

HB5777



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB5777

by Rep. Emanuel Chris Welch

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 may release personal identifying information of any person or entity to a member of the news media for newsgathering purposes (rather than for newsgathering purposes that relate to the operation of a motor vehicle or public safety), unless the information is intended for a commercial purpose.

LRB099 18979 AXK 43368 b

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,
9 unless intended for a commercial purpose as defined in
10 Section 2 of the Freedom of Information Act. ~~when the~~
11 ~~request relates to the operation of a motor vehicle or~~
12 ~~public safety.~~

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

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

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

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

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

1 therefor. Such certification shall be made under the
2 signature of the Secretary of State and shall be
3 authenticated by the Seal of his office.

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

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

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

26 Any misrepresentation made by a requestor of driver

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

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

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

1 determine a current address for the driver so public funds
2 can be recovered or paid to the driver, or for any other
3 purpose set forth in subsection (f-5) of this Section.

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

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

1 Secretary of State.

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

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

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

24 (i) (Blank).

25 (j) Medical statements or medical reports received in the
26 Secretary of State's Office shall be confidential. Except as

1 provided in this Section, no confidential information may be
2 open to public inspection or the contents disclosed to anyone,
3 except officers and employees of the Secretary who have a need
4 to know the information contained in the medical reports and
5 the Driver License Medical Advisory Board, unless so directed
6 by an order of a court of competent jurisdiction. If the
7 Secretary receives a medical report regarding a driver that
8 does not address a medical condition contained in a previous
9 medical report, the Secretary may disclose the unaddressed
10 medical condition to the driver or his or her physician, or
11 both, solely for the purpose of submission of a medical report
12 that addresses the condition.

13 (k) Disbursement of fees collected under this Section shall
14 be as follows: (1) of the \$12 fee for a driver's record, \$3
15 shall be paid into the Secretary of State Special Services
16 Fund, and \$6 shall be paid into the General Revenue Fund; (2)
17 50% of the amounts collected under subsection (b) shall be paid
18 into the General Revenue Fund; and (3) all remaining fees shall
19 be disbursed under subsection (g) of Section 2-119 of this
20 Code.

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. 98-463, eff. 8-16-13; 99-127, eff. 1-1-16.)