



Sen. James F. Clayborne, Jr.

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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.)".