

1 AN ACT concerning identification.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 3. The Illinois Identification Card Act is amended
5 by adding Section 14D as follows:

6 (15 ILCS 335/14D new)

7 Sec. 14D. Limitations on use of identification card
8 information.

9 (a) When information is obtained from an identification
10 card issued by the Secretary of State to identify or prove the
11 age of the holder of the card, or in the course of a commercial
12 transaction, that information may be used only for purposes of
13 identification of the individual or for completing the
14 commercial transaction in which the information was obtained.
15 Information obtained from an identification card issued by the
16 Secretary of State may not be used for purposes unrelated to
17 the transaction in which it was obtained, including, but not
18 limited to, commercial solicitations. Information obtained
19 from an identification card issued by the Secretary of State to
20 identify or prove the age of the holder of the card, or in the
21 course of a commercial transaction, may not be sold, leased or
22 otherwise provided to any third party.

23 (b) As used in this Section, "information" on an
24 identification card issued by the Secretary of State includes
25 readable text on the face of the card and information encoded
26 or encrypted into a bar code, magnetic strip, or other
27 electronically readable device on or in the card.

28 (c) Any individual whose identification card information
29 has been used in violation of this Section has a cause of
30 action against the person who violated this Section. Upon a
31 finding that a violation did occur, the individual whose
32 information was used in violation of this Section is entitled

1 to recover actual damages, but not less than liquidated damages
2 in the amount of \$250 for each violation, plus attorney's fees
3 and the costs of bringing the action.

4 (d) Use of information contained on an identification card
5 issued by the Secretary of State is not a violation of this
6 Section if the individual whose information has been used gave
7 express permission for that use, or if the information relating
8 to the individual was obtained from a source other than the
9 individual's identification card issued by the Secretary of
10 State.

11 (e) This Section does not apply to any agency of the United
12 States or to the State of Illinois or any of its political
13 subdivisions.

14 Section 5. The Illinois Vehicle Code is amended by adding
15 Section 6-117.1 as follows:

16 (625 ILCS 5/6-117.1 new)

17 Sec. 6-117.1. Prohibited use of driver's license
18 information.

19 (a) When information is obtained from a driver's license to
20 identify or prove the age of the holder of the license, or in
21 the course of a commercial transaction, that information may be
22 used only for purposes of identification of the individual or
23 for completing the commercial transaction in which the
24 information was obtained. Information obtained from a driver's
25 license may not be used for purposes unrelated to the
26 transaction in which it was obtained, including, but not
27 limited to, commercial solicitations. Information obtained
28 from a driver's license to identify the holder of the license,
29 or in the course of a commercial transaction, may not be sold,
30 leased, or otherwise provided to any third party.

31 (b) Any individual whose driver's license information has
32 been used in violation of this Section has a cause of action
33 against the person who violated this Section. Upon a finding
34 that a violation did occur, the individual whose information

1 was used in violation of this Section is entitled to recover
2 actual damages, but not less than liquidated damages in the
3 amount of \$250 for each violation, plus attorney's fees and the
4 costs of bringing the action.

5 (c) Use of information contained on a driver's license is
6 not a violation of this Section if (i) the individual whose
7 information has been used gave express permission for that use
8 or (ii) the information relating to the individual was obtained
9 from a source other than the individual's driver's license.

10 (d) This Section does not apply to any agency of the United
11 States, the State of Illinois, or any other state or political
12 subdivision thereof.