



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1305

Introduced 02/09/11, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-123

from Ch. 95 1/2, par. 2-123

Amends the Illinois Vehicle Code. Provides that after October 1, 2011, each person or agency requesting a driver's record shall, in addition to all other applicable fees, pay a \$3 surcharge. Provides that all proceeds from this surcharge be deposited into the Fire Prevention Fund.

LRB097 05241 HEP 45291 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 changing
5 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
17 the equipment involved, and in addition is empowered to
18 establish prices and charges for the services so furnished and
19 for the use of the electronic equipment utilized.

20 (b) The Secretary is further empowered to and he may, in
21 his discretion, furnish to any applicant, other than listed in
22 subsection (a) of this Section, vehicle or driver data on a
23 computer tape, disk, other electronic format or computer

1 processable medium, or printout at a fixed fee of \$250 for
2 orders received before October 1, 2003 and \$500 for orders
3 received on or after October 1, 2003, in advance, and require
4 in addition a further sufficient deposit based upon the
5 Secretary of State's estimate of the total cost of the
6 information requested and a charge of \$25 for orders received
7 before October 1, 2003 and \$50 for orders received on or after
8 October 1, 2003, per 1,000 units or part thereof identified or
9 the actual cost, whichever is greater. The Secretary is
10 authorized to refund any difference between the additional
11 deposit and the actual cost of the request. This service shall
12 not be in lieu of an abstract of a driver's record nor of a
13 title or registration search. This service may be limited to
14 entities purchasing a minimum number of records as required by
15 administrative rule. The information sold pursuant to this
16 subsection shall be the entire vehicle or driver data list, or
17 part thereof. The information sold pursuant to this subsection
18 shall not contain personally identifying information unless
19 the information is to be used for one of the purposes
20 identified in subsection (f-5) of this Section. Commercial
21 purchasers of driver and vehicle record databases shall enter
22 into a written agreement with the Secretary of State that
23 includes disclosure of the commercial use of the information to
24 be purchased.

25 (b-1) The Secretary is further empowered to and may, in his
26 or her discretion, furnish vehicle or driver data on a computer

1 tape, disk, or other electronic format or computer processible
2 medium, at no fee, to any State or local governmental agency
3 that uses the information provided by the Secretary to transmit
4 data back to the Secretary that enables the Secretary to
5 maintain accurate driving records, including dispositions of
6 traffic cases. This information may be provided without fee not
7 more often than once every 6 months.

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

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

26 (e) (Blank).

1 (e-1) (Blank).

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

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

23 The Secretary of State may notify the vehicle owner or
24 registrant of the request for purchase of his title or
25 registration information as the Secretary deems appropriate.

26 No information shall be released to the requestor until

1 expiration of a 10 day period. This 10 day period shall not
2 apply to requests for information made by law enforcement
3 officials, government agencies, financial institutions,
4 attorneys, insurers, employers, automobile associated
5 businesses, persons licensed as a private detective or firms
6 licensed as a private detective agency under the Private
7 Detective, Private Alarm, Private Security, Fingerprint
8 Vendor, and Locksmith Act of 2004, who are employed by or are
9 acting on behalf of law enforcement officials, government
10 agencies, financial institutions, attorneys, insurers,
11 employers, automobile associated businesses, and other
12 business entities for purposes consistent with the Illinois
13 Vehicle Code, the vehicle owner or registrant or other entities
14 as the Secretary may exempt by rule and regulation.

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

22 (f-5) The Secretary of State shall not disclose or
23 otherwise make available to any person or entity any personally
24 identifying information obtained by the Secretary of State in
25 connection with a driver's license, vehicle, or title
26 registration record unless the information is disclosed for one

1 of the following purposes:

2 (1) For use by any government agency, including any
3 court or law enforcement agency, in carrying out its
4 functions, or any private person or entity acting on behalf
5 of a federal, State, or local agency in carrying out its
6 functions.

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

13 (3) For use in the normal course of business by a
14 legitimate business or its agents, employees, or
15 contractors, but only:

16 (A) to verify the accuracy of personal information
17 submitted by an individual to the business or its
18 agents, employees, or contractors; and

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

25 (4) For use in research activities and for use in
26 producing statistical reports, if the personally

1 identifying information is not published, redisclosed, or
2 used to contact individuals.

3 (5) For use in connection with any civil, criminal,
4 administrative, or arbitral proceeding in any federal,
5 State, or local court or agency or before any
6 self-regulatory body, including the service of process,
7 investigation in anticipation of litigation, and the
8 execution or enforcement of judgments and orders, or
9 pursuant to an order of a federal, State, or local court.

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

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

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

24 (9) For use by an employer or its agent or insurer to
25 obtain or verify information relating to a holder of a
26 commercial driver's license that is required under chapter

1 313 of title 49 of the United States Code.

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

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

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

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

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

20 (g) 1. The Secretary of State may, upon receipt of a
21 written request and a fee of \$6 before October 1, 2003 and
22 a fee of \$12 on and after October 1, 2003, furnish to the
23 person or agency so requesting a driver's record. Such
24 document may include a record of: current driver's license
25 issuance information, except that the information on
26 judicial driving permits shall be available only as

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

18 2. 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
21 of State in connection with a driver's license, vehicle, or
22 title registration record unless specifically authorized
23 by this Code. The Secretary of State may certify an
24 abstract of a driver's record upon written request
25 therefor. Such certification shall be made under the
26 signature of the Secretary of State and shall be

1 authenticated by the Seal of his office.

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

5 The Secretary of State may notify the affected driver
6 of the request for purchase of his driver's record as the
7 Secretary deems appropriate.

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

24 Any misrepresentation made by a requestor of driver
25 information shall be punishable as a petty offense, except
26 in the case of persons licensed as a private detective or

1 firms licensed as a private detective agency which shall be
2 subject to disciplinary sanctions under Section 40-10 of
3 the Private Detective, Private Alarm, Private Security,
4 Fingerprint Vendor, and Locksmith Act of 2004.

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

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

1 purpose set forth in subsection (f-5) of this Section.

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

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

26 7. Subject to any restrictions contained in the

1 Juvenile Court Act of 1987, and upon receipt of a proper
2 request and a fee of \$6 before October 1, 2003 and a fee of
3 \$12 on or after October 1, 2003, the Secretary of State
4 shall provide a driver's record to the affected driver, or
5 the affected driver's attorney, upon verification. Such
6 record shall contain all the information referred to in
7 paragraph 1 of this subsection (g) plus: any recorded
8 accident involvement as a driver; information recorded
9 pursuant to subsection (e) of Section 6-117 and paragraph
10 (4) of subsection (a) of Section 6-204 of this Code. All
11 other information, unless otherwise permitted by this
12 Code, shall remain confidential.

13 (g-5) Beginning October 1, 2011, each person or agency
14 requesting a driver's record in accordance with subsection (g)
15 of this Section shall, in addition to all other applicable
16 fees, pay a \$3 surcharge. All proceeds from this surcharge
17 shall be deposited into the Fire Prevention Fund.

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

1 request to the Secretary specifying the law enforcement
2 investigation for which the social security numbers are being
3 sought, (3) to the United States Department of Transportation,
4 or any other State, pursuant to the administration and
5 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
6 (4) pursuant to the order of a court of competent jurisdiction,
7 (5) to the Department of Healthcare and Family Services
8 (formerly Department of Public Aid) for utilization in the
9 child support enforcement duties assigned to that Department
10 under provisions of the Illinois Public Aid Code after the
11 individual has received advanced meaningful notification of
12 what redisclosure is sought by the Secretary in accordance with
13 the federal Privacy Act, or (6) to the Illinois Department of
14 Revenue solely for use by the Department in the collection of
15 any tax or debt that the Department of Revenue is authorized or
16 required by law to collect, provided that the Department shall
17 not disclose the social security number to any person or entity
18 outside of the Department.

19 (i) (Blank).

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

1 competent jurisdiction.

2 (k) All fees collected under this Section shall be paid
3 into the Road Fund of the State Treasury, except that (i) for
4 fees collected before October 1, 2003, \$3 of the \$6 fee for a
5 driver's record shall be paid into the Secretary of State
6 Special Services Fund, (ii) for fees collected on and after
7 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
8 be paid into the Secretary of State Special Services Fund and
9 \$6 shall be paid into the General Revenue Fund, and (iii) for
10 fees collected on and after October 1, 2003, 50% of the amounts
11 collected pursuant to subsection (b) shall be paid into the
12 General Revenue Fund.

13 (l) (Blank).

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

21 (n) Requests made by the news media for driver's license,
22 vehicle, or title registration information may be furnished
23 without charge or at a reduced charge, as determined by the
24 Secretary, when the specific purpose for requesting the
25 documents is deemed to be in the public interest. Waiver or
26 reduction of the fee is in the public interest if the principal

1 purpose of the request is to access and disseminate information
2 regarding the health, safety, and welfare or the legal rights
3 of the general public and is not for the principal purpose of
4 gaining a personal or commercial benefit. The information
5 provided pursuant to this subsection shall not contain
6 personally identifying information unless the information is
7 to be used for one of the purposes identified in subsection
8 (f-5) of this Section.

9 (o) The redisclosure of personally identifying information
10 obtained pursuant to this Section is prohibited, except to the
11 extent necessary to effectuate the purpose for which the
12 original disclosure of the information was permitted.

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

15 (Source: P.A. 95-201, eff. 1-1-08; 95-287, eff. 1-1-08; 95-331,
16 eff. 8-21-07; 95-613, eff. 9-11-07; 95-876, eff. 8-21-08;
17 96-1383, eff. 1-1-11.)