



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1898

Introduced 2/10/2011, by Sen. James F. Clayborne, Jr.

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 is empowered to and shall make available for use by insurance agents immediate online electronic furnishing of limited rating information, which includes only the number of violations relating to driving under the influence of alcohol, other drugs, or intoxicating compounds, or any combination thereof and the number of offenses against traffic regulations governing the movement of vehicles that were committed by the driver or drivers within the immediately preceding 3 or 5 years, whichever period is specified by the person making the request.

LRB097 09882 HEP 50042 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. 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 (b-2) The Secretary is further empowered to and shall make
9 available for use by insurance agents immediate online
10 electronic furnishing of limited rating information. As used in
11 this subsection, "limited rating information" shall include
12 only the number of violations relating to driving under the
13 influence of alcohol, other drugs, or intoxicating compounds,
14 or any combination thereof and the number of offenses against
15 traffic regulations governing the movement of vehicles that
16 were committed by the driver or drivers within the immediately
17 preceding 3 or 5 years, whichever period is specified by the
18 person making the request. This subsection shall not limit the
19 amount or type of information otherwise available under
20 subsection (f-5) of this Section.

21 (c) Secretary of State may issue registration lists. The
22 Secretary of State may compile a list of all registered
23 vehicles. Each list of registered vehicles shall be arranged
24 serially according to the registration numbers assigned to
25 registered vehicles and may contain in addition the names and
26 addresses of registered owners and a brief description of each

1 vehicle including the serial or other identifying number
2 thereof. Such compilation may be in such form as in the
3 discretion of the Secretary of State may seem best for the
4 purposes intended.

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

13 (e) (Blank).

14 (e-1) (Blank).

15 (f) The Secretary of State shall make a title or
16 registration search of the records of his office and a written
17 report on the same for any person, upon written application of
18 such person, accompanied by a fee of \$5 for each registration
19 or title search. The written application shall set forth the
20 intended use of the requested information. No fee shall be
21 charged for a title or registration search, or for the
22 certification thereof requested by a government agency. The
23 report of the title or registration search shall not contain
24 personally identifying information unless the request for a
25 search was made for one of the purposes identified in
26 subsection (f-5) of this Section. The report of the title or

1 registration search shall not contain highly restricted
2 personal information unless specifically authorized by this
3 Code.

4 The Secretary of State shall certify a title or
5 registration record upon written request. The fee for
6 certification shall be \$5 in addition to the fee required for a
7 title or registration search. Certification shall be made under
8 the signature of the Secretary of State and shall be
9 authenticated by Seal of the Secretary of State.

10 The Secretary of State may notify the vehicle owner or
11 registrant of the request for purchase of his title or
12 registration information as the Secretary deems appropriate.

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

1 as the Secretary may exempt by rule and regulation.

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

9 (f-5) The Secretary of State shall not disclose or
10 otherwise make available to any person or entity any personally
11 identifying information obtained by the Secretary of State in
12 connection with a driver's license, vehicle, or title
13 registration record unless the information is disclosed for one
14 of the following purposes:

15 (1) For use by any government agency, including any
16 court or law enforcement agency, in carrying out its
17 functions, or any private person or entity acting on behalf
18 of a federal, State, or local agency in carrying out its
19 functions.

20 (2) For use in connection with matters of motor vehicle
21 or driver safety and theft; motor vehicle emissions; motor
22 vehicle product alterations, recalls, or advisories;
23 performance monitoring of motor vehicles, motor vehicle
24 parts, and dealers; and removal of non-owner records from
25 the original owner records of motor vehicle manufacturers.

26 (3) For use in the normal course of business by a

1 legitimate business or its agents, employees, or
2 contractors, but only:

3 (A) to verify the accuracy of personal information
4 submitted by an individual to the business or its
5 agents, employees, or contractors; and

6 (B) if such information as so submitted is not
7 correct or is no longer correct, to obtain the correct
8 information, but only for the purposes of preventing
9 fraud by, pursuing legal remedies against, or
10 recovering on a debt or security interest against, the
11 individual.

12 (4) For use in research activities and for use in
13 producing statistical reports, if the personally
14 identifying information is not published, redisclosed, or
15 used to contact individuals.

16 (5) For use in connection with any civil, criminal,
17 administrative, or arbitral proceeding in any federal,
18 State, or local court or agency or before any
19 self-regulatory body, including the service of process,
20 investigation in anticipation of litigation, and the
21 execution or enforcement of judgments and orders, or
22 pursuant to an order of a federal, State, or local court.

23 (6) For use by any insurer or insurance support
24 organization or by a self-insured entity or its agents,
25 employees, or contractors in connection with claims
26 investigation activities, antifraud activities, rating, or

1 underwriting.

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

4 (8) For use by any person licensed as a private
5 detective or firm licensed as a private detective agency
6 under the Private Detective, Private Alarm, Private
7 Security, Fingerprint Vendor, and Locksmith Act of 2004,
8 private investigative agency or security service licensed
9 in Illinois for any purpose permitted under this
10 subsection.

11 (9) For use by an employer or its agent or insurer to
12 obtain or verify information relating to a holder of a
13 commercial driver's license that is required under chapter
14 313 of title 49 of the United States Code.

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

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

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

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

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

7 (g) 1. The Secretary of State may, upon receipt of a
8 written request and a fee of \$6 before October 1, 2003 and
9 a fee of \$12 on and after October 1, 2003, furnish to the
10 person or agency so requesting a driver's record. Such
11 document may include a record of: current driver's license
12 issuance information, except that the information on
13 judicial driving permits shall be available only as
14 otherwise provided by this Code; convictions; orders
15 entered revoking, suspending or cancelling a driver's
16 license or privilege; and notations of accident
17 involvement. All other information, unless otherwise
18 permitted by this Code, shall remain confidential.
19 Information released pursuant to a request for a driver's
20 record shall not contain personally identifying
21 information, unless the request for the driver's record was
22 made for one of the purposes set forth in subsection (f-5)
23 of this Section. The Secretary of State may, without fee,
24 allow a parent or guardian of a person under the age of 18
25 years, who holds an instruction permit or graduated
26 driver's license, to view that person's driving record

1 online, through a computer connection. The parent or
2 guardian's online access to the driving record will
3 terminate when the instruction permit or graduated
4 driver's license holder reaches the age of 18.

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

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

18 The Secretary of State may notify the affected driver
19 of the request for purchase of his driver's record as the
20 Secretary deems appropriate.

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

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

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

18 4. The Secretary of State may furnish without fee, upon
19 the written request of a law enforcement agency, any
20 information from a driver's record on file with the
21 Secretary of State when such information is required in the
22 enforcement of this Code or any other law relating to the
23 operation of motor vehicles, including records of
24 dispositions; documented information involving the use of
25 a motor vehicle; whether such individual has, or previously
26 had, a driver's license; and the address and personal

1 description as reflected on said driver's record.

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

15 The Secretary may also furnish the courts a copy of an
16 abstract of a driver's record, without fee, subsequent to
17 an arrest for a violation of Section 11-501 or a similar
18 provision of a local ordinance. Such abstract may include
19 records of dispositions; documented information involving
20 the use of a motor vehicle as contained in the current
21 file; whether such individual has, or previously had, a
22 driver's license; and the address and personal description
23 as reflected on said driver's record.

24 6. Any certified abstract issued by the Secretary of
25 State or transmitted electronically by the Secretary of
26 State pursuant to this Section, to a court or on request of

1 a law enforcement agency, for the record of a named person
2 as to the status of the person's driver's license shall be
3 prima facie evidence of the facts therein stated and if the
4 name appearing in such abstract is the same as that of a
5 person named in an information or warrant, such abstract
6 shall be prima facie evidence that the person named in such
7 information or warrant is the same person as the person
8 named in such abstract and shall be admissible for any
9 prosecution under this Code and be admitted as proof of any
10 prior conviction or proof of records, notices, or orders
11 recorded on individual driving records maintained by the
12 Secretary of State.

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

26 (h) The Secretary shall not disclose social security

1 numbers or any associated information obtained from the Social
2 Security Administration except pursuant to a written request
3 by, or with the prior written consent of, the individual
4 except: (1) to officers and employees of the Secretary who have
5 a need to know the social security numbers in performance of
6 their official duties, (2) to law enforcement officials for a
7 lawful, civil or criminal law enforcement investigation, and if
8 the head of the law enforcement agency has made a written
9 request to the Secretary specifying the law enforcement
10 investigation for which the social security numbers are being
11 sought, (3) to the United States Department of Transportation,
12 or any other State, pursuant to the administration and
13 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
14 (4) pursuant to the order of a court of competent jurisdiction,
15 (5) to the Department of Healthcare and Family Services
16 (formerly Department of Public Aid) for utilization in the
17 child support enforcement duties assigned to that Department
18 under provisions of the Illinois Public Aid Code after the
19 individual has received advanced meaningful notification of
20 what redisclosure is sought by the Secretary in accordance with
21 the federal Privacy Act, (5.5) to the Department of Healthcare
22 and Family Services and the Department of Human Services solely
23 for the purpose of verifying Illinois residency where such
24 residency is an eligibility requirement for benefits under the
25 Illinois Public Aid Code or any other health benefit program
26 administered by the Department of Healthcare and Family

1 Services or the Department of Human Services, or (6) to the
2 Illinois Department of Revenue solely for use by the Department
3 in the collection of any tax or debt that the Department of
4 Revenue is authorized or required by law to collect, provided
5 that the Department shall not disclose the social security
6 number to any person or entity outside of the Department.

7 (i) (Blank).

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

16 (k) All fees collected under this Section shall be paid
17 into the Road Fund of the State Treasury, except that (i) for
18 fees collected before October 1, 2003, \$3 of the \$6 fee for a
19 driver's record shall be paid into the Secretary of State
20 Special Services Fund, (ii) for fees collected on and after
21 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
22 be paid into the Secretary of State Special Services Fund and
23 \$6 shall be paid into the General Revenue Fund, and (iii) for
24 fees collected on and after October 1, 2003, 50% of the amounts
25 collected pursuant to subsection (b) shall be paid into the
26 General Revenue Fund.

1 (l) (Blank).

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

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

23 (o) The redisclosure of personally identifying information
24 obtained pursuant to this Section is prohibited, except to the
25 extent necessary to effectuate the purpose for which the
26 original disclosure of the information was permitted.

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

3 (Source: P.A. 95-201, eff. 1-1-08; 95-287, eff. 1-1-08; 95-331,
4 eff. 8-21-07; 95-613, eff. 9-11-07; 95-876, eff. 8-21-08;
5 96-1383, eff. 1-1-11; 96-1501, eff. 1-25-11.)