- 1 AMENDMENT TO HOUSE BILL 3206
- 2 AMENDMENT NO. \_\_\_\_. Amend House Bill 3206 by replacing
- 3 everything after the enacting clause with the following:
- 4 "Section 5. The Illinois Vehicle Code is amended by
- 5 changing Section 11-412 as follows:
- 6 (625 ILCS 5/11-412) (from Ch. 95 1/2, par. 11-412)
- 7 Sec. 11-412. Motor vehicle accident reports
- 8 confidential.
- 9 <u>(a)</u> All required written motor vehicle accident reports
- 10 and supplemental reports shall be without prejudice to the
- individual so reporting and shall be for the confidential use
- of the Department and the Secretary of State and, in the case
- 13 of second division vehicles operated under certificate of
- 14 convenience and necessity issued by the Illinois Commerce
- 15 Commission, of the Commission, except that the Administrator
- or the Secretary of State or the Commission may disclose the
- 17 identity of a person involved in a motor vehicle accident
- when such identity is not otherwise known or when such person
- 19 denies his presence at such motor vehicle accident and the
- 20 Department shall disclose the identity of the insurance
- 21 carrier, if any, upon demand. The Secretary of State may also
- 22 disclose notations of accident involvement maintained on

1 individual driving records. The Department may furnish 2 copies of its written accident reports to federal and State agencies that are engaged in highway safety research and 3 4 Reports furnished to any agency other than the studies. 5 Secretary of State or the Illinois Commerce Commission may be 6 used only for statistical or analytical purposes and shall be held confidential by that agency. No such written report 7 8 shall be used as evidence in any trial, civil or criminal, 9 arising out of a motor vehicle accident, except that the Administrator shall furnish upon demand of any person who 10 11 has, or claims to have, made such a written report, or upon demand of any court, a certificate showing that a specified 12 written accident report has or has not been made to the 13 Administrator solely to prove a compliance or a failure to 14 15 comply with the requirement that such a written report be 16 made to the Administrator. 17

(b) Notwithstanding any other provision of this Code, the Department may furnish copies of accident records to any person or entity in bulk electronic form after the name, address, telephone number, and social security number is removed and only for the purpose of preparing vehicle history reports on specific vehicles. The person or entity must pay all reasonable costs associated with producing the accident records in bulk electronic form. The Department may set a bulk rate for access to the records in bulk electronic form.

18

19

20

2.1

22

23

24

25

26

27

28

29

30

31

32

33

34

(c) The Department must require any person or entity who requests access to accident records in bulk electronic form to stipulate, through a written agreement with the Department, the following:

(1) that the person or entity may use the accident records only for the purpose of identifying vehicles that have been involved in accidents or damaged and not for the purpose of identifying individuals;

(2) that the person or entity assumes all

1	responsibilities for the accurate use and portrayal of
2	the accident record;
3	(3) that the person or entity may not use the
4	accident records in a manner in which the integrity of
5	the information in the accident records is compromised;
6	(4) that the person or entity is responsible for
7	omissions or errors in the accident records committed by
8	or on behalf of the person or entity;
9	(5) that the person or entity must remove or
10	correct an accident record upon notification to the
11	person or entity that the accident record was created in
12	error or that certain data elements on the accident
13	record were entered in error;
14	(6) that the person or entity indemnifies any third
15	party requestor of the accident record, in the case of an
16	accident record provided by the Department to the person
17	or entity that becomes available after the third party
18	requestor's request, against losses sustained from the
19	sale of a motor vehicle; and
20	(7) that the person or entity intends to use the
21	accident records only to the extent permitted under the
22	Driver's Privacy Protection Section of the Violent Crime
23	Control and Law Enforcement Act of 1994 and subsequent
24	amendments.
25	(d) The Department may cease providing the accident
26	records to the person or entity if the Department concludes
27	that the person or entity has failed to use the accident
28	records in the manner prescribed by this Section. The
29	Department shall resume providing the records to the person
30	or entity if the person or entity cures the failure within 90
31	days after receiving notice that the records no longer would
32	be provided.
33	(e) The Department of Transportation at its discretion
34	may provide for in-depth investigations of accidents

- 1 involving Department employees. A written report describing
- 2 the preventability of such an accident may be prepared to
- 3 enhance the safety of Department employees. Such reports and
- 4 any opinions expressed in the review of the accident as to
- 5 the preventability of the accident shall be for the
- 6 privileged use of the Department and held confidential and
- 7 shall not be obtainable or used in any civil or criminal
- 8 proceeding.
- 9 (Source: P.A. 89-503, eff. 7-1-96.)".