

1 AN ACT concerning revenue.

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

4 Section 5. The Department of Revenue Law of the Civil
5 Administrative Code of Illinois is amended by adding Section
6 2505-255 as follows:

7 (20 ILCS 2505/2505-255 new)

8 Sec. 2505-255. Payment by credit card. The Department may
9 adopt rules and regulations for payment by credit card of any
10 amount due under any Act administered by the Department
11 provided that, prior to December 31, 2008, the Department may
12 accept payment by credit card only when the Department is not
13 required to pay a discount fee charged by the credit card
14 issuer.

15 Section 10. The Illinois State Collection Act of 1986 is
16 amended by adding Section 9 as follows:

17 (30 ILCS 210/9 new)

18 Sec. 9. Collection agency fees. Except where prohibited by
19 federal law or regulation, in the case of any liability
20 referred to a collection agency on or after July 1, 2008, any
21 fee charged to the State by the collection agency is considered

1 an additional liability owed to the State, is immediately
2 subject to all collection procedures applicable to the
3 liability referred to the collection agency, and must be
4 separately stated in any statement or notice of the liability
5 issued by the collection agency to the taxpayer.

6 Section 15. The Illinois Income Tax Act is amended by
7 changing Section 605 as follows:

8 (35 ILCS 5/605) (from Ch. 120, par. 6-605)

9 Sec. 605. The Department may adopt rules and regulations
10 for payment of taxes due under this Act by credit card,
11 provided that, prior to December 31, 2008, the Department may
12 accept payment by credit card only when the Department is not
13 required to pay a discount fee charged by the credit card
14 issuer.

15 (Source: P.A. 87-1175; 87-1189.)

16 Section 20. The Cigarette Use Tax Act is amended by
17 changing Section 1 as follows:

18 (35 ILCS 135/1) (from Ch. 120, par. 453.31)

19 Sec. 1. For the purpose of this Act, unless otherwise
20 required by the context:

21 "Use" means the exercise by any person of any right or
22 power over cigarettes incident to the ownership or possession

1 thereof, other than the making of a sale thereof in the course
2 of engaging in a business of selling cigarettes and shall
3 include the keeping or retention of cigarettes for use, except
4 "use" shall not include the use of cigarettes by a
5 not-for-profit research institution conducting tests
6 concerning the health effects of tobacco products, provided the
7 cigarettes are not offered for resale.

8 "Cigarette" means any roll for smoking made wholly or in
9 part of tobacco irrespective of size or shape and whether or
10 not such tobacco is flavored, adulterated or mixed with any
11 other ingredient, and the wrapper or cover of which is made of
12 paper or any other substance or material except tobacco.

13 "Person" means any natural individual, firm, partnership,
14 association, joint stock company, joint adventure, public or
15 private corporation, however formed, limited liability
16 company, or a receiver, executor, administrator, trustee,
17 guardian or other representative appointed by order of any
18 court.

19 "Department" means the Department of Revenue.

20 "Sale" means any transfer, exchange or barter in any manner
21 or by any means whatsoever for a consideration, and includes
22 and means all sales made by any person.

23 "Original Package" means the individual packet, box or
24 other container whatsoever used to contain and to convey
25 cigarettes to the consumer.

26 "Distributor" means any and each of the following:

1 a. Any person engaged in the business of selling
2 cigarettes in this State who brings or causes to be brought
3 into this State from without this State any original
4 packages of cigarettes, on which original packages there is
5 no authorized evidence underneath a sealed transparent
6 wrapper showing that the tax liability imposed by this Act
7 has been paid or assumed by the out-of-State seller of such
8 cigarettes, for sale in the course of such business.

9 b. Any person who makes, manufactures or fabricates
10 cigarettes in this State for sale, except a person who
11 makes, manufactures or fabricates cigarettes for sale to
12 residents incarcerated in penal institutions or resident
13 patients or a State-operated mental health facility.

14 c. Any person who makes, manufactures or fabricates
15 cigarettes outside this State, which cigarettes are placed
16 in original packages contained in sealed transparent
17 wrappers, for delivery or shipment into this State, and who
18 elects to qualify and is accepted by the Department as a
19 distributor under Section 7 of this Act.

20 "Distributor" does not include any person who transfers
21 cigarettes to a not-for-profit research institution that
22 conducts tests concerning the health effects of tobacco
23 products and who does not offer the cigarettes for resale.

24 "Distributor maintaining a place of business in this
25 State", or any like term, means any distributor having or
26 maintaining within this State, directly or by a subsidiary, an

1 office, distribution house, sales house, warehouse or other
2 place of business, or any agent operating within this State
3 under the authority of the distributor or its subsidiary,
4 irrespective of whether such place of business or agent is
5 located here permanently or temporarily, or whether such
6 distributor or subsidiary is licensed to transact business
7 within this State.

8 "Business" means any trade, occupation, activity or
9 enterprise engaged in or conducted in this State for the
10 purpose of selling cigarettes.

11 "Prior Continuous Compliance Taxpayer" means any person
12 who is licensed under this Act and who, having been a licensee
13 for a continuous period of 5 years, is determined by the
14 Department not to have been either delinquent or deficient in
15 the payment of tax liability during that period or otherwise in
16 violation of this Act. Also, any taxpayer who has, as verified
17 by the Department, continuously complied with the condition of
18 his bond or other security under provisions of this Act of a
19 period of 5 consecutive years shall be considered to be a
20 "prior continuous compliance taxpayer". In calculating the
21 consecutive period of time described herein for qualification
22 as a "prior continuous compliance taxpayer", a consecutive
23 period of time of qualifying compliance immediately prior to
24 the effective date of this amendatory Act of 1987 shall be
25 credited to any licensee who became licensed on or before the
26 effective date of this amendatory Act of 1987.

1 (Source: P.A. 95-462, eff. 8-27-07.)

2 Section 25. The Illinois Vehicle Code is amended by
3 changing Section 2-123 as follows:

4 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

5 Sec. 2-123. Sale and Distribution of Information.

6 (a) Except as otherwise provided in this Section, the
7 Secretary may make the driver's license, vehicle and title
8 registration lists, in part or in whole, and any statistical
9 information derived from these lists available to local
10 governments, elected state officials, state educational
11 institutions, and all other governmental units of the State and
12 Federal Government requesting them for governmental purposes.
13 The Secretary shall require any such applicant for services to
14 pay for the costs of furnishing such services and the use of
15 the equipment involved, and in addition is empowered to
16 establish prices and charges for the services so furnished and
17 for the use of the electronic equipment utilized.

18 (b) The Secretary is further empowered to and he may, in
19 his discretion, furnish to any applicant, other than listed in
20 subsection (a) of this Section, vehicle or driver data on a
21 computer tape, disk, other electronic format or computer
22 processable medium, or printout at a fixed fee of \$250 for
23 orders received before October 1, 2003 and \$500 for orders
24 received on or after October 1, 2003, in advance, and require

1 in addition a further sufficient deposit based upon the
2 Secretary of State's estimate of the total cost of the
3 information requested and a charge of \$25 for orders received
4 before October 1, 2003 and \$50 for orders received on or after
5 October 1, 2003, per 1,000 units or part thereof identified or
6 the actual cost, whichever is greater. The Secretary is
7 authorized to refund any difference between the additional
8 deposit and the actual cost of the request. This service shall
9 not be in lieu of an abstract of a driver's record nor of a
10 title or registration search. This service may be limited to
11 entities purchasing a minimum number of records as required by
12 administrative rule. The information sold pursuant to this
13 subsection shall be the entire vehicle or driver data list, or
14 part thereof. The information sold pursuant to this subsection
15 shall not contain personally identifying information unless
16 the information is to be used for one of the purposes
17 identified in subsection (f-5) of this Section. Commercial
18 purchasers of driver and vehicle record databases shall enter
19 into a written agreement with the Secretary of State that
20 includes disclosure of the commercial use of the information to
21 be purchased.

22 (b-1) The Secretary is further empowered to and may, in his
23 or her discretion, furnish vehicle or driver data on a computer
24 tape, disk, or other electronic format or computer processible
25 medium, at no fee, to any State or local governmental agency
26 that uses the information provided by the Secretary to transmit

1 data back to the Secretary that enables the Secretary to
2 maintain accurate driving records, including dispositions of
3 traffic cases. This information may be provided without fee not
4 more often than once every 6 months.

5 (c) Secretary of State may issue registration lists. The
6 Secretary of State may compile a list of all registered
7 vehicles. Each list of registered vehicles shall be arranged
8 serially according to the registration numbers assigned to
9 registered vehicles and may contain in addition the names and
10 addresses of registered owners and a brief description of each
11 vehicle including the serial or other identifying number
12 thereof. Such compilation may be in such form as in the
13 discretion of the Secretary of State may seem best for the
14 purposes intended.

15 (d) The Secretary of State shall furnish no more than 2
16 current available lists of such registrations to the sheriffs
17 of all counties and to the chiefs of police of all cities and
18 villages and towns of 2,000 population and over in this State
19 at no cost. Additional copies may be purchased by the sheriffs
20 or chiefs of police at the fee of \$500 each or at the cost of
21 producing the list as determined by the Secretary of State.
22 Such lists are to be used for governmental purposes only.

23 (e) (Blank).

24 (e-1) (Blank).

25 (f) The Secretary of State shall make a title or
26 registration search of the records of his office and a written

1 report on the same for any person, upon written application of
2 such person, accompanied by a fee of \$5 for each registration
3 or title search. The written application shall set forth the
4 intended use of the requested information. No fee shall be
5 charged for a title or registration search, or for the
6 certification thereof requested by a government agency. The
7 report of the title or registration search shall not contain
8 personally identifying information unless the request for a
9 search was made for one of the purposes identified in
10 subsection (f-5) of this Section. The report of the title or
11 registration search shall not contain highly restricted
12 personal information unless specifically authorized by this
13 Code.

14 The Secretary of State shall certify a title or
15 registration record upon written request. The fee for
16 certification shall be \$5 in addition to the fee required for a
17 title or registration search. Certification shall be made under
18 the signature of the Secretary of State and shall be
19 authenticated by Seal of the Secretary of State.

20 The Secretary of State may notify the vehicle owner or
21 registrant of the request for purchase of his title or
22 registration information as the Secretary deems appropriate.

23 No information shall be released to the requestor until
24 expiration of a 10 day period. This 10 day period shall not
25 apply to requests for information made by law enforcement
26 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, Fingerprint
5 Vendor, and Locksmith Act of 2004, who are employed by or are
6 acting on behalf of law enforcement officials, government
7 agencies, financial institutions, attorneys, insurers,
8 employers, automobile associated businesses, and other
9 business entities for purposes consistent with the Illinois
10 Vehicle Code, the vehicle owner or registrant or other entities
11 as the Secretary may 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,
18 Fingerprint Vendor, and 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

1 functions, or any private person or entity acting on behalf
2 of a federal, State, or local agency in carrying out its
3 functions.

4 (2) For use in connection with matters of motor vehicle
5 or driver safety and theft; motor vehicle emissions; motor
6 vehicle product alterations, recalls, or advisories;
7 performance monitoring of motor vehicles, motor vehicle
8 parts, and dealers; and removal of non-owner records from
9 the original owner records of motor vehicle manufacturers.

10 (3) For use in the normal course of business by a
11 legitimate business or its agents, employees, or
12 contractors, but only:

13 (A) to verify the accuracy of personal information
14 submitted by an individual to the business or its
15 agents, employees, or contractors; and

16 (B) if such information as so submitted is not
17 correct or is no longer correct, to obtain the correct
18 information, but only for the purposes of preventing
19 fraud by, pursuing legal remedies against, or
20 recovering on a debt or security interest against, the
21 individual.

22 (4) For use in research activities and for use in
23 producing statistical reports, if the personally
24 identifying information is not published, redisclosed, or
25 used to contact individuals.

26 (5) For use in connection with any civil, criminal,

1 administrative, or arbitral proceeding in any federal,
2 State, or local court or agency or before any
3 self-regulatory body, including the service of process,
4 investigation in anticipation of litigation, and the
5 execution or enforcement of judgments and orders, or
6 pursuant to an order of a federal, State, or local court.

7 (6) For use by any insurer or insurance support
8 organization or by a self-insured entity or its agents,
9 employees, or contractors in connection with claims
10 investigation activities, antifraud activities, rating, or
11 underwriting.

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

14 (8) For use by any person licensed as a private
15 detective or firm licensed as a private detective agency
16 under the Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004,
18 private investigative agency or security service licensed
19 in Illinois for any purpose permitted under this
20 subsection.

21 (9) For use by an employer or its agent or insurer to
22 obtain or verify information relating to a holder of a
23 commercial driver's license that is required under chapter
24 313 of title 49 of the United States Code.

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

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

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

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

11 (14) For use by the Department of Revenue in the
12 administration of any tax administered by the Department of
13 Revenue or in the collection of any tax or debt that the
14 Department of Revenue is authorized or required by law to
15 collect. The Secretary of State may disclose or otherwise
16 make available to the Department social security numbers
17 for these purposes.

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

24 (g) 1. The Secretary of State may, upon receipt of a
25 written request and a fee of \$6 before October 1, 2003 and
26 a fee of \$12 on and after October 1, 2003, furnish to the

1 person or agency so requesting a driver's record. Such
2 document may include a record of: current driver's license
3 issuance information, except that the information on
4 judicial driving permits shall be available only as
5 otherwise provided by this Code; convictions; orders
6 entered revoking, suspending or cancelling a driver's
7 license or privilege; and notations of accident
8 involvement. All other information, unless otherwise
9 permitted by this Code, shall remain confidential.
10 Information released pursuant to a request for a driver's
11 record shall not contain personally identifying
12 information, unless the request for the driver's record was
13 made for one of the purposes set forth in subsection (f-5)
14 of this Section. The Secretary of State may, without fee,
15 allow a parent or guardian of a person under the age of 18
16 years, who holds an instruction permit or graduated
17 driver's license, to view that person's driving record
18 online, through a computer connection. The parent or
19 guardian's online access to the driving record will
20 terminate when the instruction permit or graduated
21 driver's license holder reaches the age of 18.

22 2. The Secretary of State shall not disclose or
23 otherwise make available to any person or entity any highly
24 restricted personal information obtained by the Secretary
25 of State in connection with a driver's license, vehicle, or
26 title registration record unless specifically authorized

1 by this Code. The Secretary of State may certify an
2 abstract of a driver's record upon written request
3 therefor. Such certification shall be made under the
4 signature of the Secretary of State and shall be
5 authenticated by the Seal of his office.

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

9 The Secretary of State may notify the affected driver
10 of the request for purchase of his driver's record as the
11 Secretary deems appropriate.

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

1 rule and regulation.

2 Any misrepresentation made by a requestor of driver
3 information shall be punishable as a petty offense, except
4 in the case of persons licensed as a private detective or
5 firms licensed as a private detective agency which shall be
6 subject to disciplinary sanctions under Section 40-10 of
7 the Private Detective, Private Alarm, Private Security,
8 Fingerprint Vendor, and Locksmith Act of 2004.

9 4. The Secretary of State may furnish without fee, upon
10 the written request of a law enforcement agency, any
11 information from a driver's record on file with the
12 Secretary of State when such information is required in the
13 enforcement of this Code or any other law relating to the
14 operation of motor vehicles, including records of
15 dispositions; documented information involving the use of
16 a motor vehicle; whether such individual has, or previously
17 had, a driver's license; and the address and personal
18 description as reflected on said driver's record.

19 5. Except as otherwise provided in this Section, the
20 Secretary of State may furnish, without fee, information
21 from an individual driver's record on file, if a written
22 request therefor is submitted by any public transit system
23 or authority, public defender, law enforcement agency, a
24 state or federal agency, or an Illinois local
25 intergovernmental association, if the request is for the
26 purpose of a background check of applicants for employment

1 with the requesting agency, or for the purpose of an
2 official investigation conducted by the agency, or to
3 determine a current address for the driver so public funds
4 can be recovered or paid to the driver, or for any other
5 purpose set forth in subsection (f-5) of this Section.

6 The Secretary may also furnish the courts a copy of an
7 abstract of a driver's record, without fee, subsequent to
8 an arrest for a violation of Section 11-501 or a similar
9 provision of a local ordinance. Such abstract may include
10 records of dispositions; documented information involving
11 the use of a motor vehicle as contained in the current
12 file; whether such individual has, or previously had, a
13 driver's license; and the address and personal description
14 as reflected on said driver's record.

15 6. Any certified abstract issued by the Secretary of
16 State or transmitted electronically by the Secretary of
17 State pursuant to this Section, to a court or on request of
18 a law enforcement agency, for the record of a named person
19 as to the status of the person's driver's license shall be
20 prima facie evidence of the facts therein stated and if the
21 name appearing in such abstract is the same as that of a
22 person named in an information or warrant, such abstract
23 shall be prima facie evidence that the person named in such
24 information or warrant is the same person as the person
25 named in such abstract and shall be admissible for any
26 prosecution under this Code and be admitted as proof of any

1 prior conviction or proof of records, notices, or orders
2 recorded on individual driving records maintained by the
3 Secretary of State.

4 7. Subject to any restrictions contained in the
5 Juvenile Court Act of 1987, and upon receipt of a proper
6 request and a fee of \$6 before October 1, 2003 and a fee of
7 \$12 on or after October 1, 2003, the Secretary of State
8 shall provide a driver's record to the affected driver, or
9 the affected driver's attorney, upon verification. Such
10 record shall contain all the information referred to in
11 paragraph 1 of this subsection (g) plus: any recorded
12 accident involvement as a driver; information recorded
13 pursuant to subsection (e) of Section 6-117 and paragraph
14 (4) of subsection (a) of Section 6-204 of this Code. All
15 other information, unless otherwise permitted by this
16 Code, shall remain confidential.

17 (h) The Secretary shall not disclose social security
18 numbers or any associated information obtained from the Social
19 Security Administration except pursuant to a written request
20 by, or with the prior written consent of, the individual
21 except: (1) to officers and employees of the Secretary who have
22 a need to know the social security numbers in performance of
23 their official duties, (2) to law enforcement officials for a
24 lawful, civil or criminal law enforcement investigation, and if
25 the head of the law enforcement agency has made a written
26 request to the Secretary specifying the law enforcement

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

13 (i) (Blank).

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

22 (k) All fees collected under this Section shall be paid
23 into the Road Fund of the State Treasury, except that (i) for
24 fees collected before October 1, 2003, \$3 of the \$6 fee for a
25 driver's record shall be paid into the Secretary of State
26 Special Services Fund, (ii) for fees collected on and after

1 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
2 be paid into the Secretary of State Special Services Fund and
3 \$6 shall be paid into the General Revenue Fund, and (iii) for
4 fees collected on and after October 1, 2003, 50% of the amounts
5 collected pursuant to subsection (b) shall be paid into the
6 General Revenue Fund.

7 (l) (Blank).

8 (m) Notations of accident involvement that may be disclosed
9 under this Section shall not include notations relating to
10 damage to a vehicle or other property being transported by a
11 tow truck. This information shall remain confidential,
12 provided that nothing in this subsection (m) shall limit
13 disclosure of any notification of accident involvement to any
14 law enforcement agency or official.

15 (n) Requests made by the news media for driver's license,
16 vehicle, or title registration information may be furnished
17 without charge or at a reduced charge, as determined by the
18 Secretary, when the specific purpose for requesting the
19 documents is deemed to be in the public interest. Waiver or
20 reduction of the fee is in the public interest if the principal
21 purpose of the request is to access and disseminate information
22 regarding the health, safety, and welfare or the legal rights
23 of the general public and is not for the principal purpose of
24 gaining a personal or commercial benefit. The information
25 provided pursuant to this subsection shall not contain
26 personally identifying information unless the information is

1 to be used for one of the purposes identified in subsection
2 (f-5) of this Section.

3 (o) The redisclosure of personally identifying information
4 obtained pursuant to this Section is prohibited, except to the
5 extent necessary to effectuate the purpose for which the
6 original disclosure of the information was permitted.

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

9 (Source: P.A. 94-56, eff. 6-17-05; 95-201, eff. 1-1-08; 95-287,
10 eff. 1-1-08; 95-331, eff. 8-21-07; 95-613, eff. 9-11-07;
11 revised 11-16-07.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.