



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB2890

Introduced 2/1/2012, 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 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. 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 18262 HEP 63488 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 (b-2) The Secretary is further empowered to and shall make
10 available, for use by insurance companies, insurance company
11 representatives, and insurance support organizations,
12 immediate online electronic furnishing of limited rating
13 information. As used in this subsection, "limited rating
14 information" shall include only the number of violations
15 relating to driving under the influence of alcohol, other
16 drugs, or intoxicating compounds, or any combination thereof
17 and the number of offenses against traffic regulations
18 governing the movement of vehicles that were committed by the
19 driver or drivers within the immediately preceding 3 or 5
20 years, whichever period is specified by the person making the
21 request. This subsection shall not limit the amount or type of
22 information otherwise available under subsection (f-5) of this
23 Section.

24 (c) Secretary of State may issue registration lists. The
25 Secretary of State may compile a list of all registered
26 vehicles. Each list of registered vehicles shall be arranged

1 serially according to the registration numbers assigned to
2 registered vehicles and may contain in addition the names and
3 addresses of registered owners and a brief description of each
4 vehicle including the serial or other identifying number
5 thereof. Such compilation may be in such form as in the
6 discretion of the Secretary of State may seem best for the
7 purposes intended.

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

16 (e) (Blank).

17 (e-1) (Blank).

18 (f) The Secretary of State shall make a title or
19 registration search of the records of his office and a written
20 report on the same for any person, upon written application of
21 such person, accompanied by a fee of \$5 for each registration
22 or title search. The written application shall set forth the
23 intended use of the requested information. No fee shall be
24 charged for a title or registration search, or for the
25 certification thereof requested by a government agency. The
26 report of the title or registration search shall not contain

1 personally identifying information unless the request for a
2 search was made for one of the purposes identified in
3 subsection (f-5) of this Section. The report of the title or
4 registration search shall not contain highly restricted
5 personal information unless specifically authorized by this
6 Code.

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

13 The Secretary of State may notify the vehicle owner or
14 registrant of the request for purchase of his title or
15 registration information as the Secretary deems appropriate.

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

1 employers, automobile associated businesses, and other
2 business entities for purposes consistent with the Illinois
3 Vehicle Code, the vehicle owner or registrant or other entities
4 as the Secretary may exempt by rule and regulation.

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

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

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

23 (2) For use in connection with matters of motor vehicle
24 or driver safety and theft; motor vehicle emissions; motor
25 vehicle product alterations, recalls, or advisories;
26 performance monitoring of motor vehicles, motor vehicle

1 parts, and dealers; and removal of non-owner records from
2 the original owner records of motor vehicle manufacturers.

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

6 (A) to verify the accuracy of personal information
7 submitted by an individual to the business or its
8 agents, employees, or contractors; and

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

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

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

26 (6) For use by any insurer or insurance support

1 organization or by a self-insured entity or its agents,
2 employees, or contractors in connection with claims
3 investigation activities, antifraud activities, rating, or
4 underwriting.

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

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

14 (9) For use by an employer or its agent or insurer to
15 obtain or verify information relating to a holder of a
16 commercial driver's license that is required under chapter
17 313 of title 49 of the United States Code.

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

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

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

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

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

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

1 allow a parent or guardian of a person under the age of 18
2 years, who holds an instruction permit or graduated
3 driver's license, to view that person's driving record
4 online, through a computer connection. The parent or
5 guardian's online access to the driving record will
6 terminate when the instruction permit or graduated
7 driver's license holder reaches the age of 18.

8 2. 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
11 of State in connection with a driver's license, vehicle, or
12 title registration record unless specifically authorized
13 by this Code. The Secretary of State may certify an
14 abstract of a driver's record upon written request
15 therefor. Such certification shall be made under the
16 signature of the Secretary of State and shall be
17 authenticated by the Seal of his office.

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

21 The Secretary of State may notify the affected driver
22 of the request for purchase of his driver's record as the
23 Secretary deems appropriate.

24 No information shall be released to the requester until
25 expiration of a 10 day period. This 10 day period shall not
26 apply to requests for information made by law enforcement

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

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

21 4. The Secretary of State may furnish without fee, upon
22 the written request of a law enforcement agency, any
23 information from a driver's record on file with the
24 Secretary of State when such information is required in the
25 enforcement of this Code or any other law relating to the
26 operation of motor vehicles, including records of

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

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

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

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

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

1 other information, unless otherwise permitted by this
2 Code, shall remain confidential.

3 (h) The Secretary shall not disclose social security
4 numbers or any associated information obtained from the Social
5 Security Administration except pursuant to a written request
6 by, or with the prior written consent of, the individual
7 except: (1) to officers and employees of the Secretary who have
8 a need to know the social security numbers in performance of
9 their official duties, (2) to law enforcement officials for a
10 lawful, civil or criminal law enforcement investigation, and if
11 the head of the law enforcement agency has made a written
12 request to the Secretary specifying the law enforcement
13 investigation for which the social security numbers are being
14 sought, (3) to the United States Department of Transportation,
15 or any other State, pursuant to the administration and
16 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
17 (4) pursuant to the order of a court of competent jurisdiction,
18 (5) to the Department of Healthcare and Family Services
19 (formerly Department of Public Aid) for utilization in the
20 child support enforcement duties assigned to that Department
21 under provisions of the Illinois Public Aid Code after the
22 individual has received advanced meaningful notification of
23 what redisclosure is sought by the Secretary in accordance with
24 the federal Privacy Act, (5.5) to the Department of Healthcare
25 and Family Services and the Department of Human Services solely
26 for the purpose of verifying Illinois residency where such

1 residency is an eligibility requirement for benefits under the
2 Illinois Public Aid Code or any other health benefit program
3 administered by the Department of Healthcare and Family
4 Services or the Department of Human Services, or (6) to the
5 Illinois Department of Revenue solely for use by the Department
6 in the collection of any tax or debt that the Department of
7 Revenue is authorized or required by law to collect, provided
8 that the Department shall not disclose the social security
9 number to any person or entity outside of the Department.

10 (i) (Blank).

11 (j) Medical statements or medical reports received in the
12 Secretary of State's Office shall be confidential. Except as
13 provided in this Section, no confidential information may be
14 open to public inspection or the contents disclosed to anyone,
15 except officers and employees of the Secretary who have a need
16 to know the information contained in the medical reports and
17 the Driver License Medical Advisory Board, unless so directed
18 by an order of a court of competent jurisdiction. If the
19 Secretary receives a medical report regarding a driver that
20 does not address a medical condition contained in a previous
21 medical report, the Secretary may disclose the unaddressed
22 medical condition to the driver or his or her physician, or
23 both, solely for the purpose of submission of a medical report
24 that addresses the condition.

25 (k) All fees collected under this Section shall be paid
26 into the Road Fund of the State Treasury, except that (i) for

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

10 (l) (Blank).

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

18 (n) Requests made by the news media for driver's license,
19 vehicle, or title registration information may be furnished
20 without charge or at a reduced charge, as determined by the
21 Secretary, when the specific purpose for requesting the
22 documents is deemed to be in the public interest. Waiver or
23 reduction of the fee is in the public interest if the principal
24 purpose of the request is to access and disseminate information
25 regarding the health, safety, and welfare or the legal rights
26 of the general public and is not for the principal purpose of

1 gaining a personal or commercial benefit. The information
2 provided pursuant to this subsection shall not contain
3 personally identifying information unless the information is
4 to be used for one of the purposes identified in subsection
5 (f-5) of this Section.

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

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

12 (Source: P.A. 96-1383, eff. 1-1-11; 96-1501, eff. 1-25-11;
13 97-229, eff. 7-28-11.)