

SB0459



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB0459

Introduced 2/16/2005, by Sen. Arthur J. Wilhelmi

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, in his or her discretion, furnish vehicle or driver data on an electronic format or computer processible medium, at no fee, to any State or local governmental agency that uses the information to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records. Provides that this information may be provided without fee not more often than once every 6 months. Effective immediately.

LRB094 09297 DRH 39536 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
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. This service may be limited to
5 entities purchasing a minimum number of records as required by
6 administrative rule. The information sold pursuant to this
7 subsection shall be the entire vehicle or driver data list, or
8 part thereof. The information sold pursuant to this subsection
9 shall not contain personally identifying information unless
10 the information is to be used for one of the purposes
11 identified in subsection (f-5) of this Section. Commercial
12 purchasers of driver and vehicle record databases shall enter
13 into a written agreement with the Secretary of State that
14 includes disclosure of the commercial use of the information to
15 be purchased.

16 (b-1) The Secretary is further empowered to and may, in his
17 or her discretion, furnish vehicle or driver data on a computer
18 tape, disk, or other electronic format or computer processible
19 medium, at no fee, to any State or local governmental agency
20 that uses the information provided by the Secretary to transmit
21 data back to the Secretary that enables the Secretary to
22 maintain accurate driving records, including dispositions of
23 traffic cases. This information may be provided without fee not
24 more often than once every 6 months.

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

35 (d) The Secretary of State shall furnish no more than 2
36 current available lists of such registrations to the sheriffs

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

7 (e) (Blank).

8 (e-1) (Blank).

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

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

30 The Secretary of State may notify the vehicle owner or
31 registrant of the request for purchase of his title or
32 registration information as the Secretary deems appropriate.

33 No information shall be released to the requestor until
34 expiration of a 10 day period. This 10 day period shall not
35 apply to requests for information made by law enforcement
36 officials, government agencies, financial institutions,

1 attorneys, insurers, employers, automobile associated
2 businesses, persons licensed as a private detective or firms
3 licensed as a private detective agency under the Private
4 Detective, Private Alarm, Private Security, and Locksmith Act
5 of 2004, who are employed by or are acting on behalf of law
6 enforcement officials, government agencies, financial
7 institutions, attorneys, insurers, employers, automobile
8 associated businesses, and other business entities for
9 purposes consistent with the Illinois Vehicle Code, the vehicle
10 owner or registrant or other entities as the Secretary may
11 exempt by rule and regulation.

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

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

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

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

36 (3) For use in the normal course of business by a

1 legitimate business or its agents, employees, or
2 contractors, but only:

3 (A) to verify the accuracy of personal information
4 submitted by an individual to the business or its
5 agents, employees, or contractors; and

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

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

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

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

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

30 (8) For use by any person licensed as a private
31 detective or firm licensed as a private detective agency
32 under the Private Detective, Private Alarm, Private
33 Security, and Locksmith Act of 1993, private investigative
34 agency or security service licensed in Illinois for any
35 purpose permitted under this subsection.

36 (9) For use by an employer or its agent or insurer to

1 obtain or verify information relating to a holder of a
2 commercial driver's license that is required under chapter
3 313 of title 49 of the United States Code.

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

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

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

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

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

22 (g) 1. The Secretary of State may, upon receipt of a
23 written request and a fee of \$6 before October 1, 2003 and
24 a fee of \$12 on and after October 1, 2003, furnish to the
25 person or agency so requesting a driver's record. Such
26 document may include a record of: current driver's license
27 issuance information, except that the information on
28 judicial driving permits shall be available only as
29 otherwise provided by this Code; convictions; orders
30 entered revoking, suspending or cancelling a driver's
31 license or privilege; and notations of accident
32 involvement. All other information, unless otherwise
33 permitted by this Code, shall remain confidential.
34 Information released pursuant to a request for a driver's
35 record shall not contain personally identifying
36 information, unless the request for the driver's record was

1 made for one of the purposes set forth in subsection (f-5)
2 of this Section.

3 2. The Secretary of State shall not disclose or
4 otherwise make available to any person or entity any highly
5 restricted personal information obtained by the Secretary
6 of State in connection with a driver's license, vehicle, or
7 title registration record unless specifically authorized
8 by this Code. The Secretary of State may certify an
9 abstract of a driver's record upon written request
10 therefor. Such certification shall be made under the
11 signature of the Secretary of State and shall be
12 authenticated by the Seal of his office.

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

16 The Secretary of State may notify the affected driver
17 of the request for purchase of his driver's record as the
18 Secretary deems appropriate.

19 No information shall be released to the requester until
20 expiration of a 10 day period. This 10 day period shall not
21 apply to requests for information made by law enforcement
22 officials, government agencies, financial institutions,
23 attorneys, insurers, employers, automobile associated
24 businesses, persons licensed as a private detective or
25 firms licensed as a private detective agency under the
26 Private Detective, Private Alarm, Private Security, and
27 Locksmith Act of 2004, who are employed by or are acting on
28 behalf of law enforcement officials, government agencies,
29 financial institutions, attorneys, insurers, employers,
30 automobile associated businesses, and other business
31 entities for purposes consistent with the Illinois Vehicle
32 Code, the affected driver or other entities as the
33 Secretary may exempt by rule and regulation.

34 Any misrepresentation made by a requestor of driver
35 information shall be punishable as a petty offense, except
36 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 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
27 purpose set forth in subsection (f-5) of this Section.

28 The Secretary may also furnish the courts a copy of an
29 abstract of a driver's record, without fee, subsequent to
30 an arrest for a violation of Section 11-501 or a similar
31 provision of a local ordinance. Such abstract may include
32 records of dispositions; documented information involving
33 the use of a motor vehicle as contained in the current
34 file; whether such individual has, or previously had, a
35 driver's license; and the address and personal description
36 as reflected on said driver's record.

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

16 7. Subject to any restrictions contained in the
17 Juvenile Court Act of 1987, and upon receipt of a proper
18 request and a fee of \$6 before October 1, 2003 and a fee of
19 \$12 on or after October 1, 2003, the Secretary of State
20 shall provide a driver's record to the affected driver, or
21 the affected driver's attorney, upon verification. Such
22 record shall contain all the information referred to in
23 paragraph 1 of this subsection (g) plus: any recorded
24 accident involvement as a driver; information recorded
25 pursuant to subsection (e) of Section 6-117 and paragraph
26 (4) of subsection (a) of Section 6-204 of this Code. All
27 other information, unless otherwise permitted by this
28 Code, shall remain confidential.

29 (h) The Secretary shall not disclose social security
30 numbers or any associated information obtained from the Social
31 Security Administration except pursuant to a written request
32 by, or with the prior written consent of, the individual
33 except: (1) to officers and employees of the Secretary who have
34 a need to know the social security numbers in performance of
35 their official duties, (2) to law enforcement officials for a
36 lawful, civil or criminal law enforcement investigation, and if

1 the head of the law enforcement agency has made a written
2 request to the Secretary specifying the law enforcement
3 investigation for which the social security numbers are being
4 sought, (3) to the United States Department of Transportation,
5 or any other State, pursuant to the administration and
6 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
7 (4) pursuant to the order of a court of competent jurisdiction,
8 or (5) to the Department of Public Aid for utilization in the
9 child support enforcement duties assigned to that Department
10 under provisions of the Public Aid Code after the individual
11 has received advanced meaningful notification of what
12 redisclosure is sought by the Secretary in accordance with the
13 federal Privacy Act.

14 (i) (Blank).

15 (j) Medical statements or medical reports received in the
16 Secretary of State's Office shall be confidential. No
17 confidential information may be open to public inspection or
18 the contents disclosed to anyone, except officers and employees
19 of the Secretary who have a need to know the information
20 contained in the medical reports and the Driver License Medical
21 Advisory Board, unless so directed by an order of a court of
22 competent jurisdiction.

23 (k) All fees collected under this Section shall be paid
24 into the Road Fund of the State Treasury, except that (i) for
25 fees collected before October 1, 2003, \$3 of the \$6 fee for a
26 driver's record shall be paid into the Secretary of State
27 Special Services Fund, (ii) for fees collected on and after
28 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
29 be paid into the Secretary of State Special Services Fund and
30 \$6 shall be paid into the General Revenue Fund, and (iii) for
31 fees collected on and after October 1, 2003, 50% of the amounts
32 collected pursuant to subsection (b) shall be paid into the
33 General Revenue Fund.

34 (l) (Blank).

35 (m) Notations of accident involvement that may be disclosed
36 under this Section shall not include notations relating to

1 damage to a vehicle or other property being transported by a
2 tow truck. This information shall remain confidential,
3 provided that nothing in this subsection (m) shall limit
4 disclosure of any notification of accident involvement to any
5 law enforcement agency or official.

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

20 (o) The redisclosure of personally identifying information
21 obtained pursuant to this Section is prohibited, except to the
22 extent necessary to effectuate the purpose for which the
23 original disclosure of the information was permitted.

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

26 (Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32,
27 eff. 7-1-03; 93-438, eff. 8-5-03; 93-895, eff. 1-1-05.)

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.