

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.