

# SB0671



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB0671

Introduced 1/26/2017, by Sen. Don Harmon

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-123

from Ch. 95 1/2, par. 2-123

Amends the Illinois Vehicle Code. Provides that the Secretary of State may release the last 4 digits of an individual's social security number to the Illinois State Board of Elections. Effective immediately.

LRB100 04362 AXK 14368 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 2-123 as follows:

6 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

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

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

20 (b) The Secretary is further empowered to and he may, in  
21 his discretion, furnish to any applicant, other than listed in  
22 subsection (a) of this Section, vehicle or driver data on a  
23 computer tape, disk, other electronic format or computer

1 processable medium, or printout at a fixed fee of \$250 for  
2 orders received before October 1, 2003 and \$500 for orders  
3 received on or after October 1, 2003, in advance, and require  
4 in addition a further sufficient deposit based upon the  
5 Secretary of State's estimate of the total cost of the  
6 information requested and a charge of \$25 for orders received  
7 before October 1, 2003 and \$50 for orders received on or after  
8 October 1, 2003, per 1,000 units or part thereof identified or  
9 the actual cost, whichever is greater. The Secretary is  
10 authorized to refund any difference between the additional  
11 deposit and the actual cost of the request. This service shall  
12 not be in lieu of an abstract of a driver's record nor of a  
13 title or registration search. This service may be limited to  
14 entities purchasing a minimum number of records as required by  
15 administrative rule. The information sold pursuant to this  
16 subsection shall be the entire vehicle or driver data list, or  
17 part thereof. The information sold pursuant to this subsection  
18 shall not contain personally identifying information unless  
19 the information is to be used for one of the purposes  
20 identified in subsection (f-5) of this Section. Commercial  
21 purchasers of driver and vehicle record databases shall enter  
22 into a written agreement with the Secretary of State that  
23 includes disclosure of the commercial use of the information to  
24 be purchased.

25 (b-1) The Secretary is further empowered to and may, in his  
26 or her discretion, furnish vehicle or driver data on a computer

1 tape, disk, or other electronic format or computer processible  
2 medium, at no fee, to any State or local governmental agency  
3 that uses the information provided by the Secretary to transmit  
4 data back to the Secretary that enables the Secretary to  
5 maintain accurate driving records, including dispositions of  
6 traffic cases. This information may be provided without fee not  
7 more often than once every 6 months.

8 (c) Secretary of State may issue registration lists. The  
9 Secretary of State may compile a list of all registered  
10 vehicles. Each list of registered vehicles shall be arranged  
11 serially according to the registration numbers assigned to  
12 registered vehicles and may contain in addition the names and  
13 addresses of registered owners and a brief description of each  
14 vehicle including the serial or other identifying number  
15 thereof. Such compilation may be in such form as in the  
16 discretion of the Secretary of State may seem best for the  
17 purposes intended.

18 (d) The Secretary of State shall furnish no more than 2  
19 current available lists of such registrations to the sheriffs  
20 of all counties and to the chiefs of police of all cities and  
21 villages and towns of 2,000 population and over in this State  
22 at no cost. Additional copies may be purchased by the sheriffs  
23 or chiefs of police at the fee of \$500 each or at the cost of  
24 producing the list as determined by the Secretary of State.  
25 Such lists are to be used for governmental purposes only.

26 (e) (Blank).

1 (e-1) (Blank).

2 (f) The Secretary of State shall make a title or  
3 registration search of the records of his office and a written  
4 report on the same for any person, upon written application of  
5 such person, accompanied by a fee of \$5 for each registration  
6 or title search. The written application shall set forth the  
7 intended use of the requested information. No fee shall be  
8 charged for a title or registration search, or for the  
9 certification thereof requested by a government agency. The  
10 report of the title or registration search shall not contain  
11 personally identifying information unless the request for a  
12 search was made for one of the purposes identified in  
13 subsection (f-5) of this Section. The report of the title or  
14 registration search shall not contain highly restricted  
15 personal information unless specifically authorized by this  
16 Code.

17 The Secretary of State shall certify a title or  
18 registration record upon written request. The fee for  
19 certification shall be \$5 in addition to the fee required for a  
20 title or registration search. Certification shall be made under  
21 the signature of the Secretary of State and shall be  
22 authenticated by Seal of the Secretary of State.

23 The Secretary of State may notify the vehicle owner or  
24 registrant of the request for purchase of his title or  
25 registration information as the Secretary deems appropriate.

26 No information shall be released to the requestor until

1 expiration of a 10 day period. This 10 day period shall not  
2 apply to requests for information made by law enforcement  
3 officials, government agencies, financial institutions,  
4 attorneys, insurers, employers, automobile associated  
5 businesses, persons licensed as a private detective or firms  
6 licensed as a private detective agency under the Private  
7 Detective, Private Alarm, Private Security, Fingerprint  
8 Vendor, and Locksmith Act of 2004, who are employed by or are  
9 acting on behalf of law enforcement officials, government  
10 agencies, financial institutions, attorneys, insurers,  
11 employers, automobile associated businesses, and other  
12 business entities for purposes consistent with the Illinois  
13 Vehicle Code, the vehicle owner or registrant or other entities  
14 as the Secretary may exempt by rule and regulation.

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

22 (f-5) The Secretary of State shall not disclose or  
23 otherwise make available to any person or entity any personally  
24 identifying information obtained by the Secretary of State in  
25 connection with a driver's license, vehicle, or title  
26 registration record unless the information is disclosed for one

1 of the following purposes:

2 (1) For use by any government agency, including any  
3 court or law enforcement agency, in carrying out its  
4 functions, or any private person or entity acting on behalf  
5 of a federal, State, or local agency in carrying out its  
6 functions.

7 (2) For use in connection with matters of motor vehicle  
8 or driver safety and theft; motor vehicle emissions; motor  
9 vehicle product alterations, recalls, or advisories;  
10 performance monitoring of motor vehicles, motor vehicle  
11 parts, and dealers; and removal of non-owner records from  
12 the original owner records of motor vehicle manufacturers.

13 (3) For use in the normal course of business by a  
14 legitimate business or its agents, employees, or  
15 contractors, but only:

16 (A) to verify the accuracy of personal information  
17 submitted by an individual to the business or its  
18 agents, employees, or contractors; and

19 (B) if such information as so submitted is not  
20 correct or is no longer correct, to obtain the correct  
21 information, but only for the purposes of preventing  
22 fraud by, pursuing legal remedies against, or  
23 recovering on a debt or security interest against, the  
24 individual.

25 (4) For use in research activities and for use in  
26 producing statistical reports, if the personally

1 identifying information is not published, redisclosed, or  
2 used to contact individuals.

3 (5) For use in connection with any civil, criminal,  
4 administrative, or arbitral proceeding in any federal,  
5 State, or local court or agency or before any  
6 self-regulatory body, including the service of process,  
7 investigation in anticipation of litigation, and the  
8 execution or enforcement of judgments and orders, or  
9 pursuant to an order of a federal, State, or local court.

10 (6) For use by any insurer or insurance support  
11 organization or by a self-insured entity or its agents,  
12 employees, or contractors in connection with claims  
13 investigation activities, antifraud activities, rating, or  
14 underwriting.

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

17 (8) For use by any person licensed as a private  
18 detective or firm licensed as a private detective agency  
19 under the Private Detective, Private Alarm, Private  
20 Security, Fingerprint Vendor, and Locksmith Act of 2004,  
21 private investigative agency or security service licensed  
22 in Illinois for any purpose permitted under this  
23 subsection.

24 (9) For use by an employer or its agent or insurer to  
25 obtain or verify information relating to a holder of a  
26 commercial driver's license that is required under chapter



1 313 of title 49 of the United States Code.

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

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

7 (12) For use by members of the news media, as defined  
8 in Section 1-148.5, for the purpose of newsgathering when  
9 the request relates to the operation of a motor vehicle or  
10 public safety.

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

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

20 (g) 1. The Secretary of State may, upon receipt of a  
21 written request and a fee of \$6 before October 1, 2003 and  
22 a fee of \$12 on and after October 1, 2003, furnish to the  
23 person or agency so requesting a driver's record. Such  
24 document may include a record of: current driver's license  
25 issuance information, except that the information on  
26 judicial driving permits shall be available only as

1 otherwise provided by this Code; convictions; orders  
2 entered revoking, suspending or cancelling a driver's  
3 license or privilege; and notations of accident  
4 involvement. All other information, unless otherwise  
5 permitted by this Code, shall remain confidential.  
6 Information released pursuant to a request for a driver's  
7 record shall not contain personally identifying  
8 information, unless the request for the driver's record was  
9 made for one of the purposes set forth in subsection (f-5)  
10 of this Section. The Secretary of State may, without fee,  
11 allow a parent or guardian of a person under the age of 18  
12 years, who holds an instruction permit or graduated  
13 driver's license, to view that person's driving record  
14 online, through a computer connection. The parent or  
15 guardian's online access to the driving record will  
16 terminate when the instruction permit or graduated  
17 driver's license holder reaches the age of 18.

18 2. The Secretary of State shall not disclose or  
19 otherwise make available to any person or entity any highly  
20 restricted personal information obtained by the Secretary  
21 of State in connection with a driver's license, vehicle, or  
22 title registration record unless specifically authorized  
23 by this Code. The Secretary of State may certify an  
24 abstract of a driver's record upon written request  
25 therefor. Such certification shall be made under the  
26 signature of the Secretary of State and shall be

1 authenticated by the Seal of his office.

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

5 The Secretary of State may notify the affected driver  
6 of the request for purchase of his driver's record as the  
7 Secretary deems appropriate.

8 No information shall be released to the requester until  
9 expiration of a 10 day period. This 10 day period shall not  
10 apply to requests for information made by law enforcement  
11 officials, government agencies, financial institutions,  
12 attorneys, insurers, employers, automobile associated  
13 businesses, persons licensed as a private detective or  
14 firms licensed as a private detective agency under the  
15 Private Detective, Private Alarm, Private Security,  
16 Fingerprint Vendor, and Locksmith Act of 2004, who are  
17 employed by or are acting on behalf of law enforcement  
18 officials, government agencies, financial institutions,  
19 attorneys, insurers, employers, automobile associated  
20 businesses, and other business entities for purposes  
21 consistent with the Illinois Vehicle Code, the affected  
22 driver or other entities as the Secretary may exempt by  
23 rule and regulation.

24 Any misrepresentation made by a requestor of driver  
25 information shall be punishable as a petty offense, except  
26 in the case of persons licensed as a private detective or

1 firms licensed as a private detective agency which shall be  
2 subject to disciplinary sanctions under Section 40-10 of  
3 the Private Detective, Private Alarm, Private Security,  
4 Fingerprint Vendor, and Locksmith Act of 2004.

5 4. The Secretary of State may furnish without fee, upon  
6 the written request of a law enforcement agency, any  
7 information from a driver's record on file with the  
8 Secretary of State when such information is required in the  
9 enforcement of this Code or any other law relating to the  
10 operation of motor vehicles, including records of  
11 dispositions; documented information involving the use of  
12 a motor vehicle; whether such individual has, or previously  
13 had, a driver's license; and the address and personal  
14 description as reflected on said driver's record.

15 5. Except as otherwise provided in this Section, the  
16 Secretary of State may furnish, without fee, information  
17 from an individual driver's record on file, if a written  
18 request therefor is submitted by any public transit system  
19 or authority, public defender, law enforcement agency, a  
20 state or federal agency, or an Illinois local  
21 intergovernmental association, if the request is for the  
22 purpose of a background check of applicants for employment  
23 with the requesting agency, or for the purpose of an  
24 official investigation conducted by the agency, or to  
25 determine a current address for the driver so public funds  
26 can be recovered or paid to the driver, or for any other

1           purpose set forth in subsection (f-5) of this Section.

2           The Secretary may also furnish the courts a copy of an  
3           abstract of a driver's record, without fee, subsequent to  
4           an arrest for a violation of Section 11-501 or a similar  
5           provision of a local ordinance. Such abstract may include  
6           records of dispositions; documented information involving  
7           the use of a motor vehicle as contained in the current  
8           file; whether such individual has, or previously had, a  
9           driver's license; and the address and personal description  
10          as reflected on said driver's record.

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

26          7. Subject to any restrictions contained in the

1 Juvenile Court Act of 1987, and upon receipt of a proper  
2 request and a fee of \$6 before October 1, 2003 and a fee of  
3 \$12 on or after October 1, 2003, the Secretary of State  
4 shall provide a driver's record to the affected driver, or  
5 the affected driver's attorney, upon verification. Such  
6 record shall contain all the information referred to in  
7 paragraph 1 of this subsection (g) plus: any recorded  
8 accident involvement as a driver; information recorded  
9 pursuant to subsection (e) of Section 6-117 and paragraph  
10 (4) of subsection (a) of Section 6-204 of this Code. All  
11 other information, unless otherwise permitted by this  
12 Code, shall remain confidential.

13 (h) The Secretary shall not disclose social security  
14 numbers or any associated information obtained from the Social  
15 Security Administration except pursuant to a written request  
16 by, or with the prior written consent of, the individual  
17 except: (1) to officers and employees of the Secretary who have  
18 a need to know the social security numbers in performance of  
19 their official duties, (2) to law enforcement officials for a  
20 lawful, civil or criminal law enforcement investigation, and if  
21 the head of the law enforcement agency has made a written  
22 request to the Secretary specifying the law enforcement  
23 investigation for which the social security numbers are being  
24 sought, (3) to the United States Department of Transportation,  
25 or any other State, pursuant to the administration and  
26 enforcement of the Commercial Motor Vehicle Safety Act of 1986,

1 (4) pursuant to the order of a court of competent jurisdiction,  
2 (5) to the Department of Healthcare and Family Services  
3 (formerly Department of Public Aid) for utilization in the  
4 child support enforcement duties assigned to that Department  
5 under provisions of the Illinois Public Aid Code after the  
6 individual has received advanced meaningful notification of  
7 what redisclosure is sought by the Secretary in accordance with  
8 the federal Privacy Act, (5.5) to the Department of Healthcare  
9 and Family Services and the Department of Human Services solely  
10 for the purpose of verifying Illinois residency where such  
11 residency is an eligibility requirement for benefits under the  
12 Illinois Public Aid Code or any other health benefit program  
13 administered by the Department of Healthcare and Family  
14 Services or the Department of Human Services, (6) to the  
15 Illinois Department of Revenue solely for use by the Department  
16 in the collection of any tax or debt that the Department of  
17 Revenue is authorized or required by law to collect, provided  
18 that the Department shall not disclose the social security  
19 number to any person or entity outside of the Department, ~~or~~  
20 (7) to the Illinois Department of Veterans' Affairs for the  
21 purpose of confirming veteran status, or (8) the last 4 digits  
22 of the social security number to the State Board of Elections.

23 (i) (Blank).

24 (j) Medical statements or medical reports received in the  
25 Secretary of State's Office shall be confidential. Except as  
26 provided in this Section, no confidential information may be

1 open to public inspection or the contents disclosed to anyone,  
2 except officers and employees of the Secretary who have a need  
3 to know the information contained in the medical reports and  
4 the Driver License Medical Advisory Board, unless so directed  
5 by an order of a court of competent jurisdiction. If the  
6 Secretary receives a medical report regarding a driver that  
7 does not address a medical condition contained in a previous  
8 medical report, the Secretary may disclose the unaddressed  
9 medical condition to the driver or his or her physician, or  
10 both, solely for the purpose of submission of a medical report  
11 that addresses the condition.

12 (k) Disbursement of fees collected under this Section shall  
13 be as follows: (1) of the \$12 fee for a driver's record, \$3  
14 shall be paid into the Secretary of State Special Services  
15 Fund, and \$6 shall be paid into the General Revenue Fund; (2)  
16 50% of the amounts collected under subsection (b) shall be paid  
17 into the General Revenue Fund; and (3) all remaining fees shall  
18 be disbursed under subsection (g) of Section 2-119 of this  
19 Code.

20 (l) (Blank).

21 (m) Notations of accident involvement that may be disclosed  
22 under this Section shall not include notations relating to  
23 damage to a vehicle or other property being transported by a  
24 tow truck. This information shall remain confidential,  
25 provided that nothing in this subsection (m) shall limit  
26 disclosure of any notification of accident involvement to any



1 law enforcement agency or official.

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

16 (o) The redisclosure of personally identifying information  
17 obtained pursuant to this Section is prohibited, except to the  
18 extent necessary to effectuate the purpose for which the  
19 original disclosure of the information was permitted.

20 (p) The Secretary of State is empowered to adopt rules to  
21 effectuate this Section.

22 (Source: P.A. 98-463, eff. 8-16-13; 99-127, eff. 1-1-16.)

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