



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB1839

Introduced 2/25/2005, by Sen. James T. Meeks - Kirk W. Dillard
- Iris Y. Martinez - Rickey R. Hendon - Mattie Hunter

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-412

from Ch. 95 1/2, par. 11-412

Amends the Illinois Vehicle Code. Provides that the Department of Transportation shall supply vehicle-specific accident data from which any identifying information has been removed to any person or entity in bulk electronic form and only for the purpose of preparing vehicle-specific vehicle history reports. Provides that the person or entity must pay all reasonable costs and that the Department may set a bulk rate for access to the data in bulk electronic form. Sets additional requirements that the person or entity must agree to meet in order to gain access to the data. Provides that the Department may cease providing the accident data to the person or entity if the Department concludes that the person or entity has failed to use the accident data in the prescribed manner. Provides that the person or entity shall have 90 days to cure the failure.

LRB094 07367 DRH 37526 b

FISCAL NOTE ACT
MAY APPLY

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
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 confidential.

8 (a) All required written motor vehicle accident reports and
9 supplemental reports shall be without prejudice to the
10 individual so reporting and shall be for the confidential use
11 of the Department and the Secretary of State and, in the case
12 of second division vehicles operated under certificate of
13 convenience and necessity issued by the Illinois Commerce
14 Commission, of the Commission, except that the Administrator or
15 the Secretary of State or the Commission may disclose the
16 identity of a person involved in a motor vehicle accident when
17 such identity is not otherwise known or when such person denies
18 his presence at such motor vehicle accident and the Department
19 shall disclose the identity of the insurance carrier, if any,
20 upon demand. The Secretary of State may also disclose notations
21 of accident involvement maintained on individual driving
22 records. The Department may furnish copies of its written
23 accident reports to federal and State agencies that are engaged
24 in highway safety research and studies. Reports furnished to
25 any agency other than the Secretary of State or the Illinois
26 Commerce Commission may be used only for statistical or
27 analytical purposes and shall be held confidential by that
28 agency. No such written report shall be used as evidence in any
29 trial, civil or criminal, arising out of a motor vehicle
30 accident, except that the Administrator shall furnish upon
31 demand of any person who has, or claims to have, made such a
32 written report, or upon demand of any court, a certificate

1 showing that a specified written accident report has or has not
2 been made to the Administrator solely to prove a compliance or
3 a failure to comply with the requirement that such a written
4 report be made to the Administrator.

5 (b) Notwithstanding any other provision of this Code, the
6 Department shall supply vehicle-specific accident data to any
7 person or entity in bulk electronic form after the name,
8 address, telephone number, and social security number have been
9 removed and only for the purpose of preparing vehicle-specific
10 vehicle history reports. The person or entity must pay all
11 reasonable costs associated with producing the accident
12 records in bulk electronic form. The Department may set a bulk
13 rate for access to the records in bulk electronic form. The
14 Department however, may not agree to grant to any person or
15 entity an exclusive right to receive this information or data.

16 (c) The Department must require any person or entity that
17 requests access to the accident data in bulk electronic form to
18 stipulate, through a written agreement with the Department, the
19 following:

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

24 (2) that the person or entity assumes all
25 responsibilities for the accurate use and portrayal of the
26 accident data;

27 (3) that the person or entity may not use the accident
28 data in a manner in which the integrity of the information
29 in the accident data is compromised;

30 (4) that the person or entity is responsible for
31 omissions or errors in the accident data committed by or on
32 behalf of the person or entity;

33 (5) that the person or entity must remove or correct
34 the accident data upon notification to the person or entity
35 that the accident data was created in error or that certain
36 data elements on an accident record were entered in error;

1 (6) that the person or entity intends to use the
2 accident records only to the extent permitted under the
3 Driver's Privacy Protection Section of the Violent Crime
4 Control and Law Enforcement Act of 1994 and subsequent
5 amendments.

6 (d) The Department may cease providing the accident data to
7 the person or entity if the Department concludes that the
8 person or entity has failed to use the accident data in the
9 manner prescribed by this Section. The person or entity shall
10 have 90 days to cure the failure.

11 (e) The Department of Transportation at its discretion may
12 provide for in-depth investigations of accidents involving
13 Department employees. A written report describing the
14 preventability of such an accident may be prepared to enhance
15 the safety of Department employees. Such reports and any
16 opinions expressed in the review of the accident as to the
17 preventability of the accident shall be for the privileged use
18 of the Department and held confidential and shall not be
19 obtainable or used in any civil or criminal proceeding.

20 (Source: P.A. 89-503, eff. 7-1-96.)