

SB2416



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB2416

Introduced 2/15/2008, by Sen. Kirk W. Dillard

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 to any person or entity in bulk electronic form after the name, address, telephone number, and social security number have been removed and only for the purpose of preparing vehicle-specific vehicle history reports. Provides that the person or entity must pay all reasonable costs associated with producing the accident records in bulk electronic form. Contains provisions regarding: setting rates; agreements regarding the data; circumstances under which the Department may cease providing the data; liability; and other matters.

LRB095 19276 WGH 45556 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

1 in highway safety research and studies. Reports furnished to
2 any agency other than the Secretary of State or the Illinois
3 Commerce Commission may be used only for statistical or
4 analytical purposes and shall be held confidential by that
5 agency. No such written report shall be used as evidence in any
6 trial, civil or criminal, arising out of a motor vehicle
7 accident, except that the Administrator shall furnish upon
8 demand of any person who has, or claims to have, made such a
9 written report, or upon demand of any court, a certificate
10 showing that a specified written accident report has or has not
11 been made to the Administrator solely to prove a compliance or
12 a failure to comply with the requirement that such a written
13 report be made to the Administrator.

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

25 (c) The Department must require any person or entity that
26 requests access to the accident data in bulk electronic form to

1 agree, in a written agreement with the Department, to the
2 following:

3 (1) that the person or entity may use the accident
4 records only for the purpose of identifying vehicles that
5 have been involved in accidents or damaged and not for the
6 purpose of identifying or contacting individuals;

7 (2) that the person or entity assumes all
8 responsibilities for the accurate use and portrayal of the
9 accident data;

10 (3) that the person or entity may not use the accident
11 data in a manner in which the integrity of the information
12 in the accident data is compromised;

13 (4) that the person or entity is responsible for
14 omissions or errors in the accident data committed by or on
15 behalf of the person or entity;

16 (5) that the person or entity must remove or correct
17 the accident data upon notification to the person or entity
18 that the accident data was created in error or that certain
19 data elements on an accident record were entered in error;

20 (6) that the person or entity intends to use the
21 accident records only to the extent permitted under the
22 Driver's Privacy Protection Act of 1994, 18 U.S.C. 2721 et
23 seq.

24 (d) The Department may cease providing the accident data to
25 the person or entity if the Department concludes that the
26 person or entity has failed to use the accident data in the

1 manner prescribed by this Section. The person or entity shall
2 have 90 days to cure the failure.

3 (e) Vehicle dealers and other third-party users who obtain
4 access to accident data through persons who received the
5 accident data under subsection (b) of this Section are not
6 liable for errors or omissions in that accident data.

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

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