shall be
18 authenticated by the Seal of his office.

19 3. All requests for driving record information shall be
20 made in a manner prescribed by the Secretary and shall set
21 forth the intended use of the requested information.

22 The Secretary of State may notify the affected driver
23 of the request for purchase of his driver's record as the
24 Secretary deems appropriate.

25 No information shall be released to the requester until
26 expiration of a 10 day period. This 10 day period shall not

1 apply to requests for information made by law enforcement
2 officials, government agencies, financial institutions,
3 attorneys, insurers, employers, automobile associated
4 businesses, persons licensed as a private detective or
5 firms licensed as a private detective agency under the
6 Private Detective, Private Alarm, Private Security,
7 Fingerprint Vendor, and Locksmith Act of 2004, who are
8 employed by or are acting on behalf of law enforcement
9 officials, government agencies, financial institutions,
10 attorneys, insurers, employers, automobile associated
11 businesses, and other business entities for purposes
12 consistent with the Illinois Vehicle Code, the affected
13 driver or other entities as the Secretary may exempt by
14 rule and regulation.

15 Any misrepresentation made by a requestor of driver
16 information shall be punishable as a petty offense, except
17 in the case of persons licensed as a private detective or
18 firms licensed as a private detective agency which shall be
19 subject to disciplinary sanctions under Section 40-10 of
20 the Private Detective, Private Alarm, Private Security,
21 Fingerprint Vendor, and Locksmith Act of 2004.

22 4. The Secretary of State may furnish without fee, upon
23 the written request of a law enforcement agency, any
24 information from a driver's record on file with the
25 Secretary of State when such information is required in the
26 enforcement of this Code or any other law relating to the

1 operation of motor vehicles, including records of
2 dispositions; documented information involving the use of
3 a motor vehicle; whether such individual has, or previously
4 had, a driver's license; and the address and personal
5 description as reflected on said driver's record.

6 5. Except as otherwise provided in this Section, the
7 Secretary of State may furnish, without fee, information
8 from an individual driver's record on file, if a written
9 request therefor is submitted by any public transit system
10 or authority, public defender, law enforcement agency, a
11 state or federal agency, or an Illinois local
12 intergovernmental association, if the request is for the
13 purpose of a background check of applicants for employment
14 with the requesting agency, or for the purpose of an
15 official investigation conducted by the agency, or to
16 determine a current address for the driver so public funds
17 can be recovered or paid to the driver, or for any other
18 purpose set forth in subsection (f-5) of this Section.

19 The Secretary may also furnish the courts a copy of an
20 abstract of a driver's record, without fee, subsequent to
21 an arrest for a violation of Section 11-501 or a similar
22 provision of a local ordinance. Such abstract may include
23 records of dispositions; documented information involving
24 the use of a motor vehicle as contained in the current
25 file; whether such individual has, or previously had, a
26 driver's license; and the address and personal description

1 as reflected on said driver's record.

2 6. Any certified abstract issued by the Secretary of
3 State or transmitted electronically by the Secretary of
4 State pursuant to this Section, to a court or on request of
5 a law enforcement agency, for the record of a named person
6 as to the status of the person's driver's license shall be
7 prima facie evidence of the facts therein stated and if the
8 name appearing in such abstract is the same as that of a
9 person named in an information or warrant, such abstract
10 shall be prima facie evidence that the person named in such
11 information or warrant is the same person as the person
12 named in such abstract and shall be admissible for any
13 prosecution under this Code and be admitted as proof of any
14 prior conviction or proof of records, notices, or orders
15 recorded on individual driving records maintained by the
16 Secretary of State.

17 7. Subject to any restrictions contained in the
18 Juvenile Court Act of 1987, and upon receipt of a proper
19 request and a fee of \$6 before October 1, 2003 and a fee of
20 \$12 on or after October 1, 2003, the Secretary of State
21 shall provide a driver's record to the affected driver, or
22 the affected driver's attorney, upon verification. Such
23 record shall contain all the information referred to in
24 paragraph 1 of this subsection (g) plus: any recorded
25 accident involvement as a driver; information recorded
26 pursuant to subsection (e) of Section 6-117 and paragraph

1 (4) of subsection (a) of Section 6-204 of this Code. All
2 other information, unless otherwise permitted by this
3 Code, shall remain confidential.

4 (h) The Secretary shall not disclose social security
5 numbers or any associated information obtained from the Social
6 Security Administration except pursuant to a written request
7 by, or with the prior written consent of, the individual
8 except: (1) to officers and employees of the Secretary who have
9 a need to know the social security numbers in performance of
10 their official duties, (2) to law enforcement officials for a
11 lawful, civil or criminal law enforcement investigation, and if
12 the head of the law enforcement agency has made a written
13 request to the Secretary specifying the law enforcement
14 investigation for which the social security numbers are being
15 sought, (3) to the United States Department of Transportation,
16 or any other State, pursuant to the administration and
17 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
18 (4) pursuant to the order of a court of competent jurisdiction,
19 (5) to the Department of Healthcare and Family Services
20 (formerly Department of Public Aid) for utilization in the
21 child support enforcement duties assigned to that Department
22 under provisions of the Illinois Public Aid Code after the
23 individual has received advanced meaningful notification of
24 what redisclosure is sought by the Secretary in accordance with
25 the federal Privacy Act, ~~or~~ (6) to the Illinois Department of
26 Revenue solely for use by the Department in the collection of

1 any tax or debt that the Department of Revenue is authorized or
2 required by law to collect, provided that the Department shall
3 not disclose the social security number to any person or entity
4 outside of the Department, or (7) to the Illinois Department of
5 Veterans' Affairs for the purpose of confirming veteran status.

6 (i) (Blank).

7 (j) Medical statements or medical reports received in the
8 Secretary of State's Office shall be confidential. No
9 confidential information may be open to public inspection or
10 the contents disclosed to anyone, except officers and employees
11 of the Secretary who have a need to know the information
12 contained in the medical reports and the Driver License Medical
13 Advisory Board, unless so directed by an order of a court of
14 competent jurisdiction.

15 (k) All fees collected under this Section shall be paid
16 into the Road Fund of the State Treasury, except that (i) for
17 fees collected before October 1, 2003, \$3 of the \$6 fee for a
18 driver's record shall be paid into the Secretary of State
19 Special Services Fund, (ii) for fees collected on and after
20 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
21 be paid into the Secretary of State Special Services Fund and
22 \$6 shall be paid into the General Revenue Fund, and (iii) for
23 fees collected on and after October 1, 2003, 50% of the amounts
24 collected pursuant to subsection (b) shall be paid into the
25 General Revenue Fund.

26 (l) (Blank).

1 (m) Notations of accident involvement that may be disclosed
2 under this Section shall not include notations relating to
3 damage to a vehicle or other property being transported by a
4 tow truck. This information shall remain confidential,
5 provided that nothing in this subsection (m) shall limit
6 disclosure of any notification of accident involvement to any
7 law enforcement agency or official.

8 (n) Requests made by the news media for driver's license,
9 vehicle, or title registration information may be furnished
10 without charge or at a reduced charge, as determined by the
11 Secretary, when the specific purpose for requesting the
12 documents is deemed to be in the public interest. Waiver or
13 reduction of the fee is in the public interest if the principal
14 purpose of the request is to access and disseminate information
15 regarding the health, safety, and welfare or the legal rights
16 of the general public and is not for the principal purpose of
17 gaining a personal or commercial benefit. The information
18 provided pursuant to this subsection shall not contain
19 personally identifying information unless the information is
20 to be used for one of the purposes identified in subsection
21 (f-5) of this Section.

22 (o) The redisclosure of personally identifying information
23 obtained pursuant to this Section is prohibited, except to the
24 extent necessary to effectuate the purpose for which the
25 original disclosure of the information was permitted.

26 (p) The Secretary of State is empowered to adopt rules to

1 effectuate this Section.

2 (Source: P.A. 95-201, eff. 1-1-08; 95-287, eff. 1-1-08; 95-331,
3 eff. 8-21-07; 95-613, eff. 9-11-07; 95-876, eff. 8-21-08;
4 96-1383, eff. 1-1-11.)

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

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

7 (a) Every application for any permit or license authorized
8 to be issued under this Act shall be made upon a form furnished
9 by the Secretary of State. Every application shall be
10 accompanied by the proper fee and payment of such fee shall
11 entitle the applicant to not more than 3 attempts to pass the
12 examination within a period of 1 year after the date of
13 application.

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

1 form may also require the statement of such additional relevant
2 information as the Secretary of State shall deem necessary to
3 determine the applicant's competency and eligibility. The
4 Secretary of State may in his discretion substitute a federal
5 tax number in lieu of a social security number, or he may
6 instead assign an additional distinctive number in lieu
7 thereof, where an applicant is prohibited by bona fide
8 religious convictions from applying or is exempt from applying
9 for a social security number. The Secretary of State shall,
10 however, determine which religious orders or sects have such
11 bona fide religious convictions. The Secretary of State may, in
12 his discretion, by rule or regulation, provide that an
13 application for a drivers license or permit may include a
14 suitable photograph of the applicant in the form prescribed by
15 the Secretary, and he may further provide that each drivers
16 license shall include a photograph of the driver. The Secretary
17 of State may utilize a photograph process or system most
18 suitable to deter alteration or improper reproduction of a
19 drivers license and to prevent substitution of another photo
20 thereon.

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

1 Registration Act.

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

19 (e) For each original or renewal driver's license
20 application under this Act, the Secretary shall inquire as to
21 whether the applicant is a veteran for purposes of issuing a
22 driver's license with a veteran designation under subsection
23 (e-5) of Section 6-110 of this Chapter. The acceptable forms of
24 proof shall include, but are not limited to, Department of
25 Defense form DD-214. The Secretary shall determine by rule what
26 other forms of proof of a person's status as a veteran are

1 acceptable.

2 For purposes of this subsection (e):

3 "Active duty" means active duty pursuant to an executive
4 order of the President of the United States, an Act of the
5 Congress of the United States, or an order of the Governor.

6 "Armed forces" means any of the Armed Forces of the United
7 States, including a member of any reserve component thereof or
8 National Guard unit called to active duty.

9 "Veteran" means a person who has served on active duty in
10 the armed forces of the United States and was discharged or
11 separated under honorable conditions.

12 (Source: P.A. 96-1231, eff. 7-23-10.)

13 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

14 Sec. 6-110. Licenses issued to drivers.

15 (a) The Secretary of State shall issue to every qualifying
16 applicant a driver's license as applied for, which license
17 shall bear a distinguishing number assigned to the licensee,
18 the legal name, signature, zip code, date of birth, residence
19 address, and a brief description of the licensee.

20 Licenses issued shall also indicate the classification and
21 the restrictions under Section 6-104 of this Code.

22 In lieu of the social security number, the Secretary may in
23 his discretion substitute a federal tax number or other
24 distinctive number.

25 A driver's license issued may, in the discretion of the

1 Secretary, include a suitable photograph of a type prescribed
2 by the Secretary.

3 (a-1) If the licensee is less than 18 years of age, unless
4 one of the exceptions in subsection (a-2) apply, the license
5 shall, as a matter of law, be invalid for the operation of any
6 motor vehicle during the following times:

7 (A) Between 11:00 p.m. Friday and 6:00 a.m. Saturday;

8 (B) Between 11:00 p.m. Saturday and 6:00 a.m. on
9 Sunday; and

10 (C) Between 10:00 p.m. on Sunday to Thursday,
11 inclusive, and 6:00 a.m. on the following day.

12 (a-2) The driver's license of a person under the age of 18
13 shall not be invalid as described in subsection (a-1) of this
14 Section if the licensee under the age of 18 was:

15 (1) accompanied by the licensee's parent or guardian or
16 other person in custody or control of the minor;

17 (2) on an errand at the direction of the minor's parent
18 or guardian, without any detour or stop;

19 (3) in a motor vehicle involved in interstate travel;

20 (4) going to or returning home from an employment
21 activity, without any detour or stop;

22 (5) involved in an emergency;

23 (6) going to or returning home from, without any detour
24 or stop, an official school, religious, or other
25 recreational activity supervised by adults and sponsored
26 by a government or governmental agency, a civic

1 organization, or another similar entity that takes
2 responsibility for the licensee, without any detour or
3 stop;

4 (7) exercising First Amendment rights protected by the
5 United States Constitution, such as the free exercise of
6 religion, freedom of speech, and the right of assembly; or

7 (8) married or had been married or is an emancipated
8 minor under the Emancipation of Minors Act.

9 (a-2.5) The driver's license of a person who is 17 years of
10 age and has been licensed for at least 12 months is not invalid
11 as described in subsection (a-1) of this Section while the
12 licensee is participating as an assigned driver in a Safe Rides
13 program that meets the following criteria:

14 (1) the program is sponsored by the Boy Scouts of
15 America or another national public service organization;
16 and

17 (2) the sponsoring organization carries liability
18 insurance covering the program.

19 (a-3) If a graduated driver's license holder over the age
20 of 18 committed an offense against traffic regulations
21 governing the movement of vehicles or any violation of Section
22 6-107 or Section 12-603.1 of this Code in the 6 months prior to
23 the graduated driver's license holder's 18th birthday, and was
24 subsequently convicted of the offense, the provisions of
25 subsection (a-1) shall continue to apply until such time as a
26 period of 6 consecutive months has elapsed without an

1 additional violation and subsequent conviction of an offense
2 against traffic regulations governing the movement of vehicles
3 or Section 6-107 or Section 12-603.1 of this Code.

4 (a-4) If an applicant for a driver's license or instruction
5 permit has a current identification card issued by the
6 Secretary of State, the Secretary may require the applicant to
7 utilize the same residence address and name on the
8 identification card, driver's license, and instruction permit
9 records maintained by the Secretary. The Secretary may
10 promulgate rules to implement this provision.

11 (b) Until the Secretary of State establishes a First Person
12 Consent organ and tissue donor registry under Section 6-117 of
13 this Code, the Secretary of State shall provide a format on the
14 reverse of each driver's license issued which the licensee may
15 use to execute a document of gift conforming to the provisions
16 of the Illinois Anatomical Gift Act. The format shall allow the
17 licensee to indicate the gift intended, whether specific
18 organs, any organ, or the entire body, and shall accommodate
19 the signatures of the donor and 2 witnesses. The Secretary
20 shall also inform each applicant or licensee of this format,
21 describe the procedure for its execution, and may offer the
22 necessary witnesses; provided that in so doing, the Secretary
23 shall advise the applicant or licensee that he or she is under
24 no compulsion to execute a document of gift. A brochure
25 explaining this method of executing an anatomical gift document
26 shall be given to each applicant or licensee. The brochure

1 shall advise the applicant or licensee that he or she is under
2 no compulsion to execute a document of gift, and that he or she
3 may wish to consult with family, friends or clergy before doing
4 so. The Secretary of State may undertake additional efforts,
5 including education and awareness activities, to promote organ
6 and tissue donation.

7 (c) The Secretary of State shall designate on each driver's
8 license issued a space where the licensee may place a sticker
9 or decal of the uniform size as the Secretary may specify,
10 which sticker or decal may indicate in appropriate language
11 that the owner of the license carries an Emergency Medical
12 Information Card.

13 The sticker may be provided by any person, hospital,
14 school, medical group, or association interested in assisting
15 in implementing the Emergency Medical Information Card, but
16 shall meet the specifications as the Secretary may by rule or
17 regulation require.

18 (d) The Secretary of State shall designate on each driver's
19 license issued a space where the licensee may indicate his
20 blood type and RH factor.

21 (e) The Secretary of State shall provide that each original
22 or renewal driver's license issued to a licensee under 21 years
23 of age shall be of a distinct nature from those driver's
24 licenses issued to individuals 21 years of age and older. The
25 color designated for driver's licenses for licensees under 21
26 years of age shall be at the discretion of the Secretary of

1 State.

2 (e-1) The Secretary shall provide that each driver's
3 license issued to a person under the age of 21 displays the
4 date upon which the person becomes 18 years of age and the date
5 upon which the person becomes 21 years of age.

6 (e-5) The Secretary of State shall designate a space on
7 each original or renewal driver's license where, at the request
8 of the applicant, the word "veteran" shall be placed. The
9 veteran designation shall be available to a person identified
10 as a veteran pursuant to subsection (e) of paragraph 6-106 of
11 this Chapter who was discharged or separated under honorable
12 conditions.

13 (f) The Secretary of State shall inform all Illinois
14 licensed commercial motor vehicle operators of the
15 requirements of the Uniform Commercial Driver License Act,
16 Article V of this Chapter, and shall make provisions to insure
17 that all drivers, seeking to obtain a commercial driver's
18 license, be afforded an opportunity prior to April 1, 1992, to
19 obtain the license. The Secretary is authorized to extend
20 driver's license expiration dates, and assign specific times,
21 dates and locations where these commercial driver's tests shall
22 be conducted. Any applicant, regardless of the current
23 expiration date of the applicant's driver's license, may be
24 subject to any assignment by the Secretary. Failure to comply
25 with the Secretary's assignment may result in the applicant's
26 forfeiture of an opportunity to receive a commercial driver's

1 license prior to April 1, 1992.

2 (g) The Secretary of State shall designate on a driver's
3 license issued, a space where the licensee may indicate that he
4 or she has drafted a living will in accordance with the
5 Illinois Living Will Act or a durable power of attorney for
6 health care in accordance with the Illinois Power of Attorney
7 Act.

8 (g-1) The Secretary of State, in his or her discretion, may
9 designate on each driver's license issued a space where the
10 licensee may place a sticker or decal, issued by the Secretary
11 of State, of uniform size as the Secretary may specify, that
12 shall indicate in appropriate language that the owner of the
13 license has renewed his or her driver's license.

14 (h) A person who acts in good faith in accordance with the
15 terms of this Section is not liable for damages in any civil
16 action or subject to prosecution in any criminal proceeding for
17 his or her act.

18 (Source: P.A. 95-310, eff. 1-1-08; 95-747, eff. 7-22-08;
19 96-607, eff. 8-24-09; 96-1231, eff. 7-23-10.)

20 Section 99. Effective date. This Act takes effect January
21 1, 2012.