



Sen. James F. Clayborne, Jr.

Filed: 3/2/2010

09600SB3769sam001

LRB096 20876 AJT 37782 a

1 AMENDMENT TO SENATE BILL 3769

2 AMENDMENT NO. _____. Amend Senate Bill 3769 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 2-123 as follows:

6 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

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

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

1 the equipment involved, and in addition is empowered to
2 establish prices and charges for the services so furnished and
3 for the use of the electronic equipment utilized.

4 (b) The Secretary is further empowered to and he shall ~~may,~~
5 ~~in his discretion,~~ furnish to any applicant, other than listed
6 in subsection (a) of this Section, vehicle or driver data on a
7 computer tape, disk, other electronic format or computer
8 processable medium, or printout at a fixed fee of \$250 for
9 orders received before October 1, 2003 and \$500 for orders
10 received on or after October 1, 2003, in advance, and require
11 in addition a further sufficient deposit based upon the
12 Secretary of State's estimate of the total cost of the
13 information requested and a charge of \$25 for orders received
14 before October 1, 2003 and \$50 for orders received on or after
15 October 1, 2003, per 1,000 units or part thereof identified or
16 the actual cost, whichever is greater. The Secretary is
17 authorized to refund any difference between the additional
18 deposit and the actual cost of the request. This service shall
19 not be in lieu of an abstract of a driver's record nor of a
20 title or registration search. This service may be limited to
21 entities purchasing a minimum number of records as required by
22 administrative rule. The information sold pursuant to this
23 subsection shall be the entire vehicle or driver data list, or
24 part thereof. The information sold pursuant to this subsection
25 shall not contain personally identifying information unless
26 the information is to be used for one of the purposes

1 identified in subsection (f-5) of this Section. Commercial
2 purchasers of driver and vehicle record databases shall enter
3 into a written agreement with the Secretary of State that
4 includes disclosure of the commercial use of the information to
5 be purchased.

6 (b-1) The Secretary is further empowered to and may, in his
7 or her discretion, furnish vehicle or driver data on a computer
8 tape, disk, or other electronic format or computer processible
9 medium, at no fee, to any State or local governmental agency
10 that uses the information provided by the Secretary to transmit
11 data back to the Secretary that enables the Secretary to
12 maintain accurate driving records, including dispositions of
13 traffic cases. This information may be provided without fee not
14 more often than once every 6 months.

15 (b-2) The Secretary is further empowered to and shall make
16 available for use by insurance agents immediate online
17 electronic furnishing of limited rating information. As used in
18 this subsection, "limited rating information" shall include
19 only the number of violations relating to driving under the
20 influence of alcohol, other drugs, or intoxicating compounds,
21 or any combination thereof and the number of offenses against
22 traffic regulations governing the movement of vehicles that
23 were committed by the driver or drivers within the immediately
24 preceding 3 or 5 years, whichever period is specified by the
25 person making the request. This subsection shall not limit the
26 amount or type of information otherwise available under

1 subsection (f-5) of this Section.

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

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

20 (e) (Blank).

21 (e-1) (Blank).

22 (f) The Secretary of State shall make a title or
23 registration search of the records of his office and a written
24 report on the same for any person, upon written application of
25 such person, accompanied by a fee of \$5 for each registration
26 or title search. The written application shall set forth the

1 intended use of the requested information. No fee shall be
2 charged for a title or registration search, or for the
3 certification thereof requested by a government agency. The
4 report of the title or registration search shall not contain
5 personally identifying information unless the request for a
6 search was made for one of the purposes identified in
7 subsection (f-5) of this Section. The report of the title or
8 registration search shall not contain highly restricted
9 personal information unless specifically authorized by this
10 Code.

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

17 The Secretary of State may notify the vehicle owner or
18 registrant of the request for purchase of his title or
19 registration information as the Secretary deems appropriate.

20 No information shall be released to the requestor until
21 expiration of a 10 day period. This 10 day period shall not
22 apply to requests for information made by law enforcement
23 officials, government agencies, financial institutions,
24 attorneys, insurers, employers, automobile associated
25 businesses, persons licensed as a private detective or firms
26 licensed as a private detective agency under the Private

1 Detective, Private Alarm, Private Security, Fingerprint
2 Vendor, and Locksmith Act of 2004, who are employed by or are
3 acting on behalf of law enforcement officials, government
4 agencies, financial institutions, attorneys, insurers,
5 employers, automobile associated businesses, and other
6 business entities for purposes consistent with the Illinois
7 Vehicle Code, the vehicle owner or registrant or other entities
8 as the Secretary may exempt by rule and regulation.

9 Any misrepresentation made by a requestor of title or
10 vehicle information shall be punishable as a petty offense,
11 except in the case of persons licensed as a private detective
12 or firms licensed as a private detective agency which shall be
13 subject to disciplinary sanctions under Section 40-10 of the
14 Private Detective, Private Alarm, Private Security,
15 Fingerprint Vendor, and Locksmith Act of 2004.

16 (f-5) The Secretary of State shall not disclose or
17 otherwise make available to any person or entity any personally
18 identifying information obtained by the Secretary of State in
19 connection with a driver's license, vehicle, or title
20 registration record unless the information is disclosed for one
21 of the following purposes:

22 (1) For use by any government agency, including any
23 court or law enforcement agency, in carrying out its
24 functions, or any private person or entity acting on behalf
25 of a federal, State, or local agency in carrying out its
26 functions.

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

7 (3) For use in the normal course of business by a
8 legitimate business or its agents, employees, or
9 contractors, but only:

10 (A) to verify the accuracy of personal information
11 submitted by an individual to the business or its
12 agents, employees, or contractors; and

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

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

23 (5) For use in connection with any civil, criminal,
24 administrative, or arbitral proceeding in any federal,
25 State, or local court or agency or before any
26 self-regulatory body, including the service of process,

1 investigation in anticipation of litigation, and the
2 execution or enforcement of judgments and orders, or
3 pursuant to an order of a federal, State, or local court.

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

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

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

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

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

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

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

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

8 (f-6) The Secretary of State shall not disclose or
9 otherwise make available to any person or entity any highly
10 restricted personal information obtained by the Secretary of
11 State in connection with a driver's license, vehicle, or title
12 registration record unless specifically authorized by this
13 Code.

14 (g) 1. The Secretary of State may, upon receipt of a
15 written request and a fee of \$6 before October 1, 2003 and
16 a fee of \$12 on and after October 1, 2003, furnish to the
17 person or agency so requesting a driver's record. Such
18 document may include a record of: current driver's license
19 issuance information, except that the information on
20 judicial driving permits shall be available only as
21 otherwise provided by this Code; convictions; orders
22 entered revoking, suspending or cancelling a driver's
23 license or privilege; and notations of accident
24 involvement. All other information, unless otherwise
25 permitted by this Code, shall remain confidential.
26 Information released pursuant to a request for a driver's

1 record shall not contain personally identifying
2 information, unless the request for the driver's record was
3 made for one of the purposes set forth in subsection (f-5)
4 of this Section. The Secretary of State may, without fee,
5 allow a parent or guardian of a person under the age of 18
6 years, who holds an instruction permit or graduated
7 driver's license, to view that person's driving record
8 online, through a computer connection. The parent or
9 guardian's online access to the driving record will
10 terminate when the instruction permit or graduated
11 driver's license holder reaches the age of 18.

12 2. The Secretary of State shall not disclose or
13 otherwise make available to any person or entity any highly
14 restricted personal information obtained by the Secretary
15 of State in connection with a driver's license, vehicle, or
16 title registration record unless specifically authorized
17 by this Code. The Secretary of State may certify an
18 abstract of a driver's record upon written request
19 therefor. Such certification shall be made under the
20 signature of the Secretary of State and shall be
21 authenticated by the Seal of his office.

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

25 The Secretary of State may notify the affected driver
26 of the request for purchase of his driver's record as the

1 Secretary deems appropriate.

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

18 Any misrepresentation made by a requestor of driver
19 information shall be punishable as a petty offense, except
20 in the case of persons licensed as a private detective or
21 firms licensed as a private detective agency which shall be
22 subject to disciplinary sanctions under Section 40-10 of
23 the Private Detective, Private Alarm, Private Security,
24 Fingerprint Vendor, and Locksmith Act of 2004.

25 4. The Secretary of State may furnish without fee, upon
26 the written request of a law enforcement agency, any

1 information from a driver's record on file with the
2 Secretary of State when such information is required in the
3 enforcement of this Code or any other law relating to the
4 operation of motor vehicles, including records of
5 dispositions; documented information involving the use of
6 a motor vehicle; whether such individual has, or previously
7 had, a driver's license; and the address and personal
8 description as reflected on said driver's record.

9 5. Except as otherwise provided in this Section, the
10 Secretary of State may furnish, without fee, information
11 from an individual driver's record on file, if a written
12 request therefor is submitted by any public transit system
13 or authority, public defender, law enforcement agency, a
14 state or federal agency, or an Illinois local
15 intergovernmental association, if the request is for the
16 purpose of a background check of applicants for employment
17 with the requesting agency, or for the purpose of an
18 official investigation conducted by the agency, or to
19 determine a current address for the driver so public funds
20 can be recovered or paid to the driver, or for any other
21 purpose set forth in subsection (f-5) of this Section.

22 The Secretary may also furnish the courts a copy of an
23 abstract of a driver's record, without fee, subsequent to
24 an arrest for a violation of Section 11-501 or a similar
25 provision of a local ordinance. Such abstract may include
26 records of dispositions; documented information involving

1 the use of a motor vehicle as contained in the current
2 file; whether such individual has, or previously had, a
3 driver's license; and the address and personal description
4 as reflected on said driver's record.

5 6. Any certified abstract issued by the Secretary of
6 State or transmitted electronically by the Secretary of
7 State pursuant to this Section, to a court or on request of
8 a law enforcement agency, for the record of a named person
9 as to the status of the person's driver's license shall be
10 prima facie evidence of the facts therein stated and if the
11 name appearing in such abstract is the same as that of a
12 person named in an information or warrant, such abstract
13 shall be prima facie evidence that the person named in such
14 information or warrant is the same person as the person
15 named in such abstract and shall be admissible for any
16 prosecution under this Code and be admitted as proof of any
17 prior conviction or proof of records, notices, or orders
18 recorded on individual driving records maintained by the
19 Secretary of State.

20 7. Subject to any restrictions contained in the
21 Juvenile Court Act of 1987, and upon receipt of a proper
22 request and a fee of \$6 before October 1, 2003 and a fee of
23 \$12 on or after October 1, 2003, the Secretary of State
24 shall provide a driver's record to the affected driver, or
25 the affected driver's attorney, upon verification. Such
26 record shall contain all the information referred to in

1 paragraph 1 of this subsection (g) plus: any recorded
2 accident involvement as a driver; information recorded
3 pursuant to subsection (e) of Section 6-117 and paragraph
4 (4) of subsection (a) of Section 6-204 of this Code. All
5 other information, unless otherwise permitted by this
6 Code, shall remain confidential.

7 (h) The Secretary shall not disclose social security
8 numbers or any associated information obtained from the Social
9 Security Administration except pursuant to a written request
10 by, or with the prior written consent of, the individual
11 except: (1) to officers and employees of the Secretary who have
12 a need to know the social security numbers in performance of
13 their official duties, (2) to law enforcement officials for a
14 lawful, civil or criminal law enforcement investigation, and if
15 the head of the law enforcement agency has made a written
16 request to the Secretary specifying the law enforcement
17 investigation for which the social security numbers are being
18 sought, (3) to the United States Department of Transportation,
19 or any other State, pursuant to the administration and
20 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
21 (4) pursuant to the order of a court of competent jurisdiction,
22 or (5) to the Department of Healthcare and Family Services
23 (formerly Department of Public Aid) for utilization in the
24 child support enforcement duties assigned to that Department
25 under provisions of the Illinois Public Aid Code after the
26 individual has received advanced meaningful notification of

1 what redisclosure is sought by the Secretary in accordance with
2 the federal Privacy Act.

3 (i) (Blank).

4 (j) Medical statements or medical reports received in the
5 Secretary of State's Office shall be confidential. No
6 confidential information may be open to public inspection or
7 the contents disclosed to anyone, except officers and employees
8 of the Secretary who have a need to know the information
9 contained in the medical reports and the Driver License Medical
10 Advisory Board, unless so directed by an order of a court of
11 competent jurisdiction.

12 (k) All fees collected under this Section shall be paid
13 into the Road Fund of the State Treasury, except that (i) for
14 fees collected before October 1, 2003, \$3 of the \$6 fee for a
15 driver's record shall be paid into the Secretary of State
16 Special Services Fund, (ii) for fees collected on and after
17 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
18 be paid into the Secretary of State Special Services Fund and
19 \$6 shall be paid into the General Revenue Fund, and (iii) for
20 fees collected on and after October 1, 2003, 50% of the amounts
21 collected pursuant to subsection (b) shall be paid into the
22 General Revenue Fund.

23 (l) (Blank).

24 (m) Notations of accident involvement that may be disclosed
25 under this Section shall not include notations relating to
26 damage to a vehicle or other property being transported by a

1 tow truck. This information shall remain confidential,
2 provided that nothing in this subsection (m) shall limit
3 disclosure of any notification of accident involvement to any
4 law enforcement agency or official.

5 (n) Requests made by the news media for driver's license,
6 vehicle, or title registration information may be furnished
7 without charge or at a reduced charge, as determined by the
8 Secretary, when the specific purpose for requesting the
9 documents is deemed to be in the public interest. Waiver or
10 reduction of the fee is in the public interest if the principal
11 purpose of the request is to access and disseminate information
12 regarding the health, safety, and welfare or the legal rights
13 of the general public and is not for the principal purpose of
14 gaining a personal or commercial benefit. The information
15 provided pursuant to this subsection shall not contain
16 personally identifying information unless the information is
17 to be used for one of the purposes identified in subsection
18 (f-5) of this Section.

19 (o) The redisclosure of personally identifying information
20 obtained pursuant to this Section is prohibited, except to the
21 extent necessary to effectuate the purpose for which the
22 original disclosure of the information was permitted.

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

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

1 95-876, eff. 8-21-08.)".