

AN ACT concerning transportation.

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

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

(15 ILCS 335/4)

(Text of Section before amendment by P.A. 103-210)

Sec. 4. Identification card.

(a) In accordance with the requirements of this Section,  
the ~~The~~ Secretary of State shall issue a standard Illinois  
Identification Card, as well as a mobile Illinois  
Identification Card, to any natural person who is a resident  
of the State of Illinois who applies for such a card, or  
renewal thereof. No identification card shall be issued to any  
person who holds a valid foreign state identification card,  
license, or permit unless the person first surrenders to the  
Secretary of State the valid foreign state identification  
card, license, or permit. The card shall be prepared and  
supplied by the Secretary of State and shall include a  
photograph and signature or mark of the applicant. However,  
the Secretary of State may provide by rule for the issuance of  
Illinois Identification Cards without photographs if the  
applicant has a bona fide religious objection to being

photographed or to the display of his or her photograph. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

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

(a-10) If the applicant is a judicial officer as defined in Section 1-10 of the Judicial Privacy Act or a peace officer, the applicant may elect to have his or her office or work address listed on the card instead of the applicant's residence or mailing address. The Secretary may promulgate rules to implement this provision. For the purposes of this subsection (a-10), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that

duty extends to all violations or is limited to specific violations.

(a-15) The Secretary of State may provide for an expedited process for the issuance of an Illinois Identification Card. The Secretary shall charge an additional fee for the expedited issuance of an Illinois Identification Card, to be set by rule, not to exceed \$75. All fees collected by the Secretary for expedited Illinois Identification Card service shall be deposited into the Secretary of State Special Services Fund. The Secretary may adopt rules regarding the eligibility, process, and fee for an expedited Illinois Identification Card. If the Secretary of State determines that the volume of expedited identification card requests received on a given day exceeds the ability of the Secretary to process those requests in an expedited manner, the Secretary may decline to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.

(a-20) The Secretary of State shall issue a standard Illinois Identification Card to a person committed to the Department of Corrections or Department of Juvenile Justice upon receipt of the person's birth certificate, social security card, photograph, proof of residency upon discharge, and an identification card application transferred via a secure method as agreed upon by the Secretary and the Department of Corrections or Department of Juvenile Justice. Illinois residency shall be established by submission of a

Secretary of State prescribed Identification Card verification form completed by the respective Department.

(a-25) The Secretary of State shall issue a limited-term Illinois Identification Card valid for 90 days to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections or Department of Juvenile Justice, if the released person is unable to present a certified copy of his or her birth certificate and social security card or other documents authorized by the Secretary, but does present a Secretary of State prescribed Identification Card verification form completed by the Department of Corrections or Department of Juvenile Justice, verifying the released person's date of birth, social security number, and his or her Illinois residence address. The verification form must have been completed no more than 30 days prior to the date of application for the Illinois Identification Card.

Prior to the expiration of the 90-day period of the limited-term Illinois Identification Card, if the released person submits to the Secretary of State a certified copy of his or her birth certificate and his or her social security card or other documents authorized by the Secretary, a standard Illinois Identification Card shall be issued. A limited-term Illinois Identification Card may not be renewed.

(a-30) The Secretary of State shall issue a standard Illinois Identification Card to a person upon conditional

release or absolute discharge from the custody of the Department of Human Services, if the person presents a certified copy of his or her birth certificate, social security card, or other documents authorized by the Secretary, and a document proving his or her Illinois residence address. The Secretary of State shall issue a standard Illinois Identification Card to a person prior to his or her conditional release or absolute discharge if personnel from the Department of Human Services bring the person to a Secretary of State location with the required documents. Documents proving residence address may include any official document of the Department of Human Services showing the person's address after release and a Secretary of State prescribed verification form, which may be executed by personnel of the Department of Human Services.

(a-35) The Secretary of State shall issue a limited-term Illinois Identification Card valid for 90 days to a person upon conditional release or absolute discharge from the custody of the Department of Human Services, if the person is unable to present a certified copy of his or her birth certificate and social security card or other documents authorized by the Secretary, but does present a Secretary of State prescribed verification form completed by the Department of Human Services, verifying the person's date of birth and social security number, and a document proving his or her Illinois residence address. The verification form must have

been completed no more than 30 days prior to the date of application for the Illinois Identification Card. The Secretary of State shall issue a limited-term Illinois Identification Card to a person no sooner than 14 days prior to his or her conditional release or absolute discharge if personnel from the Department of Human Services bring the person to a Secretary of State location with the required documents. Documents proving residence address shall include any official document of the Department of Human Services showing the person's address after release and a Secretary of State prescribed verification form, which may be executed by personnel of the Department of Human Services.

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Person with a Disability Identification Card, to any natural person who is a resident of the State of Illinois, who is a person with a disability as defined in Section 4A of this Act, who applies for such card, or renewal thereof. No Illinois Person with a Disability Identification Card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The Secretary of State shall charge no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph and signature or mark of the applicant, a

designation indicating that the card is an Illinois Person with a Disability Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. However, the Secretary of State may provide by rule for the issuance of Illinois Person with a Disability Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Person with a Disability Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Person with a Disability Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability, a determination of disability from a physician assistant, a determination of disability from an advanced practice registered nurse, or any other documentation of disability whenever any State law requires that a person with a disability provide such

documentation of disability, however an Illinois Person with a Disability Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Person with a Disability Identification Card, or evidence that the Secretary of State has issued an Illinois Person with a Disability Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a person with a disability or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

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

When medical information is contained on an Illinois Person with a Disability Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) The Secretary of State shall provide that each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall be of a distinct nature from



those Illinois Identification Cards or Illinois Person with a Disability Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Person with a Disability Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(c-3) The General Assembly recognizes the need to identify military veterans living in this State for the purpose of ensuring that they receive all of the services and benefits to which they are legally entitled, including healthcare, education assistance, and job placement. To assist the State in identifying these veterans and delivering these vital services and benefits, the Secretary of State is authorized to issue Illinois Identification Cards and Illinois Person with a Disability Identification Cards with the word "veteran" appearing on the face of the cards. This authorization is predicated on the unique status of veterans. The Secretary may not issue any other identification card which identifies an occupation, status, affiliation, hobby, or other unique characteristics of the identification card holder which is unrelated to the purpose of the identification card.

(c-5) Beginning on or before July 1, 2015, the Secretary of State shall designate a space on each original or renewal identification card where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection (b) of Section 5 of this Act who was discharged or separated under honorable conditions.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

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

(f) (1) The Secretary of State may issue a mobile identification card to an individual who is otherwise eligible to hold a physical credential in addition to, and not instead of, an identification card if the Secretary of State has issued an identification card to the person. The data elements that are used to build an electronic credential must match the individual's current Department record.

(2) The Secretary may enter into agreements or contract with an agency of the State, another state, the United States, or a third party to facilitate the issuance, use, and verification of a mobile identification card issued by the Secretary or another state.

(3) Any mobile identification card issued by the Secretary shall be in accordance with the most recent AAMVA standards.

(4) The Secretary shall design the mobile identification card in a manner that allows the credential holder to maintain physical possession of the device on which the mobile identification card is accessed during verification.

(g) The verification process shall be implemented to require:

(1) the relying parties to authenticate electronic credentials in accordance with applicable AAMVA standards prior to acceptance of the electronic credential;

(2) the Secretary to ensure that electronic credential data is subject to all jurisdictional data security and privacy protection laws and regulations; and

(3) the relying parties to request only electronic credential data elements that are necessary to complete the transaction for which data is being requested.

(h) Privacy and tracking of data shall be restricted by implementing the following requirements:

(1) the relying parties shall retain only electronic credential data elements for which the relying party explicitly obtained consent from the electronic credential holder and shall inform the electronic credential holder of the use and retention period of the electronic data elements; and

(2) the Secretary shall use an electronic credential system that is designed to maximize the privacy of the credential holder in accordance with State and federal law and shall not track or compile information without the credential holder's consent; and

(3) the Department shall only compile and disclose information regarding the use of the credential as required by State or federal law.

(i) (1) The electronic credential holder shall be required to have their physical credential on their person for all purposes for which an identification card is required. No person, public entity, private entity, or agency shall establish a policy that requires an electronic credential instead of a physical credential.

(2) Electronic credential systems shall be designed so

that there is no requirement for the electronic credential holder to display or relinquish possession of the credential holder's mobile device to relying parties for the acceptance of an electronic credential.

(3) When required by law and upon request by law enforcement, a credential holder must provide the credential holder's physical credential.

(4) Any law or regulation that requires an individual to surrender the individual's physical credential to law enforcement does not apply to the device on which an electronic credential has been provisioned.

(j) A person may be required to produce when so requested a physical identification card to a law enforcement officer, a representative of a State or federal department or agency, or a private entity and is subject to all applicable laws and consequences for failure to produce such an identification card.

(k) The Secretary of State shall adopt such rules as are necessary to implement a mobile identification card.

(l) The display of a mobile identification card shall not serve as consent or authorization for a law enforcement officer, or any other person, to search, view, or access any other data or application on the mobile device. If a person presents the person's mobile device to a law enforcement officer for purposes of displaying a mobile identification card, the law enforcement officer shall promptly return the

mobile device to the person once the officer has had an opportunity to verify the identity of the person. Except for willful and wanton misconduct, any law enforcement officer, court, or officer of the court presented with the device shall be immune from any liability resulting from damage to the mobile device.

(m) The fee to install the application to display a mobile identification card as defined in this subsection shall not exceed \$6.

(n) As used in this Section:

"AAMVA" means the American Association of Motor Vehicle Administrators.

"Credential" means a driver's license, learner's permit, or identification card.

"Credential holder" means the individual to whom a mobile identification card is issued.

"Data element" means a distinct component of a customer's information that is found on the Department's customer record.

"Department" means the Secretary of State Department of Driver Services.

"Electronic credential" means an electronic extension of the departmental issued physical credential that conveys identity and complies with AAMVA's mobile driver license Implementation guidelines and the ISO/IEC 18013-5 standard.

"Electronic credential system" means a digital process that includes a method for provisioning electronic

credentials, requesting and transmitting electronic credential data elements, and performing tasks to maintain the system.

"Full profile" means all the information provided on an identification card.

"ISO" means the International Organization for Standardization, which creates uniform processes and procedures.

"Limited profile" means a portion of the information provided on an identification card.

"Mobile identification card" means a data file that is available on any mobile device that has connectivity to the Internet through an application that allows the mobile device to download the data file from the Secretary of State, that contains all the data elements visible on the face and back of an identification card, and that displays the current status of the identification card. "Mobile identification card" does not include a copy, photograph, or image of an Illinois Identification Card that is not downloaded through the application on a mobile device.

"Physical credential" means a Department issued document that conveys identity in accordance with the Illinois Identification Card Act.

"Provision" means the initial loading of an electronic credential onto a device.

"Relying party" means the entity to which the credential holder presents the electronic credential.

"Verification process" means a method of authenticating the electronic credential through the use of secured encryption communication.

(Source: P.A. 102-299, eff. 8-6-21; 103-345, eff. 1-1-24.)

(Text of Section after amendment by P.A. 103-210)

Sec. 4. Identification card.

(a) In accordance with the requirements of this Section, ~~the~~ the Secretary of State shall issue a standard Illinois Identification Card, as well as a mobile Illinois Identification Card, to any natural person who is a resident of the State of Illinois who applies for such a card, or renewal thereof. No identification card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The card shall be prepared and supplied by the Secretary of State and shall include a photograph and signature or mark of the applicant. However, the Secretary of State may provide by rule for the issuance of Illinois Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. The Illinois Identification Card may be used for identification purposes in any lawful situation only by the person to whom it was issued. As used in this Act, "photograph" means any color



photograph or digitally produced and captured image of an applicant for an identification card. As used in this Act, "signature" means the name of a person as written by that person and captured in a manner acceptable to the Secretary of State.

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

(a-10) If the applicant is a judicial officer as defined in Section 1-10 of the Judicial Privacy Act or a peace officer, the applicant may elect to have his or her office or work address listed on the card instead of the applicant's residence or mailing address. The Secretary may promulgate rules to implement this provision. For the purposes of this subsection (a-10), "peace officer" means any person who by virtue of his or her office or public employment is vested by law with a duty to maintain public order or to make arrests for a violation of any penal statute of this State, whether that duty extends to all violations or is limited to specific violations.

(a-15) The Secretary of State may provide for an expedited process for the issuance of an Illinois Identification Card.

The Secretary shall charge an additional fee for the expedited issuance of an Illinois Identification Card, to be set by rule, not to exceed \$75. All fees collected by the Secretary for expedited Illinois Identification Card service shall be deposited into the Secretary of State Special Services Fund. The Secretary may adopt rules regarding the eligibility, process, and fee for an expedited Illinois Identification Card. If the Secretary of State determines that the volume of expedited identification card requests received on a given day exceeds the ability of the Secretary to process those requests in an expedited manner, the Secretary may decline to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.

(a-20) The Secretary of State shall issue a standard Illinois Identification Card to a person committed to the Department of Corrections or Department of Juvenile Justice upon receipt of the person's birth certificate, social security card, if the person has a social security number, photograph, proof of residency upon discharge, and an identification card application transferred via a secure method as agreed upon by the Secretary and the Department of Corrections or Department of Juvenile Justice, ~~if the person has a social security number,~~. Illinois residency shall be established by submission of a Secretary of State prescribed Identification Card verification form completed by the respective Department.

(a-25) The Secretary of State shall issue a limited-term Illinois Identification Card valid for 90 days to a committed person upon release on parole, mandatory supervised release, aftercare release, final discharge, or pardon from the Department of Corrections or Department of Juvenile Justice, if the released person is unable to present a certified copy of his or her birth certificate and social security card, if the person has a social security number, or other documents authorized by the Secretary, but does present a Secretary of State prescribed Identification Card verification form completed by the Department of Corrections or Department of Juvenile Justice, verifying the released person's date of birth, social security number, if the person has a social security number, and his or her Illinois residence address. The verification form must have been completed no more than 30 days prior to the date of application for the Illinois Identification Card.

Prior to the expiration of the 90-day period of the limited-term Illinois Identification Card, if the released person submits to the Secretary of State a certified copy of his or her birth certificate and his or her social security card, if the person has a social security number, or other documents authorized by the Secretary, a standard Illinois Identification Card shall be issued. A limited-term Illinois Identification Card may not be renewed.

(a-30) The Secretary of State shall issue a standard

Illinois Identification Card to a person upon conditional release or absolute discharge from the custody of the Department of Human Services, if the person presents a certified copy of his or her birth certificate, social security card, if the person has a social security number, or other documents authorized by the Secretary, and a document proving his or her Illinois residence address. The Secretary of State shall issue a standard Illinois Identification Card to a person prior to his or her conditional release or absolute discharge if personnel from the Department of Human Services bring the person to a Secretary of State location with the required documents. Documents proving residence address may include any official document of the Department of Human Services showing the person's address after release and a Secretary of State prescribed verification form, which may be executed by personnel of the Department of Human Services.

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security number, if the person has a social security number, and a document proving his or her Illinois residence address. The verification form must have been completed no more than 30 days prior to the date of application for the Illinois Identification Card. The Secretary of State shall issue a limited-term Illinois Identification Card to a person no sooner than 14 days prior to his or her conditional release or absolute discharge if personnel from the Department of Human Services bring the person to a Secretary of State location with the required documents. Documents proving residence address shall include any official document of the Department of Human Services showing the person's address after release and a Secretary of State prescribed verification form, which may be executed by personnel of the Department of Human Services.

(b) The Secretary of State shall issue a special Illinois Identification Card, which shall be known as an Illinois Person with a Disability Identification Card, to any natural person who is a resident of the State of Illinois, who is a person with a disability as defined in Section 4A of this Act, who applies for such card, or renewal thereof. No Illinois Person with a Disability Identification Card shall be issued to any person who holds a valid foreign state identification card, license, or permit unless the person first surrenders to the Secretary of State the valid foreign state identification card, license, or permit. The Secretary of State shall charge

no fee to issue such card. The card shall be prepared and supplied by the Secretary of State, and shall include a photograph and signature or mark of the applicant, a designation indicating that the card is an Illinois Person with a Disability Identification Card, and shall include a comprehensible designation of the type and classification of the applicant's disability as set out in Section 4A of this Act. However, the Secretary of State may provide by rule for the issuance of Illinois Person with a Disability Identification Cards without photographs if the applicant has a bona fide religious objection to being photographed or to the display of his or her photograph. If the applicant so requests, the card shall include a description of the applicant's disability and any information about the applicant's disability or medical history which the Secretary determines would be helpful to the applicant in securing emergency medical care. If a mark is used in lieu of a signature, such mark shall be affixed to the card in the presence of two witnesses who attest to the authenticity of the mark. The Illinois Person with a Disability Identification Card may be used for identification purposes in any lawful situation by the person to whom it was issued.

The Illinois Person with a Disability Identification Card may be used as adequate documentation of disability in lieu of a physician's determination of disability, a determination of disability from a physician assistant, a determination of

disability from an advanced practice registered nurse, or any other documentation of disability whenever any State law requires that a person with a disability provide such documentation of disability, however an Illinois Person with a Disability Identification Card shall not qualify the cardholder to participate in any program or to receive any benefit which is not available to all persons with like disabilities. Notwithstanding any other provisions of law, an Illinois Person with a Disability Identification Card, or evidence that the Secretary of State has issued an Illinois Person with a Disability Identification Card, shall not be used by any person other than the person named on such card to prove that the person named on such card is a person with a disability or for any other purpose unless the card is used for the benefit of the person named on such card, and the person named on such card consents to such use at the time the card is so used.

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

When medical information is contained on an Illinois Person with a Disability Identification Card, the Office of the Secretary of State shall not be liable for any actions taken based upon that medical information.

(c) The Secretary of State shall provide that each

original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall be of a distinct nature from those Illinois Identification Cards or Illinois Person with a Disability Identification Cards issued to individuals 21 years of age or older. The color designated for Illinois Identification Cards or Illinois Person with a Disability Identification Cards for persons under the age of 21 shall be at the discretion of the Secretary of State.

(c-1) Each original or renewal Illinois Identification Card or Illinois Person with a Disability Identification Card issued to a person under the age of 21 shall display the date upon which the person becomes 18 years of age and the date upon which the person becomes 21 years of age.

(c-3) The General Assembly recognizes the need to identify military veterans living in this State for the purpose of ensuring that they receive all of the services and benefits to which they are legally entitled, including healthcare, education assistance, and job placement. To assist the State in identifying these veterans and delivering these vital services and benefits, the Secretary of State is authorized to issue Illinois Identification Cards and Illinois Person with a Disability Identification Cards with the word "veteran" appearing on the face of the cards. This authorization is predicated on the unique status of veterans. The Secretary may not issue any other identification card which identifies an



occupation, status, affiliation, hobby, or other unique characteristics of the identification card holder which is unrelated to the purpose of the identification card.

(c-5) Beginning on or before July 1, 2015, the Secretary of State shall designate a space on each original or renewal identification card where, at the request of the applicant, the word "veteran" shall be placed. The veteran designation shall be available to a person identified as a veteran under subsection (b) of Section 5 of this Act who was discharged or separated under honorable conditions.

(d) The Secretary of State may issue a Senior Citizen discount card, to any natural person who is a resident of the State of Illinois who is 60 years of age or older and who applies for such a card or renewal thereof. The Secretary of State shall charge no fee to issue such card. The card shall be issued in every county and applications shall be made available at, but not limited to, nutrition sites, senior citizen centers and Area Agencies on Aging. The applicant, upon receipt of such card and prior to its use for any purpose, shall have affixed thereon in the space provided therefor his signature or mark.

(e) The Secretary of State, in his or her discretion, may designate on each Illinois Identification Card or Illinois Person with a Disability Identification Card a space where the card holder may place a sticker or decal, issued by the Secretary of State, of uniform size as the Secretary may

specify, that shall indicate in appropriate language that the card holder has renewed his or her Illinois Identification Card or Illinois Person with a Disability Identification Card.

(f)(1) The Secretary of State may issue a mobile identification card to an individual who is otherwise eligible to hold a physical credential in addition to, and not instead of, an identification card if the Secretary of State has issued an identification card to the person. The data elements that are used to build an electronic credential must match the individual's current Department record.

(2) The Secretary may enter into agreements or contract with an agency of the State, another state, the United States, or a third party to facilitate the issuance, use, and verification of a mobile identification card issued by the Secretary or another state.

(3) Any mobile identification card issued by the Secretary shall be in accordance with the most recent AAMVA standards.

(4) The Secretary shall design the mobile identification card in a manner that allows the credential holder to maintain physical possession of the device on which the mobile identification card is accessed during verification.

(g) The verification process shall be implemented to require:

(1) the relying parties to authenticate electronic

credentials in accordance with applicable AAMVA standards prior to acceptance of the electronic credential;

(2) the Secretary to ensure that electronic credential data is subject to all jurisdictional data security and privacy protection laws and regulations; and

(3) the relying parties to request only electronic credential data elements that are necessary to complete the transaction for which data is being requested.

(h) Privacy and tracking of data shall be restricted by implementing the following requirements:

(1) the relying parties shall retain only electronic credential data elements for which the relying party explicitly obtained consent from the electronic credential holder and shall inform the electronic credential holder of the use and retention period of the electronic data elements;

(2) the Secretary shall use an electronic credential system that is designed to maximize the privacy of the credential holder in accordance with State and federal law and shall not track or compile information without the credential holder's consent; and

(3) the Department shall only compile and disclose information regarding the use of the credential as required by State or federal law.

(i) (1) The electronic credential holder shall be required to have their physical credential on their person for all

purposes for which an identification card is required. No person, public entity, private entity, or agency shall establish a policy that requires an electronic credential instead of a physical credential.

(2) Electronic credential systems shall be designed so that there is no requirement for the electronic credential holder to display or relinquish possession of the credential holder's mobile device to relying parties for the acceptance of an electronic credential.

(3) When required by law and upon request by law enforcement, a credential holder must provide the credential holder's physical credential.

(4) Any law or regulation that requires an individual to surrender their physical credential to law enforcement does not apply to the device on which an electronic credential has been provisioned.

(j) A person may be required to produce when so requested a physical identification card to a law enforcement officer, a representative of a State or federal department or agency, or a private entity and is subject to all applicable laws and consequences for failure to produce such an identification card.

(k) The Secretary of State shall adopt such rules as are necessary to implement a mobile identification card.

(l) The display of a mobile identification card shall not serve as consent or authorization for a law enforcement

officer, or any other person, to search, view, or access any other data or application on the mobile device. If a person presents the person's mobile device to a law enforcement officer for purposes of displaying a mobile identification card, the law enforcement officer shall promptly return the mobile device to the person once the officer has had an opportunity to verify the identity of the person. Except for willful and wanton misconduct, any law enforcement officer, court, or officer of the court presented with the device shall be immune from any liability resulting from damage to the mobile device.

(m) The fee to install the application to display a mobile identification card as defined in this subsection shall not exceed \$6.

(n) As used in this Section:

"AAMVA" means the American Association of Motor Vehicle Administrators.

"Credential" means a driver's license, learner's permit, or identification card.

"Credential holder" means the individual to whom a mobile driver's license or a mobile identification card is issued.

"Data element" means a distinct component of a customer's information that is found on the Department's customer record.

"Department" means the Secretary of State Department of Driver Services.

"Electronic credential" means an electronic extension of

the departmental issued physical credential that conveys identity and complies with AAMVA's mobile driver license Implementation guidelines and the ISO/IEC 18013-5 standard.

"Electronic credential system" means a digital process that includes a method for provisioning electronic credentials, requesting and transmitting electronic credential data elements, and performing tasks to maintain the system.

"Full profile" means all the information provided on an identification card.

"ISO" means the International Organization for Standardization, which creates uniform processes and procedures.

"Limited profile" means a portion of the information provided on an Identification Card.

"Mobile identification card" means a data file that is available on any mobile device that has connectivity to the Internet through an application that allows the mobile device to download the data file from the Secretary of State, that contains all the data elements visible on the face and back of an identification card, and that displays the current status of the identification card. "Mobile identification card" does not include a copy, photograph, or image of an Illinois Identification Card that is not downloaded through the application on a mobile device.

"Physical credential" means a Department issued document that conveys identity in accordance with the Illinois

Identification Card Act.

"Provision" means the initial loading of an electronic credential onto a device.

"Relying party" means the entity to which the credential holder presents the electronic credential.

"Verification process" means a method of authenticating the electronic credential through the use of secured encryption communication.

(Source: P.A. 102-299, eff. 8-6-21; 103-210, eff. 7-1-24; 103-345, eff. 1-1-24; revised 12-12-23.)

Section 10. The Illinois Vehicle Code is amended by changing Section 6-101 as follows:

(625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

Sec. 6-101. Drivers must have licenses or permits.

(a) No person, except those expressly exempted by Section 6-102, shall drive any motor vehicle upon a highway in this State unless such person has a valid license or permit, an Illinois mobile driver's license, or a restricted driving permit, issued under the provisions of this Act.

(b) No person shall drive a motor vehicle unless the person ~~he~~ holds a valid license or permit, an Illinois mobile driver's license, or a restricted driving permit issued under ~~the provisions of Section 6-205, 6-206, or 6-113~~ of this Act. Any person to whom a license is issued under the provisions of

this Act must surrender to the Secretary of State all valid licenses or permits, except that an applicant for a non-domiciled commercial learner's permit or commercial driver's license shall not be required to surrender a license or permit issued by the applicant's state or country of domicile. No driver's ~~drivers~~ license or instruction permit shall be issued to any person who holds a valid Foreign State license, identification card, or permit unless such person first surrenders to the Secretary of State any such valid Foreign State license, identification card, or permit.

(b-5) Any person who commits a violation of subsection (a) or (b) of this Section is guilty of a Class A misdemeanor, if at the time of the violation the person's driver's license or permit was cancelled under clause (a)9 of Section 6-201 of this Code.

(c) Any person licensed as a driver hereunder shall not be required by any city, village, incorporated town or other municipal corporation to obtain any other license to exercise the privilege thereby granted.

(d) In addition to other penalties imposed under this Section, any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the motor



vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(e) In addition to other penalties imposed under this Section, the vehicle of any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements and who, in violating this Section, has caused death or personal injury to another person is subject to forfeiture under Sections 36-1 and 36-2 of the Criminal Code of 2012. For the purposes of this Section, a personal injury shall include any type A injury as indicated on the traffic crash report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(f) (1) The Secretary of State may issue a mobile driver's license to an individual in addition to, and not instead of, a license or an identification card if the Secretary of State has issued a driver's license to the person.

(2) The Secretary may enter into agreements with an agency of the State, another state, or the United States to facilitate the issuance, use, and verification of a mobile driver's license issued by the Secretary or another state.

(3) Any mobile driver's license issued by the Secretary shall be in accordance with American Association of Motor

Vehicle Administrator's Mobile Driver's License (mDL)  
Implementation Guidelines, Version 1.1.

(4) The Secretary shall design the mobile driver's license in a manner that allows the credential holder to maintain physical possession of the device on which the electronic credential is accessed during verification.

(g) As used in this Section:

"Mobile driver's license" means an electronic extension of the Secretary of State issued physical driver's license that conveys identity and driving privilege information and is in compliance with the American Association of Motor Vehicle Administrator's Mobile Driver's License Implementation Guidelines and the ISO/IEC 18013-5 standard. "Mobile driver's license" does not include a digital copy, photograph, or image of a driver's license that is not downloaded through the Secretary of State's application on a mobile device.

(h) A person may be required to produce when so requested a physical driver's license to a law enforcement officer, a representative of a State or federal department or agency, or a private entity and is subject to all applicable laws and consequences for failure to produce such a license.

(i) The Secretary of State shall adopt such rules as are necessary to implement a mobile driver's license.

(j) The display of a mobile driver's license shall not serve as consent or authorization for a law enforcement officer, or any other person, to search, view, or access any

other data or application on the mobile device. If a person presents his or her mobile device to a law enforcement officer for purposes of displaying a mobile driver's license, the law enforcement officer shall promptly return the mobile device to the person once the officer has had an opportunity to verify the identity and license status of the person. Except for willful and wanton misconduct, any law enforcement officer, court, or officer of the court presented with the device shall be immune from any liability resulting from damage to the mobile device.

(k) The fee to install the application to display a mobile driver's license as defined in this subsection shall not exceed \$6.

(Source: P.A. 102-982, eff. 7-1-23.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.