

1 individual driving records. The Department may furnish
2 copies of its written accident reports to federal and State
3 agencies that are engaged in highway safety research and
4 studies. Reports furnished to any agency other than the
5 Secretary of State or the Illinois Commerce Commission may be
6 used only for statistical or analytical purposes and shall be
7 held confidential by that agency. No such written report
8 shall be used as evidence in any trial, civil or criminal,
9 arising out of a motor vehicle accident, except that the
10 Administrator shall furnish upon demand of any person who
11 has, or claims to have, made such a written report, or upon
12 demand of any court, a certificate showing that a specified
13 written accident report has or has not been made to the
14 Administrator solely to prove a compliance or a failure to
15 comply with the requirement that such a written report be
16 made to the Administrator.

17 (b) Notwithstanding any other provision of this Code,
18 the Department may furnish copies of accident records to any
19 person or entity in bulk electronic form after the name,
20 address, telephone number, and social security number is
21 removed and only for the purpose of preparing vehicle history
22 reports on specific vehicles. The person or entity must pay
23 all reasonable costs associated with producing the accident
24 records in bulk electronic form. The Department may set a
25 bulk rate for access to the records in bulk electronic form.

26 (c) The Department must require any person or entity who
27 requests access to accident records in bulk electronic form
28 to stipulate, through a written agreement with the
29 Department, the following:

30 (1) that the person or entity may use the accident
31 records only for the purpose of identifying vehicles that
32 have been involved in accidents or damaged and not for
33 the purpose of identifying individuals;

34 (2) that the person or entity assumes all

1 responsibilities for the accurate use and portrayal of
2 the accident record;

3 (3) that the person or entity may not use the
4 accident records in a manner in which the integrity of
5 the information in the accident records is compromised;

6 (4) that the person or entity is responsible for
7 omissions or errors in the accident records committed by
8 or on behalf of the person or entity;

9 (5) that the person or entity must remove or
10 correct an accident record upon notification to the
11 person or entity that the accident record was created in
12 error or that certain data elements on the accident
13 record were entered in error;

14 (6) that the person or entity indemnifies any third
15 party requestor of the accident record, in the case of an
16 accident record provided by the Department to the person
17 or entity that becomes available after the third party
18 requestor's request, against losses sustained from the
19 sale of a motor vehicle; and

20 (7) that the person or entity intends to use the
21 accident records only to the extent permitted under the
22 Driver's Privacy Protection Section of the Violent Crime
23 Control and Law Enforcement Act of 1994 and subsequent
24 amendments.

25 (d) The Department may cease providing the accident
26 records to the person or entity if the Department concludes
27 that the person or entity has failed to use the accident
28 records in the manner prescribed by this Section. The
29 Department shall resume providing the records to the person
30 or entity if the person or entity cures the failure within 90
31 days after receiving notice that the records no longer would
32 be provided.

33 (e) The Department of Transportation at its discretion
34 may provide for in-depth investigations of accidents

1 involving Department employees. A written report describing
2 the preventability of such an accident may be prepared to
3 enhance the safety of Department employees. Such reports and
4 any opinions expressed in the review of the accident as to
5 the preventability of the accident shall be for the
6 privileged use of the Department and held confidential and
7 shall not be obtainable or used in any civil or criminal
8 proceeding.

9 (Source: P.A. 89-503, eff. 7-1-96.)".