



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

**HB4967**

Introduced 2/3/2012, by Rep. Marlow H. Colvin

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-123

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

Amends the Illinois Vehicle Code. Provides that the Secretary of State is empowered to and "shall" (rather than "may, in his discretion") furnish to an applicant vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of \$500, in advance, and require a further sufficient deposit based upon the Secretary's estimate of the total cost of the information requested and a charge of \$50 for orders received per 1,000 units or part thereof identified or the actual cost, whichever is greater. Provides that the Secretary shall make vehicle and driver data available to commercial purchasers of driver and vehicle record databases, provided the commercial purchasers shall enter into a written agreement with the Secretary that includes disclosure of the commercial use of the information to be purchased.

LRB097 17931 HEP 63154 b

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 shall ~~he may,~~  
21 ~~in his discretion,~~ furnish to any applicant, other than listed  
22 in 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. The Secretary  
21 shall make vehicle and driver data available to commercial  
22 Commercial purchasers of driver and vehicle record databases,  
23 provided the commercial purchasers shall enter into a written  
24 agreement with the Secretary of State that includes disclosure  
25 of the commercial use of the information to be purchased.

26 (b-1) The Secretary is further empowered to and may, in his

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

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

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

1 (e) (Blank).

2 (e-1) (Blank).

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

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

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

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

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

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

1 registration record unless the information is disclosed for one  
2 of the following purposes:

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

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

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

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

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

26 (4) For use in research activities and for use in

1 producing statistical reports, if the personally  
2 identifying information is not published, redisclosed, or  
3 used to contact individuals.

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

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

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

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

25 (9) For use by an employer or its agent or insurer to  
26 obtain or verify information relating to a holder of a



1 commercial driver's license that is required under chapter  
2 313 of title 49 of the United States Code.

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

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

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

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

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

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

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

19           2. The Secretary of State shall not disclose or  
20      otherwise make available to any person or entity any highly  
21      restricted personal information obtained by the Secretary  
22      of State in connection with a driver's license, vehicle, or  
23      title registration record unless specifically authorized  
24      by this Code. The Secretary of State may certify an  
25      abstract of a driver's record upon written request  
26      therefor. Such certification shall be made under the

1 signature of the Secretary of State and shall be  
2 authenticated by the Seal of his office.

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

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

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

25 Any misrepresentation made by a requestor of driver  
26 information shall be punishable as a petty offense, except

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

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

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

1 can be recovered or paid to the driver, or for any other  
2 purpose set forth in subsection (f-5) of this Section.

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

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

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

14           (h) The Secretary shall not disclose social security  
15 numbers or any associated information obtained from the Social  
16 Security Administration except pursuant to a written request  
17 by, or with the prior written consent of, the individual  
18 except: (1) to officers and employees of the Secretary who have  
19 a need to know the social security numbers in performance of  
20 their official duties, (2) to law enforcement officials for a  
21 lawful, civil or criminal law enforcement investigation, and if  
22 the head of the law enforcement agency has made a written  
23 request to the Secretary specifying the law enforcement  
24 investigation for which the social security numbers are being  
25 sought, (3) to the United States Department of Transportation,  
26 or any other State, pursuant to the administration and

1 enforcement of the Commercial Motor Vehicle Safety Act of 1986,  
2 (4) pursuant to the order of a court of competent jurisdiction,  
3 (5) to the Department of Healthcare and Family Services  
4 (formerly Department of Public Aid) for utilization in the  
5 child support enforcement duties assigned to that Department  
6 under provisions of the Illinois Public Aid Code after the  
7 individual has received advanced meaningful notification of  
8 what redisclosure is sought by the Secretary in accordance with  
9 the federal Privacy Act, (5.5) to the Department of Healthcare  
10 and Family Services and the Department of Human Services solely  
11 for the purpose of verifying Illinois residency where such  
12 residency is an eligibility requirement for benefits under the  
13 Illinois Public Aid Code or any other health benefit program  
14 administered by the Department of Healthcare and Family  
15 Services or the Department of Human Services, or (6) to the  
16 Illinois Department of Revenue solely for use by the Department  
17 in the collection of any tax or debt that the Department of  
18 Revenue is authorized or required by law to collect, provided  
19 that the Department shall not disclose the social security  
20 number to any person or entity outside of the Department.

21 (i) (Blank).

22 (j) Medical statements or medical reports received in the  
23 Secretary of State's Office shall be confidential. Except as  
24 provided in this Section, no confidential information may be  
25 open to public inspection or the contents disclosed to anyone,  
26 except officers and employees of the Secretary who have a need

1 to know the information contained in the medical reports and  
2 the Driver License Medical Advisory Board, unless so directed  
3 by an order of a court of competent jurisdiction. If the  
4 Secretary receives a medical report regarding a driver that  
5 does not address a medical condition contained in a previous  
6 medical report, the Secretary may disclose the unaddressed  
7 medical condition to the driver or his or her physician, or  
8 both, solely for the purpose of submission of a medical report  
9 that addresses the condition.

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

21 (l) (Blank).

22 (m) Notations of accident involvement that may be disclosed  
23 under this Section shall not include notations relating to  
24 damage to a vehicle or other property being transported by a  
25 tow truck. This information shall remain confidential,  
26 provided that nothing in this subsection (m) shall limit



1 disclosure of any notification of accident involvement to any  
2 law enforcement agency or official.

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

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

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

23 (Source: P.A. 96-1383, eff. 1-1-11; 96-1501, eff. 1-25-11;  
24 97-229, eff. 7-28-11.)