

1 AN ACT concerning identification.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 3. The Illinois Identification Card Act is amended  
5 by adding Section 14D as follows:

6 (15 ILCS 335/14D new)

7 Sec. 14D. Limitations on use of identification card  
8 information.

9 (a) When information is obtained from an identification  
10 card issued by the Secretary of State to identify or prove the  
11 age of the holder of the card, or in the course of a commercial  
12 transaction, that information may be used only for purposes of  
13 identification of the individual or for completing the  
14 commercial transaction in which the information was obtained,  
15 including all subsequent payment, processing, collection, and  
16 other related actions. Information obtained from an  
17 identification card issued by the Secretary of State may not be  
18 used for purposes unrelated to the transaction in which it was  
19 obtained, including, but not limited to, commercial  
20 solicitations. Information obtained from an identification  
21 card issued by the Secretary of State to identify or prove the  
22 age of the holder of the card, or in the course of a commercial  
23 transaction, may not be sold, leased or otherwise provided to  
24 any third party.

25 (b) As used in this Section, "information" on an  
26 identification card issued by the Secretary of State includes  
27 readable text on the face of the card and information encoded  
28 or encrypted into a bar code, magnetic strip, or other  
29 electronically readable device on or in the card.

30 (c) Any individual whose identification card information  
31 has been used in violation of this Section has a cause of  
32 action against the person who violated this Section. Upon a

1 finding that a violation did occur, the individual whose  
2 information was used in violation of this Section is entitled  
3 to recover actual damages, but not less than liquidated damages  
4 in the amount of \$250 for each violation, plus attorney's fees  
5 and the costs of bringing the action.

6 (d) Use of information contained on an identification card  
7 issued by the Secretary of State is not a violation of this  
8 Section if the individual whose information has been used gave  
9 express permission for that use, or if the information relating  
10 to the individual was obtained from a source other than the  
11 individual's identification card issued by the Secretary of  
12 State.

13 (e) This Section does not apply to any agency of the United  
14 States or to the State of Illinois or any of its political  
15 subdivisions.

16 (f) This Section does not apply to the transfer of  
17 information to a third party if (i) a federal or State law,  
18 rule, or regulation requires that the information be  
19 transferred to a third party after being recorded in specified  
20 transactions or (ii) the information is transferred to a third  
21 party for purposes of the detection or possible prosecution of  
22 criminal offenses or fraud. If information is transferred to a  
23 third party under this subsection (f), it may be used only for  
24 the purposes authorized by this subsection (f).

25 (g) This Section does not apply to the use of information  
26 obtained from an identification card which has been provided by  
27 the holder of the card in the course of a potential or  
28 completed employment, commercial, business or professional  
29 transaction for the purpose of completing written documents  
30 including, but not limited to, contracts, agreements, purchase  
31 orders, retail installment contracts, buyer's orders, purchase  
32 contracts, repair orders, applications, disclosure forms or  
33 waiver forms.

34 Section 5. The Illinois Vehicle Code is amended by adding  
35 Section 6-117.1 as follows:

1 (625 ILCS 5/6-117.1 new)

2 Sec. 6-117.1. Prohibited use of driver's license  
3 information.

4 (a) When information is obtained from a driver's license to  
5 identify or prove the age of the holder of the license, or in  
6 the course of a commercial transaction, that information may be  
7 used only for purposes of identification of the individual or  
8 for completing the commercial transaction in which the  
9 information was obtained, including all subsequent payment,  
10 processing, collection, and other related actions. Information  
11 obtained from a driver's license may not be used for purposes  
12 unrelated to the transaction in which it was obtained,  
13 including, but not limited to, commercial solicitations.  
14 Information obtained from a driver's license to identify the  
15 holder of the license, or in the course of a commercial  
16 transaction, may not be sold, leased, or otherwise provided to  
17 any third party.

18 (b) Any individual whose driver's license information has  
19 been used in violation of this Section has a cause of action  
20 against the person who violated this Section. Upon a finding  
21 that a violation did occur, the individual whose information  
22 was used in violation of this Section is entitled to recover  
23 actual damages, but not less than liquidated damages in the  
24 amount of \$250 for each violation, plus attorney's fees and the  
25 costs of bringing the action.

26 (c) Use of information contained on a driver's license is  
27 not a violation of this Section if (i) the individual whose  
28 information has been used gave express permission for that use  
29 or (ii) the information relating to the individual was obtained  
30 from a source other than the individual's driver's license.

31 (d) This Section does not apply to any agency of the United  
32 States, the State of Illinois, or any other state or political  
33 subdivision thereof.

34 (e) This Section does not apply to the transfer of  
35 information to a third party if (i) a federal or State law,

1 rule, or regulation requires that the information be  
2 transferred to a third party after being recorded in specified  
3 transactions or (ii) the information is transferred to a third  
4 party for purposes of the detection or possible prosecution of  
5 criminal offenses or fraud. If information is transferred to a  
6 third party under this subsection (e), it may be used only for  
7 the purposes authorized by this subsection (e).

8 (f) This Section does not apply to the use of information  
9 obtained from a driver's license which has been provided by the  
10 holder of the license in the course of a potential or completed  
11 employment, commercial, business or professional transaction  
12 for the purpose of completing written documents including, but  
13 not limited to, contracts, agreements, purchase orders, retail  
14 installment contracts, buyer's orders, purchase contracts,  
15 repair orders, applications, disclosure forms or waiver forms.