



Rep. Margaret Croke

Filed: 5/15/2024

10300SB2978ham001

LRB103 37104 LNS 73496 a

1 AMENDMENT TO SENATE BILL 2978

2 AMENDMENT NO. _____. Amend Senate Bill 2978 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is by changing
5 Section 1-100 and adding Article 2A as follows:

6 (625 ILCS 5/1-100) (from Ch. 95 1/2, par. 1-100)

7 Sec. 1-100. Short Title. This Act may be cited as the
8 Illinois Vehicle Code.

9 Portions of this Act may likewise be cited by a short title
10 as follows:

11 Chapters 2, 3, 4, and 5: the Illinois Vehicle Title &
12 Registration Law.

13 Chapter 2A: the Driver and Motor Vehicle Record Data
14 Privacy Law.

15 Chapter 6: the Illinois Driver Licensing Law.

16 Chapter 7: the Illinois Safety and Family Financial

1 Responsibility Law.

2 Chapter 11: the Illinois Rules of the Road.

3 Chapter 12: the Illinois Vehicle Equipment Law.

4 Chapter 13: the Illinois Vehicle Inspection Law.

5 Chapter 14: the Illinois Vehicle Equipment Safety Compact.

6 Chapter 15: the Illinois Size and Weight Law.

7 Chapter 17: the Illinois Highway Safety Law.

8 Chapter 18a: the Illinois Commercial Relocation of
9 Trespassing Vehicles Law.

10 Chapter 18b: the Illinois Motor Carrier Safety Law.

11 Chapter 18c: the Illinois Commercial Transportation Law.

12 Chapter 18d: The Illinois Commercial Safety Towing Law.

13 (Source: P.A. 95-562, eff. 7-1-08.)

14 (625 ILCS 5/Ch. 2A heading new)

15 CHAPTER 2A. DRIVER AND MOTOR VEHICLE RECORD PRIVACY

16 (625 ILCS 5/2A-101 new)

17 Sec. 2A-101. Statement of intent and purpose. The purpose
18 of this Chapter is to comply with the federal Driver's Privacy
19 Protection Act of 1994 in order to protect the interest of
20 individuals in their personal privacy by prohibiting the
21 disclosure and use of personal information contained in their
22 motor vehicle record, except as authorized by the individual
23 or by law.

1 (625 ILCS 5/2A-102 new)

2 Sec. 2A-102. Definitions. As used in this Chapter:

3 "Access agreement" means an agreement between the
4 Secretary and any person, governmental entity, or private
5 party for access to the Secretary of State's vehicle records,
6 driver records, or electronic motor vehicle records.

7 "Breach of the security of the system data" or "breach"
8 means unauthorized acquisition of computerized data that
9 compromises the security, confidentiality, or integrity of
10 personally identifying information maintained by an authorized
11 recipient. "Breach of the security of the system data" does
12 not include good faith acquisition of personally identifying
13 information by an employee or agent of the authorized
14 recipient for an authorized purpose under this Chapter if the
15 personally identifying information is not used for a purpose
16 unrelated to the authorized purpose for which the personally
17 identifying information as obtained or subject to further
18 unauthorized disclosure.

19 "Disclose" means to engage in any practice or conduct to
20 make available and make known personal information contained
21 in a motor vehicle record about a person to any person,
22 organization, or entity by any means of communication.

23 "Law enforcement agency" means a federal, State, or local
24 agency, unit of local government, or private entity charged
25 with the enforcement of federal, State, county, or municipal
26 laws or with managing custody of detained persons in any state

1 or jurisdiction and not otherwise prohibited by this Act.

2 "Material breach" means any breach of the security of the
3 system data that requires notice under Section 10 of the
4 Illinois Personal Information Protection Act or any other
5 State or federal law or a violation of subsection (f) of
6 Section 2A-111.

7 "Motor vehicle record" means any record that pertains to a
8 motor vehicle operator's permit, including, but not limited
9 to, a commercial learner's permit, driver's license,
10 instruction permit, monitoring device driving permit,
11 probationary license or restricted driving permit, motor
12 vehicle title, motor vehicle registration, or identification
13 card issued by the Secretary of State.

14 "Private party" means any natural person, firm,
15 copartnership, association, or business entity other than a
16 governmental entity.

17 "Private toll transportation facility" means any toll
18 operated or maintained on the roads, highways, or interstates
19 by a nongovernmental entity.

20 "Requester" means a person, private party, or governmental
21 entity requesting motor vehicle records or other information
22 from the Secretary of State.

23 (625 ILCS 5/2A-103 new)

24 Sec. 2A-103. Prohibition on disclosure of social security
25 number.

1 (a) The Secretary shall not disclose a social security
2 number provided to the Secretary of State in connection with a
3 motor vehicle record, whether an applicant provided a social
4 security number, or any associated information obtained from
5 the Social Security Administration except pursuant to a
6 written request by, or with the prior written consent of, the
7 individual, except:

8 (1) to officers and employees of the Secretary who
9 have a need to know the social security numbers in
10 performance of their official duties;

11 (2) to law enforcement officials for a civil or
12 criminal law enforcement investigation, except as
13 restricted by this Chapter, and only if an officer of the
14 law enforcement agency has made a written request to the
15 Secretary specifying the law enforcement investigation for
16 which the social security numbers are being sought;

17 (3) to the United States Department of Transportation
18 or any other state, under the administration and
19 enforcement of the Commercial Motor Vehicle Safety Act of
20 1986 or participation in state-to-state verification
21 service;

22 (4) pursuant to the order of a court of or a subpoena
23 issued by a court;

24 (5) to the Department of Healthcare and Family
25 Services for use in the child support enforcement duties
26 assigned to that Department under provisions of the

1 Illinois Public Aid Code after the individual has received
2 advanced notification of what redisclosure is sought by
3 the Secretary in accordance with the federal Privacy Act
4 of 1974;

5 (6) to the Department of Healthcare and Family
6 Services and the Department of Human Services solely for
7 the purpose of verifying identity and State residency
8 where such residency is an eligibility requirement for
9 benefits under the Illinois Public Aid Code or any other
10 health benefit program administered by the Department of
11 Healthcare and Family Services or the Department of Human
12 Services;

13 (7) to the Department of Revenue solely for use by the
14 Department of Revenue in the collection of any tax or debt
15 that the Department of Revenue is authorized or required
16 by law to collect; however, the Department of Revenue
17 shall not disclose the social security number to any
18 person or entity outside the Department of Revenue;

19 (8) to the Department of Veterans' Affairs for the
20 purpose of confirming veteran status;

21 (9) the last 4 digits to the State Board of Elections
22 for purposes of voter registration and as may be required
23 under an agreement for a multi-state voter registration
24 list maintenance system. If social security information is
25 disclosed by the Secretary in accordance with this
26 Section, no liability shall rest with the Office of the

1 Secretary of State or any of its officers or employees, as
2 the information is released for official purposes only;

3 (10) to the United States Selective Service for
4 purposes of Selective Service registration; or

5 (11) to the Treasurer for purposes of administering
6 the Revised Uniform Unclaimed Property Act.

7 (b) A State governmental agency that receives an
8 individual's social security number under subsection (a) may
9 not redisclose the social security number except as required
10 by law. A State governmental agency that rediscloses a social
11 security number as authorized by this subsection shall
12 maintain records for a minimum of 5 years that identify every
13 entity to which the government agency provided the social
14 security number. Records kept in accordance with this
15 subsection must be available to the Secretary upon request.

16 (c) Nothing in this Section prohibits an individual from
17 having access to that individual's own social security number
18 that was provided to the Secretary in connection with a motor
19 vehicle record.

20 (d) Knowingly obtaining or using a social security number
21 from a motor vehicle record in violation of this Section is a
22 Class A misdemeanor.

23 (e) Any person who uses or acquires with the intent to use
24 a social security number for a reason other than authorized by
25 this Section that subjects the Secretary to any liability or
26 claim shall indemnify and hold harmless the Secretary from all

1 such liabilities and claims, including attorney's fees and
2 court costs, incurred in any action.

3 (625 ILCS 5/2A-104 new)

4 Sec. 2A-104. Confidentiality of captured photographs,
5 signatures, or images.

6 (a) The Secretary of State shall maintain all photographs,
7 signatures, and images obtained in the process of issuing a
8 driver's license, permit, identification card, or in
9 connection to a certificate of title or vehicle registration.

10 Except as otherwise provided in this Section, the photographs,
11 signatures, and images shall be confidential and shall not be
12 disclosed except to the following persons:

13 (1) the individual to whom the driver's license,
14 permit, identification card, certificate of title, or
15 vehicle registration was issued upon written request;

16 (2) officers and employees of the Secretary of State
17 who have a need to have access to the stored photographs,
18 signatures, and images for purposes of issuing and
19 controlling driver's licenses, permits, or identification
20 cards and investigation of fraud or misconduct;

21 (3) law enforcement officials for a civil or criminal
22 law enforcement investigation, except as restricted by
23 this Chapter and only if an officer of the law enforcement
24 agency has made a written request to the Secretary
25 specifying the law enforcement investigation for which the

1 photographs, signatures, and images are being sought,
2 though the Secretary retains the right to require
3 additional verification regarding the validity of the
4 request;

5 (4) the State Board of Elections for the sole purpose
6 of providing the signatures required by a local election
7 authority to register a voter through an online voter
8 registration system;

9 (5) officers and employees of the Secretary of State
10 who have a need to have access to the stored photographs,
11 signatures, and images for purposes of issuing and
12 controlling notary public commissions and for the purpose
13 of providing the signatures required to process online
14 applications for appointment and commission as notaries
15 public; or

16 (6) other entities that the Secretary may authorize by
17 rule.

18 (b) The Secretary of State shall not provide facial
19 recognition search services or photographs obtained in the
20 process of issuing a driver's license or permit to any
21 federal, state, or local law enforcement agency or other
22 governmental entity for the purpose of enforcing federal
23 immigration laws and in accordance with Section 2A-106. This
24 subsection shall not apply to requests from federal, state, or
25 local law enforcement agencies or other governmental entities
26 for facial recognition search services or photographs obtained

1 in the process of issuing a driver's license or permit when the
2 purpose of the request relates to criminal activity other than
3 violations of immigration laws.

4 (625 ILCS 5/2A-105 new)

5 Sec. 2A-105. Confidentiality of documents submitted for
6 driver's licenses and vehicle transactions. Documents required
7 to be submitted with an application for a certificate of
8 title, vehicle registration, or driver's license to prove the
9 applicant's identity (name and date of birth), social security
10 number or lack of a social security number, written signature,
11 residency, and, as applicable, citizenship or immigration
12 status and country of citizenship shall be confidential and
13 shall not be disclosed except to the following persons:

14 (1) the individual to whom the certificate of title,
15 vehicle registration, or driver's license or permit was
16 issued, upon request;

17 (2) officers and employees of the Secretary of State
18 who have a need to access the stored photographs,
19 signatures, and images for purposes of issuing and
20 controlling vehicle titling or vehicle registration,
21 driver's licenses, permits, or identification cards and
22 investigation of fraud or misconduct;

23 (3) law enforcement officials for a civil or criminal
24 law enforcement investigation, except as restricted by
25 this Chapter; or

1 (4) other entities that the Secretary may authorize by
2 rule.

3 (625 ILCS 5/2A-106 new)

4 Sec. 2A-106. Restrictions on use of information for
5 immigration enforcement.

6 (a) The Secretary may not release or make accessible in
7 any manner any highly restricted personal information as
8 defined in Section 1-125.9 or personally identifying
9 information as defined in Section 1-159.2, provide images,
10 photos, or facial recognition services as described in Section
11 2A-104 or disclose documents as described in Section 2A-105 to
12 any immigration agent as defined in Section 10 of the Illinois
13 TRUST Act, unless necessary to comply with the following:

14 (1) a lawful court order;

15 (2) a judicial warrant signed by a judge appointed
16 pursuant to Article III of the Constitution of the United
17 States; or

18 (3) a subpoena for individual records issued by a
19 federal or State court.

20 When responding to such a court order, warrant, or
21 subpoena, the Secretary shall disclose only those documents or
22 information specifically requested. Within 3 business days
23 after receiving such a court order, warrant, or subpoena, the
24 Secretary shall send a notification to the individual about
25 whom such information was requested that a court order,

1 warrant, or subpoena was received and the identity of the
2 entity that presented the court order, warrant, or subpoena.

3 (b) The Secretary shall not enter into or maintain any
4 agreement regarding the sharing of any highly restricted
5 personal information as defined in Section 1-125.9, personally
6 identifying information as defined in Section 1-159.2, images
7 or photos described in Section 2A-104, or documents described
8 in Section 2A-105 unless all other parties to such agreement
9 certify that the information obtained will not be used for
10 civil immigration purposes or knowingly disseminated to any
11 third party for any purpose related to civil immigration
12 enforcement.

13 (625 ILCS 5/2A-108 new)

14 Sec. 2A-108. Disclosure with consent. Personally
15 identifying information as defined in this Code may be
16 disclosed upon request if the person making the request is the
17 subject of the information or the person making the request
18 demonstrates in such form and manner as the Secretary
19 prescribes that the person has obtained the written consent of
20 the person who is the subject of the information. If the person
21 making the request is not the subject of the information, such
22 form and manner as the Secretary prescribes shall include a
23 certification that the requester has complied with the
24 requirements of this Section.

1 (625 ILCS 5/2A-109 new)

2 Sec. 2A-109. Permitted disclosures.

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

14 (b) Except as otherwise prohibited by this Chapter, the
15 Secretary is further empowered to and may, in the Secretary's
16 discretion, furnish to any applicant other than listed in
17 subsection (a), vehicle or driver data via digital
18 transmission at a fixed fee of \$500, in advance, and a charge
19 of \$50, per 1,000 motor vehicle records or part thereof. This
20 service shall not be in lieu of an abstract of a driver's
21 record nor of a title or registration search. This information
22 sold under this subsection may be the entire vehicle or driver
23 data list or part thereof. The information sold under this
24 subsection shall not contain personally identifying
25 information unless the information is to be used for one of the
26 purposes identified in subsection (e) and may not be used for

1 solicitation in any form or manner. Commercial purchasers of
2 driver and vehicle record databases shall enter into a written
3 access agreement under Section 2A-111 with the Secretary that
4 includes disclosure of the commercial use of the information
5 to be purchased. The Secretary may, in the Secretary's
6 discretion, allow for bulk files as may be appropriate and in
7 accordance with this Chapter to any applicant.

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

17 (d) Except as otherwise prohibited by this Chapter, the
18 Secretary shall make a title or registration search of the
19 records of the Secretary of State and a written report on the
20 same for any person, upon written application of such person,
21 accompanied by a fee of \$5 for each registration or title
22 search. The written application shall set forth the intended
23 use of the requested information. No fee shall be charged for a
24 title or registration search, or for the certification
25 thereof, requested by a government agency. The report of the
26 title or registration search shall not contain personally

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

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

12 The Secretary may notify the vehicle owner or registrant
13 of the request for purchase of the vehicle owner's title or
14 registration information as the Secretary deems appropriate.
15 No information shall be released to the requester until
16 expiration of a 10-day period. This 10-day period shall not
17 apply to requests for information made by law enforcement
18 officials, government agencies, financial institutions,
19 attorneys, insurers, employers, automobile associated
20 businesses, the vehicle owner or registrant, or other entities
21 as the Secretary may deem by rule and regulation.

22 (e) Except as otherwise prohibited by this Chapter, the
23 Secretary shall not disclose or otherwise make available to
24 any person or entity any personally identifying information
25 obtained by the Secretary in connection with a motor vehicle
26 record unless the information is disclosed for one of the

1 following purposes and the disclosure is not further limited
2 by this Code:

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

8 (2) For use by an entity that certifies to the
9 Secretary that it has a demonstrable business or research
10 interest in connection with matters of: motor vehicle or
11 driver safety or theft; motor vehicle emissions; motor
12 vehicle product alterations, recalls, or advisories;
13 performance monitoring of the motor vehicles, motor
14 vehicle parts, and dealers; and removal of non-owner
15 records from the original owner records of motor vehicle
16 manufacturers.

17 (3) For use in the normal course of business by a
18 legitimate business or its agents, employees, or
19 contractors, but only if:

20 (A) to verify the accuracy of personal information
21 submitted by an individual to the business or its
22 agents, employees, or contractors; and

23 (B) if such information as so submitted is not
24 correct or is no longer correct, to obtain the correct
25 information, but only for the purposes of preventing
26 fraud by, pursuing legal remedies against, or

1 recovering on a debt or security interest against the
2 individual.

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

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

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

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

21 (8) For use by an employer or its agent or insurer to
22 obtain or verify information relating to a holder of a
23 commercial driver's license that is required under Chapter
24 313 of Title 49 of the United States Code.

25 (9) For use in connection with the operation of
26 private toll transportation facilities.

1 (10) For use by any requester, if the requester
2 demonstrates it has obtained the written consent of the
3 individual to whom the information pertains.

4 (11) For use by members of the news media as defined in
5 Section 1-148.5 for the purpose of newsgathering when the
6 request relates to the operation of a motor vehicle or
7 public safety. Requests made by the news media for motor
8 vehicle record information may be furnished without charge
9 or at a reduced charge, as determined by the Secretary,
10 when the specific purpose for requesting the documents is
11 deemed to be in the public interest. Waiver or reduction
12 of the fee is in the public interest if the principal
13 purpose of the request is to access and disseminate
14 information regarding the health, safety, and welfare or
15 the legal rights of the general public and is not for the
16 principal purpose of gaining a personal or commercial
17 benefit.

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

21 (f) The Secretary shall not disclose or otherwise make
22 available to any person or entity any highly restricted
23 personal information, as defined in Section 1-125.9, obtained
24 by the Secretary in connection with a motor vehicle record
25 unless specifically authorized by this Code.

26 (g) (1) The Secretary may, in accordance with this Code,

1 furnish to the person or agency so requesting a driver's
2 record or data contained therein. Such document may include a
3 record of: current driver's license issuance information,
4 except that the information on judicial permits or monitoring
5 device driving permits shall be available only as otherwise
6 provided by this Code; convictions; orders entered revoking,
7 suspending, or canceling a driver's license or privilege; and
8 notations of crash involvement. All other information, unless
9 otherwise permitted by this Code, shall remain confidential.
10 Information released under a request for a driver's record
11 shall not contain personally identifying information, unless
12 the request for the driver's record was made for one of the
13 purposes set forth in subsection (e). The Secretary may,
14 without fee, allow a parent or guardian of a person under the
15 age of 18 years, who holds an instruction permit or graduated
16 driver's license, to view that person's driving record online,
17 through a computer connection. The parent or guardian's online
18 access to the driving record will terminate when the
19 instruction permit or graduated driver's license holder
20 reaches the age of 18.

21 (2) The Secretary of State may certify an abstract of a
22 driver's record upon written request therefor. Such
23 certification shall be made under the signature of the
24 Secretary and shall be authenticated by the Seal of the
25 Secretary's office.

26 (3) All requests for driving record information shall be

1 made in a manner prescribed by the Secretary and shall set
2 forth the intended use of the requested information.

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

6 No information shall be released to the requester until
7 expiration of a 10-day period. This 10-day period shall not
8 apply to requests for information made by law enforcement
9 officials, government agencies, financial institutions,
10 attorneys, insurers, employers, automobile associated
11 businesses, the affected driver, or other entities as the
12 Secretary may exempt by rule or regulation.

13 (4) Except as otherwise prohibited in this Chapter, the
14 Secretary may furnish, without fee, upon the written request
15 of a law enforcement agency, any information from a driver's
16 record on file with the Secretary if such information is
17 required in the enforcement of this Code or any other law
18 relating to the operation of motor vehicles, including,
19 records of dispositions, documented information involving the
20 use of a motor vehicle, whether such individual has, or
21 previously had, a driver's license, and the address and
22 personal description as reflected on said driver's record.

23 (5) Except as otherwise prohibited in this Chapter, the
24 Secretary may furnish, without fee, information from an
25 individual driver's record on file, if a written request
26 therefor is submitted by any public transit system or

1 authority, public defender, law enforcement agency, a State or
2 federal agency, or a State local intergovernmental
3 association, if the request is for the purpose of a background
4 check of applicants for employment with the requesting agency,
5 or the purpose of an official investigation conducted by the
6 agency, or to determine a current address for the driver so
7 public funds can be recovered or paid to the driver, or for any
8 other purpose set forth in subsection (e).

9 The Secretary may also furnish the courts a copy of an
10 abstract of a driver's record, without fee, subsequent to an
11 arrest or issuance of a Uniform Citation and Complaint for any
12 violation of a provision of this Code or a similar provision of
13 a local ordinance. Such abstract may include records of
14 dispositions, documented information involving the use of a
15 motor vehicle as contained in the current file, whether such
16 individual has, or previously had, a driver's license, and the
17 address and personal description as reflected on said driver's
18 record.

19 (6) Any certified abstract issued by the Secretary or
20 transmitted electronically by the Secretary under this
21 Section, to a court or on request of a law enforcement agency,
22 for the record of a named person as to the status of the
23 person's driver's license shall be prima facie evidence of the
24 facts therein stated and if the name appearing in such
25 abstract is the same as that of a person named in an
26 information or warrant, such abstract shall be prima facie

1 evidence that the person named in such information or warrant
2 is the same person as the person named in such abstract and
3 shall be admissible for any prosecution under this Code and be
4 admitted as proof of any prior conviction or proof of records,
5 notices, or orders recorded on individual driving records
6 maintained by the Secretary.

7 (7) Subject to any restrictions contained in the Juvenile
8 Court Act of 1987, and upon receipt of a proper request and a
9 fee as set forth in Section 6-118, the Secretary shall provide
10 a driver's record or data contained therein to the affected
11 driver, or the affected driver's attorney, upon verification.
12 Such record shall contain all the information referred to in
13 paragraph (1), plus: any recorded crash involvement as a
14 driver; and information recorded under subsection (e) of
15 Section 6-117 and paragraph (4) of subsection (a) of Section
16 6-204. All other information, unless otherwise permitted by
17 this Code, shall remain confidential.

18 (h) Medical statements or medical reports received by the
19 Secretary of State shall be confidential. Except as provided
20 in this Chapter, no confidential information may be open to
21 public inspection or the contents disclosed to anyone, except
22 officers and employees of the Secretary of State who have a
23 need to know the information contained in the medical reports
24 and the Driver License Medical Advisory Board, unless so
25 directed by an order of a court of competent jurisdiction, or
26 in response to a civil action filed under the Illinois

1 Administrative Procedure Act as it relates to an order of
2 cancellation, suspension, or revocation. If the Secretary
3 receives a medical report regarding a driver that does not
4 address a medical condition contained in a previous medical
5 report, the Secretary may disclose the unaddressed medical
6 condition to the driver or his or her physician, or both,
7 solely for the purpose of submission of a medical report that
8 addresses the condition.

9 (i) Notations of crash involvement that may be disclosed
10 under this Section shall not include notations relating to
11 damage to a vehicle or other property being transported by a
12 tow truck. The information shall remain confidential, as long
13 as nothing in this subsection shall limit disclosure of any
14 notification of crash involvement to any law enforcement
15 agency or official.

16 (j) Under the Uniform Anatomical Gift Act and under an
17 access agreement as set forth in Section 2A-108, the Secretary
18 shall allow organ procurement organizations, as defined by the
19 Uniform Anatomical Gift Act, access to the name, address,
20 gender, date of birth, driver's license or identification card
21 number, and date of consent a person joined the First Person
22 Consent organ and donor registry for the purpose of
23 determining whether a potential organ and tissue donor is
24 included in the First Person Consent organ and tissue donor
25 registry.

1 (625 ILCS 5/2A-110 new)

2 Sec. 2A-110. Fees. Disbursement of fees collected under
3 this Chapter shall be as follows:

4 (1) of the \$20 fee for a driver's record, \$11 shall be
5 paid into the Secretary of State Special Services Fund,
6 and \$6 shall be paid into the General Revenue Fund;

7 (2) 50% of the amounts collected under this Chapter
8 shall be paid into the General Revenue Fund; and

9 (3) all remaining fees shall be disbursed under
10 subsection (g) of Section 2-119.

11 (625 ILCS 5/2A-111 new)

12 Sec. 2A-111. Commercial requesters; access agreements;
13 electronic access; data security; procedural safeguards.

14 (a) The Secretary may grant access to the electronic motor
15 vehicle records as provided in this Section or Section 5-47 of
16 the Anatomical Gift Act, for commercial use if the Secretary
17 determines there is a legitimate business need to grant access
18 and access is in the best interests of the State.

19 (b) A request for electronic access to motor vehicle
20 records must be submitted in writing and include:

21 (1) a signed and notarized certified statement of use
22 that sets forth the purpose of the request and the
23 specific information or type of information sought. If
24 personally identifying information is requested, the
25 statement shall include the basis under which such

1 information may be disclosed under the Driver's Privacy
2 Protection Act, 18 U.S.C. 2721 et seq., and subsection (e)
3 of Section 2A-108 or that the requester has obtained the
4 consent of the person whose information has been requested
5 and that the data will not be used for any other purpose;
6 and

7 (2) the requester's identity, including name, job
8 title and business address, and the name and address of
9 any organization associated with the request.

10 (c) Every requester must execute an access agreement and
11 agree to be responsible for:

12 (1) obtaining and maintaining access to the Internet
13 that is capable of Virtual Private Network (VPN) traffic
14 and preventing unauthorized use, access, or misuse of the
15 VPN;

16 (2) ensuring that any technology used by the requester
17 is compatible with Secretary of State technology,
18 including, but is not limited to, VPN tunnels, firewalls,
19 and routers;

20 (3) maintaining reasonable measures in accordance with
21 industry-recognized leading cybersecurity practices,
22 necessary to prevent the unauthorized uses, access,
23 misuse, and disclosure of personally identifiable
24 information or highly restricted personally identifying
25 information within motor vehicle records and to prevent
26 unauthorized persons or entities from obtaining,

1 accessing, or using motor vehicle records;

2 (4) providing quarterly written certifications through
3 the duration of the access agreement confirming that the
4 personal information from motor vehicle records contained
5 within information systems has been breached or otherwise
6 compromised in the preceding quarter, unless the recipient
7 agreement requires immediate notification;

8 (5) providing the requester's latest Service
9 Organization Control SOC 2, Type II report completed by a
10 certified auditing agency, as well as any gap letters
11 required to cover stated controls for the applicable
12 annual period not to exceed 3 months, if required in the
13 sole discretion of the Secretary;

14 (6) certifying that the requester adheres to adequate
15 network security standards as determined by the parties to
16 the access agreement;

17 (7) agreeing to complete the Secretary of State's
18 security assessment, if required by the Secretary, prior
19 to the execution of the access agreement;

20 (8) maintaining records demonstrating that an
21 individual has consented to disclosure of the individual's
22 personally identifying information, where the basis for
23 obtaining the information under paragraph (1) is consent;
24 and

25 (9) indemnifying and holding the Secretary of State
26 harmless from any data breach or unauthorized use of data.

1 (d) The Secretary may establish minimum security standards
2 and technological requirements and any terms and conditions as
3 the Secretary deems necessary for the agreement and the direct
4 electronic access to motor vehicle records, including, but not
5 limited to, requiring a comprehensive data security program
6 and designing, implementing, and regular tests of its
7 safeguards. If required by the Secretary of State, the
8 requester shall be required to perform penetrative testing of
9 its data security system and shall promptly allow the
10 Secretary of State to view an executive summary of the results
11 of that penetrative testing upon request by the Secretary.

12 (e) An access agreement shall be for a term to be
13 determined by the Secretary.

14 (f) All users granted direct access are prohibited from
15 any type of data mining or web mining of Secretary of State
16 data. Prohibited data mining or web mining includes, but is
17 not limited to, use of website copying software, web data
18 preprocessing, creation of web metrics and mathematical
19 models, web log analysis, static and dynamic visitor
20 profiling, intelligent information retrieval, hyperlink
21 analysis, use of spider or crawl programs, or both (vertical
22 search engines), web usage mining, web structure mining, web
23 content mining, data or information extraction, web
24 information integration and schema matching, knowledge
25 synthesis, segmenting, noise detection, use of topic-sensitive
26 PageRank software, use of filtering techniques, meta-search

1 engines, or any other type of automated search of information
2 that goes beyond keyword extraction. Violation of this Section
3 is considered a material breach and may result in termination
4 of an access agreement and access to motor vehicle records.
5 Data or web mining is further considered computer tampering
6 under Section 17-51 of the Criminal Code of 2012.

7 (g) (1) The requester shall properly and timely dispose of
8 the materials containing personally identifiable information
9 in a manner that renders the personal information unreadable
10 and undecipherable, in accordance with the Personal
11 Information Protection Act.

12 (2) The requester shall not make any personally
13 identifiable information from motor vehicle records available
14 to other persons, firms, corporations, partnerships, members
15 of the public, persons outside the employ or direct control of
16 the requester, or other entities without the prior express
17 written consent of the Secretary, except as provided in an
18 approved certified statement of use.

19 (3) A requester who sells or discloses any personally
20 identifying information obtained from the Secretary in any
21 manner allowed under the access agreement shall enter into a
22 written agreement with the party receiving the personally
23 identifying information that, at a minimum:

24 (A) prohibits the redisclosure of the personally
25 identifying information, except as authorized by the
26 requester's certified statement of use;

1 (B) sets forth the authorized use under Section 2A-109
2 for which the receiving party acquired the personally
3 identifying information;

4 (C) requires the person or entity receiving the
5 personally identifying information to acknowledge all
6 relevant terms and conditions of the authorized
7 recipient's access agreement with the Secretary of State
8 and to be subject to the laws of this State, including this
9 Code; and

10 (D) indemnifies and holds the Secretary of State
11 harmless from any data breach or unauthorized use of data.

12 (4) A requester who sells or discloses any personally
13 identifying information obtained from the Secretary in any
14 manner allowed under the access agreement shall maintain
15 records of the redisclosure and the written agreement required
16 by paragraph (5) of subsection (k) for a minimum of 5 years,
17 The requester shall make the records available to the
18 Secretary within 5 business days upon request of the
19 Secretary, unless otherwise agreed upon by the parties.

20 (5) The requester shall not sell or repackage any
21 information from motor vehicle records under the name of the
22 Secretary of State or use the State Seal with respect to any
23 data obtained through an access agreement.

24 (6) The requester shall adhere to the Data Processing
25 Confidentiality Act. The requester agrees not to use, sell,
26 furnish, or otherwise make available any personally

1 identifying information contained in the motor vehicle record
2 accessed under an access agreement for any prohibited reason,
3 including, but not limited to, commercial solicitation
4 purposes, to contact individuals for advertising, offering for
5 sale, marketing or sale of products or services, or
6 identifying potential employees. A violation of this
7 subsection shall result in the denial of personally
8 identifying information for a term of 5 years.

9 (7) The requester shall carry insurance coverage in
10 amounts sufficient to cover the requester's potential
11 liabilities arising out of the provision of services under an
12 access agreement. The requester shall provide an insurance
13 certificate naming the Secretary as an additional insured on
14 the general liability, professional liability, and cyber
15 liability coverages and shall provide the insurance
16 certificates with evidence of additional insured status and
17 all required coverages prior to the execution of additional
18 insured status and all required coverages prior to the
19 execution of the access agreement. Insurance shall not limit
20 the requester's obligations to indemnify, defend, or settle
21 any and all claims. Requesters shall procure and maintain the
22 following insurance coverage throughout the term of an access
23 agreement and any renewals thereof:

24 (A) professional liability (errors and omissions)
25 insurance covering errors, omissions, or negligence in the
26 provision of services under an access agreement with

1 limits determined by the Secretary in an amount
2 commiserate with the volume of records purchased by the
3 requester and necessary to protect the constituents of
4 this State;

5 (B) cyber liability or data or privacy protection
6 insurance with limits determined by the Secretary in an
7 amount commiserate with the volume of records purchased by
8 the requester and necessary to protect the constituents of
9 this State.

10 (h) A material breach of any provision contained within
11 this Chapter or the access agreement may result in the
12 immediate revocation of the access agreement.

13 (i) The Secretary may terminate an access agreement
14 immediately, if:

15 (1) the requested personally identifying information
16 is used for a purpose other than the purpose identified in
17 the recipient's certified statement of use or written
18 application or in violation of any provision of Section
19 2A-114;

20 (2) the requester violates any provision of the access
21 agreement; or

22 (3) the requester violates any provision of this
23 Chapter.

24 (625 ILCS 5/2A-112 new)

25 Sec. 2A-112. Random audit. The Secretary may, at any time,

1 conduct a random audit of applications for access agreements,
2 requests for information, or certified statements of use
3 submitted and processed pursuant to this Chapter to verify the
4 authenticity of the documents and information submitted in
5 support of those applications.

6 Any person or entity receiving personally identifying
7 information from a motor vehicle record or electronic access
8 to motor vehicle records pursuant to this Chapter shall have
9 an affirmative duty to cooperate with the audit and provide
10 any information or supporting documentation requested by the
11 Secretary.

12 (625 ILCS 5/2A-113 new)

13 Sec. 2A-113. Redisclosure.

14 (a) If the Secretary discovers that personally identifying
15 information from a motor vehicle record has been wrongfully
16 disclosed by a requester, the requester shall notify the
17 entity or person to whom the personally identifying
18 information was wrongfully disclosed that the personally
19 identifying information may not be used, resold, or
20 rediscovered in any way and must be immediately destroyed. The
21 Secretary shall notify the subject of the personally
22 identifying information that the personally identifying
23 information was wrongly disclosed.

24 (b) A requester who has access to motor vehicle records
25 and who rediscovered any personally identifying information

1 connected with a motor vehicle record must notify each entity
2 or person to whom the personally identifying information is
3 rediscovered that the personally identifying information may
4 not be further disclosed unless the disclosure is authorized
5 by the Driver's Privacy Protection Act and this Code.

6 (625 ILCS 5/2A-114 new)

7 Sec. 2A-114. Prohibitions and violations of this Chapter.

8 (a) It is unlawful for any person to:

9 (1) knowingly misrepresent the person's identity or to
10 make a false statement to obtain any information
11 associated with a motor vehicle record;

12 (2) knowingly disclose, sell, or otherwise provide
13 personally identifying information or highly restricted
14 personally identifying information from a motor vehicle
15 record to any person who is not authorized under this
16 Chapter to receive personally identifying information; or

17 (3) knowingly obtain or use a motor vehicle record for
18 a reason other than authorized by this Code.

19 (b) A violation of this Section is a Class A misdemeanor.
20 Each unauthorized disclosure, unauthorized use, or false
21 representation shall be a separate offense.

22 (c) Except for willful or wanton misconduct, neither the
23 Secretary nor the Secretary of State's departments or
24 employees shall be civilly liable for any improper use or
25 release of motor vehicle records to any person obtaining such

1 records as provided in this Section.

2 (d) Any person convicted of a violation of this Chapter
3 shall be permanently barred from receiving motor vehicle
4 records, unless the receipt of motor vehicle records is
5 otherwise required by State or federal law.

6 (e) The Secretary shall forward any violations of this
7 Chapter to the appropriate prosecuting authority for
8 prosecution.

9 (f) The Secretary may refuse to disclose data under this
10 Chapter if the Secretary concludes that the requester is
11 likely to use the data for a purpose not authorized by this
12 Chapter.

13 (625 ILCS 5/2A-115 new)

14 Sec. 2A-115. Data system security breach. Any person who
15 has access to personally identifying information contained
16 within motor vehicle records who experiences a breach of the
17 security of the data system as defined in this Chapter or has
18 any reason to believe that personally identifying information
19 contained within Secretary of State data has been compromised
20 must comply with the Personal Information Protection Act and
21 provide the required notices to all persons whose personally
22 identifying information has been exposed. If notices are not
23 required by the Personal Information Protection Act, the
24 Secretary may, at the Secretary's discretion, require notice
25 be sent to persons whose data was obtained in a data breach or

1 by an unauthorized user.

2 (625 ILCS 5/2A-116 new)

3 Sec. 2A-116. Procedural safeguards to protect
4 confidentiality. Any person who has access to personally
5 identifying information from motor vehicle records shall
6 establish procedures to protect the confidentiality of those
7 records. If any personally identifying information is
8 rediscovered as allowed by this Chapter, the person receiving
9 the personally identifying information must also take all
10 steps necessary to ensure confidentiality and to prevent the
11 release of the personally identifying information.

12 (625 ILCS 5/2A-117 new)

13 Sec. 2A-117. Rules. The Secretary may adopt rules to
14 administer and enforce this Chapter.

15 (625 ILCS 5/2-123 rep.)

16 (625 ILCS 5/6-110.1 rep.)

17 (625 ILCS 5/6-110.2 rep.)

18 (625 ILCS 5/6-110.3 rep.)

19 Section 10. The Illinois Vehicle Code is amended by
20 repealing Sections 2-123, 6-110.1, 6-110.2, and 6-110.3."