

1 AN ACT concerning vehicles.

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  
24 processable medium, or printout at a fixed fee of \$250 for  
25 orders received before October 1, 2003 and \$500 for orders  
26 received on or after October 1, 2003, in advance, and require  
27 in addition a further sufficient deposit based upon the  
28 Secretary of State's estimate of the total cost of the  
29 information requested and a charge of \$25 for orders received  
30 before October 1, 2003 and \$50 for orders received on or after  
31 October 1, 2003, per 1,000 units or part thereof identified or  
32 the actual cost, whichever is greater. The Secretary is

1 authorized to refund any difference between the additional  
2 deposit and the actual cost of the request. This service shall  
3 not be in lieu of an abstract of a driver's record nor of a  
4 title or registration search. The Secretary must determine,  
5 before providing designated summary information indicating  
6 violation, conviction, or driver's license revocation,  
7 suspension, or cancellation activity that occurred within the  
8 most recent monthly period, that the provision of the requested  
9 information will cause the actual purchase of an abstract of a  
10 driver's record pursuant to subsection (g). This service may be  
11 limited to entities purchasing a minimum number of records as  
12 required by administrative rule. The information sold pursuant  
13 to this subsection shall be violation, conviction, or driver's  
14 license revocation, suspension, or cancellation activity that  
15 occurred within the most recent monthly period or the entire  
16 vehicle or driver data list, or part thereof. The information  
17 sold pursuant to this subsection shall not contain personally  
18 identifying information unless the information is to be used  
19 for one of the purposes identified in subsection (f-5) of this  
20 Section. Commercial purchasers of driver and vehicle record  
21 databases shall enter into a written agreement with the  
22 Secretary of State that includes disclosure of the commercial  
23 use of the information to be purchased.

24 (c) Secretary of State may issue registration lists. The  
25 Secretary of State shall compile and publish, at least  
26 annually, a list of all registered vehicles. Each list of  
27 registered vehicles shall be arranged serially according to the  
28 registration numbers assigned to registered vehicles and shall  
29 contain in addition the names and addresses of registered  
30 owners and a brief description of each vehicle including the  
31 serial or other identifying number thereof. Such compilation  
32 may be in such form as in the discretion of the Secretary of  
33 State may seem best for the purposes intended.

34 (d) The Secretary of State shall furnish no more than 2  
35 current available lists of such registrations to the sheriffs  
36 of all counties and to the chiefs of police of all cities and

1 villages and towns of 2,000 population and over in this State  
2 at no cost. Additional copies may be purchased by the sheriffs  
3 or chiefs of police at the fee of \$500 each or at the cost of  
4 producing the list as determined by the Secretary of State.  
5 Such lists are to be used for governmental purposes only.

6 (e) (Blank).

7 (e-1) (Blank).

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

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

26 The Secretary of State may notify the vehicle owner or  
27 registrant of the request for purchase of his title or  
28 registration information as the Secretary deems appropriate.

29 No information shall be released to the requestor until  
30 expiration of a 10 day period. This 10 day period shall not  
31 apply to requests for information made by law enforcement  
32 officials, government agencies, financial institutions,  
33 attorneys, insurers, employers, automobile associated  
34 businesses, persons licensed as a private detective or firms  
35 licensed as a private detective agency under the Private  
36 Detective, Private Alarm, Private Security, and Locksmith Act

1 of 2004, who are employed by or are acting on behalf of law  
2 enforcement officials, government agencies, financial  
3 institutions, attorneys, insurers, employers, automobile  
4 associated businesses, and other business entities for  
5 purposes consistent with the Illinois Vehicle Code, the vehicle  
6 owner or registrant or other entities as the Secretary may  
7 exempt by rule and regulation.

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

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

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

26 (2) For use in connection with matters of motor vehicle  
27 or driver safety and theft; motor vehicle emissions; motor  
28 vehicle product alterations, recalls, or advisories;  
29 performance monitoring of motor vehicles, motor vehicle  
30 parts, and dealers; and removal of non-owner records from  
31 the original owner records of motor vehicle manufacturers.

32 (3) For use in the normal course of business by a  
33 legitimate business or its agents, employees, or  
34 contractors, but only:

35 (A) to verify the accuracy of personal information  
36 submitted by an individual to the business or its

1 agents, employees, or contractors; and

2 (B) if such information as so submitted is not  
3 correct or is no longer correct, to obtain the correct  
4 information, but only for the purposes of preventing  
5 fraud by, pursuing legal remedies against, or  
6 recovering on a debt or security interest against, the  
7 individual.

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

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

19 (6) For use by any insurer or insurance support  
20 organization or by a self-insured entity or its agents,  
21 employees, or contractors in connection with claims  
22 investigation activities, antifraud activities, rating, or  
23 underwriting.

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

26 (8) For use by any private investigative agency or  
27 security service licensed in Illinois for any purpose  
28 permitted under this subsection.

29 (9) For use by an employer or its agent or insurer to  
30 obtain or verify information relating to a holder of a  
31 commercial driver's license that is required under chapter  
32 313 of title 49 of the United States Code.

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

35 (11) For use by any requester, if the requester  
36 demonstrates it has obtained the written consent of the

1 individual to whom the information pertains.

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

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

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

26 2. The Secretary of State may certify an abstract of a  
27 driver's record upon written request therefor. Such  
28 certification shall be made under the signature of the  
29 Secretary of State and shall be authenticated by the Seal  
30 of his office.

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

34 The Secretary of State may notify the affected driver  
35 of the request for purchase of his driver's record as the  
36 Secretary deems appropriate.

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

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

23 4. The Secretary of State may furnish without fee, upon  
24 the written request of a law enforcement agency, any  
25 information from a driver's record on file with the  
26 Secretary of State when such information is required in the  
27 enforcement of this Code or any other law relating to the  
28 operation of motor vehicles, including records of  
29 dispositions; documented information involving the use of  
30 a motor vehicle; whether such individual has, or previously  
31 had, a driver's license; and the address and personal  
32 description as reflected on said driver's record.

33 5. Except as otherwise provided in this Section, the  
34 Secretary of State may furnish, without fee, information  
35 from an individual driver's record on file, if a written  
36 request therefor is submitted by any public transit system

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

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

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

34 7. Subject to any restrictions contained in the  
35 Juvenile Court Act of 1987, and upon receipt of a proper  
36 request and a fee of \$6 before October 1, 2003 and a fee of



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

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

31          (i) (Blank).

32          (j) Medical statements or medical reports received in the  
33          Secretary of State's Office shall be confidential. No  
34          confidential information may be open to public inspection or  
35          the contents disclosed to anyone, except officers and employees  
36          of the Secretary who have a need to know the information

1 contained in the medical reports and the Driver License Medical  
2 Advisory Board, unless so directed by an order of a court of  
3 competent jurisdiction.

4 (k) All fees collected under this Section shall be paid  
5 into the Road Fund of the State Treasury, except that (i) for  
6 fees collected before October 1, 2003, \$3 of the \$6 fee for a  
7 driver's record shall be paid into the Secretary of State  
8 Special Services Fund, (ii) for fees collected on and after  
9 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall  
10 be paid into the Secretary of State Special Services Fund and  
11 \$6 shall be paid into the General Revenue Fund, and (iii) for  
12 fees collected on and after October 1, 2003, 50% of the amounts  
13 collected pursuant to subsection (b) shall be paid into the  
14 General Revenue Fund.

15 (l) (Blank).

16 (m) Notations of accident involvement that may be disclosed  
17 under this Section shall not include notations relating to  
18 damage to a vehicle or other property being transported by a  
19 tow truck. This information shall remain confidential,  
20 provided that nothing in this subsection (m) shall limit  
21 disclosure of any notification of accident involvement to any  
22 law enforcement agency or official.

23 (n) Requests made by the news media for driver's license,  
24 vehicle, or title registration information may be furnished  
25 without charge or at a reduced charge, as determined by the  
26 Secretary, when the specific purpose for requesting the  
27 documents is deemed to be in the public interest. Waiver or  
28 reduction of the fee is in the public interest if the principal  
29 purpose of the request is to access and disseminate information  
30 regarding the health, safety, and welfare or the legal rights  
31 of the general public and is not for the principal purpose of  
32 gaining a personal or commercial benefit. The information  
33 provided pursuant to this subsection shall not contain  
34 personally identifying information unless the information is  
35 to be used for one of the purposes identified in subsection  
36 (f-5) of this Section.

1           (o) The redisclosure of personally identifying information  
2 obtained pursuant to this Section is prohibited, except to the  
3 extent necessary to effectuate the purpose for which the  
4 original disclosure of the information was permitted.

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

7           (Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32,  
8 eff. 7-1-03; 93-438, eff. 8-5-03; revised 9-23-03.)