



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/6/2004, by John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-123

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

Amends the Illinois Vehicle Code. Makes a technical change in a provision concerning the Secretary of State.

LRB093 21056 DRH 47079 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 those ~~such~~ services and the use
17 of 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
24 processable medium, or printout at a fixed fee of \$250 for
25 orders received before October 1, 2003 and \$500 for orders
26 received on or after October 1, 2003, in advance, and require
27 in addition a further sufficient deposit based upon the
28 Secretary of State's estimate of the total cost of the
29 information requested and a charge of \$25 for orders received
30 before October 1, 2003 and \$50 for orders received on or after
31 October 1, 2003, per 1,000 units or part thereof identified or
32 the actual cost, whichever is greater. The Secretary is

1 authorized to refund any difference between the additional
2 deposit and the actual cost of the request. This service shall
3 not be in lieu of an abstract of a driver's record nor of a
4 title or registration search. This service may be limited to
5 entities purchasing a minimum number of records as required by
6 administrative rule. The information sold pursuant to this
7 subsection shall be the entire vehicle or driver data list, or
8 part thereof. The information sold pursuant to this subsection
9 shall not contain personally identifying information unless
10 the information is to be used for one of the purposes
11 identified in subsection (f-5) of this Section. Commercial
12 purchasers of driver and vehicle record databases shall enter
13 into a written agreement with the Secretary of State that
14 includes disclosure of the commercial use of the information to
15 be purchased.

16 (c) Secretary of State may issue registration lists. The
17 Secretary of State shall compile and publish, at least
18 annually, a list of all registered vehicles. Each list of
19 registered vehicles shall be arranged serially according to the
20 registration numbers assigned to registered vehicles and shall
21 contain in addition the names and addresses of registered
22 owners and a brief description of each vehicle including the
23 serial or other identifying number thereof. Such compilation
24 may be in such form as in the discretion of the Secretary of
25 State may seem best for the purposes intended.

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

34 (e) (Blank).

35 (e-1) (Blank).

36 (f) The Secretary of State shall make a title or

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

12 The Secretary of State shall certify a title or
13 registration record upon written request. The fee for
14 certification shall be \$5 in addition to the fee required for a
15 title or registration search. Certification shall be made under
16 the signature of the Secretary of State and shall be
17 authenticated by Seal of the Secretary of State.

18 The Secretary of State may notify the vehicle owner or
19 registrant of the request for purchase of his title or
20 registration information as the Secretary deems appropriate.

21 No information shall be released to the requestor 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 firms
27 licensed as a private detective agency under the Private
28 Detective, Private Alarm, Private Security, and Locksmith Act
29 of 2004, who are employed by or are acting on behalf of law
30 enforcement officials, government agencies, financial
31 institutions, attorneys, insurers, employers, automobile
32 associated businesses, and other business entities for
33 purposes consistent with the Illinois Vehicle Code, the vehicle
34 owner or registrant or other entities as the Secretary may
35 exempt by rule and regulation.

36 Any misrepresentation made by a requestor of title or

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

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

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

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

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

27 (A) to verify the accuracy of personal information
28 submitted by an individual to the business or its
29 agents, employees, or contractors; and

30 (B) if such information as so submitted is not
31 correct or is no longer correct, to obtain the correct
32 information, but only for the purposes of preventing
33 fraud by, pursuing legal remedies against, or
34 recovering on a debt or security interest against, the
35 individual.

36 (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 private investigative agency or
19 security service licensed in Illinois for any purpose
20 permitted under this subsection.

21 (9) For use by an employer or its agent or insurer to
22 obtain or verify information relating to a holder of a
23 commercial driver's license that is required under chapter
24 313 of title 49 of the United States Code.

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

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

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

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

1 (g) 1. The Secretary of State may, upon receipt of a
2 written request and a fee of \$6 before October 1, 2003 and
3 a fee of \$12 on and after October 1, 2003, furnish to the
4 person or agency so requesting a driver's record. Such
5 document may include a record of: current driver's license
6 issuance information, except that the information on
7 judicial driving permits shall be available only as
8 otherwise provided by this Code; convictions; orders
9 entered revoking, suspending or cancelling a driver's
10 license or privilege; and notations of accident
11 involvement. All other information, unless otherwise
12 permitted by this Code, shall remain confidential.
13 Information released pursuant to a request for a driver's
14 record shall not contain personally identifying
15 information, unless the request for the driver's record was
16 made for one of the purposes set forth in subsection (f-5)
17 of this Section.

18 2. The Secretary of State may certify an abstract of a
19 driver's record upon written request therefor. Such
20 certification shall be made under the signature of the
21 Secretary of State and shall be authenticated by the Seal
22 of his office.

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

26 The Secretary of State may notify the affected driver
27 of the request for purchase of his driver's record as the
28 Secretary deems appropriate.

29 No information shall be released to the requester until
30 expiration of a 10 day period. This 10 day period shall not
31 apply to requests for information made by law enforcement
32 officials, government agencies, financial institutions,
33 attorneys, insurers, employers, automobile associated
34 businesses, persons licensed as a private detective or
35 firms licensed as a private detective agency under the
36 Private Detective, Private Alarm, Private Security, and

1 Locksmith Act of 2004, who are employed by or are acting on
2 behalf of law enforcement officials, government agencies,
3 financial institutions, attorneys, insurers, employers,
4 automobile associated businesses, and other business
5 entities for purposes consistent with the Illinois Vehicle
6 Code, the affected driver or other entities as the
7 Secretary may exempt by rule and regulation.

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

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

25 5. Except as otherwise provided in this Section, the
26 Secretary of State may furnish, without fee, information
27 from an individual driver's record on file, if a written
28 request therefor is submitted by any public transit system
29 or authority, public defender, law enforcement agency, a
30 state or federal agency, or an Illinois local
31 intergovernmental association, if the request is for the
32 purpose of a background check of applicants for employment
33 with the requesting agency, or for the purpose of an
34 official investigation conducted by the agency, or to
35 determine a current address for the driver so public funds
36 can be recovered or paid to the driver, or for any other

1 purpose set forth in subsection (f-5) of this Section.

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

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

26 7. Subject to any restrictions contained in the
27 Juvenile Court Act of 1987, and upon receipt of a proper
28 request and a fee of \$6 before October 1, 2003 and a fee of
29 \$12 on or after October 1, 2003, the Secretary of State
30 shall provide a driver's record to the affected driver, or
31 the affected driver's attorney, upon verification. Such
32 record shall contain all the information referred to in
33 paragraph 1 of this subsection (g) plus: any recorded
34 accident involvement as a driver; information recorded
35 pursuant to subsection (e) of Section 6-117 and paragraph
36 (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 except pursuant to a written request by, or with the
5 prior written consent of, the individual except: (1) to
6 officers and employees of the Secretary who have a need to know
7 the social security numbers in performance of their official
8 duties, (2) to law enforcement officials for a lawful, civil or
9 criminal law enforcement investigation, and if the head of the
10 law enforcement agency has made a written request to the
11 Secretary specifying the law enforcement investigation for
12 which the social security numbers are being sought, (3) to the
13 United States Department of Transportation, or any other State,
14 pursuant to the administration and enforcement of the
15 Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to
16 the order of a court of competent jurisdiction, or (5) to the
17 Department of Public Aid for utilization in the child support
18 enforcement duties assigned to that Department under
19 provisions of the Public Aid Code after the individual has
20 received advanced meaningful notification of what redisclosure
21 is sought by the Secretary in accordance with the federal
22 Privacy Act.

23 (i) (Blank).

24 (j) Medical statements or medical reports received in the
25 Secretary of State's Office shall be confidential. No
26 confidential information may be open to public inspection or
27 the contents disclosed to anyone, except officers and employees
28 of the Secretary who have a need to know the information
29 contained in the medical reports and the Driver License Medical
30 Advisory Board, unless so directed by an order of a court of
31 competent jurisdiction.

32 (k) All fees collected under this Section shall be paid
33 into the Road Fund of the State Treasury, except that (i) for
34 fees collected before October 1, 2003, \$3 of the \$6 fee for a
35 driver's record shall be paid into the Secretary of State
36 Special Services Fund, (ii) for fees collected on and after

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

7 (l) (Blank).

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

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

29 (o) The redisclosure of personally identifying information
30 obtained pursuant to this Section is prohibited, except to the
31 extent necessary to effectuate the purpose for which the
32 original disclosure of the information was permitted.

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

35 (Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32,
36 eff. 7-1-03; 93-438, eff. 8-5-03; revised 9-23-03.)