



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

SB2276

Introduced 1/12/2006, by Sen. Carol Ronen

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-123

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

Amends the Illinois Vehicle Code with regard to the sale and distribution of information by the Secretary of State. Provides that the information that may be sold includes information regarding violation, conviction, or driver license revocation, suspension, or cancellation activity that occurred within the most recent monthly period. Provides that, before providing designated summary information regarding that activity, the Secretary must determine that the provision of the requested information will cause the actual purchase of an abstract of a driver's record and that the State will not lose any revenue.

LRB094 16324 DRH 51574 b

1 AN ACT concerning vehicles.

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  
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. The Secretary must determine,  
5 before providing designated summary information indicating  
6 violation, conviction, or driver's license revocation,  
7 suspension, or cancellation activity that occurred within the  
8 most recent monthly period, that the provision of the requested  
9 information will cause the actual purchase of an abstract of a  
10 driver's record pursuant to subsection (g) and that the State  
11 will not lose any revenue. This service may be limited to  
12 entities purchasing a minimum number of records as required by  
13 administrative rule. The information sold pursuant to this  
14 subsection shall be violation, conviction, or driver's license  
15 revocation, suspension, or cancellation activity that occurred  
16 within the most recent monthly period or the entire vehicle or  
17 driver data list, or part thereof. The information sold  
18 pursuant to this subsection shall not contain personally  
19 identifying information unless the information is to be used  
20 for one of the purposes identified in subsection (f-5) of this  
21 Section. Commercial purchasers of driver and vehicle record  
22 databases shall enter into a written agreement with the  
23 Secretary of State that includes disclosure of the commercial  
24 use of the information to 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  
27 tape, disk, or other electronic format or computer processible  
28 medium, at no fee, to any State or local governmental agency  
29 that uses the information provided by the Secretary to transmit  
30 data back to the Secretary that enables the Secretary to  
31 maintain accurate driving records, including dispositions of  
32 traffic cases. This information may be provided without fee not  
33 more often than once every 6 months.

34 (c) Secretary of State may issue registration lists. The  
35 Secretary of State shall compile and publish, at least  
36 annually, a list of all registered vehicles. Each list of

1 registered vehicles shall be arranged serially according to the  
2 registration numbers assigned to registered vehicles and shall  
3 contain in addition the names and addresses of registered  
4 owners and a brief description of each vehicle including the  
5 serial or other identifying number thereof. Such compilation  
6 may be in such form as in the discretion of the Secretary of  
7 State may seem best for the 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  
27 personally identifying information unless the request for a  
28 search was made for one of the purposes identified in  
29 subsection (f-5) of this Section. The report of the title or  
30 registration search shall not contain highly restricted  
31 personal information unless specifically authorized by this  
32 Code.

33 The Secretary of State shall certify a title or  
34 registration record upon written request. The fee for  
35 certification shall be \$5 in addition to the fee required for a  
36 title or registration search. Certification shall be made under

1 the signature of the Secretary of State and shall be  
2 authenticated by Seal of the Secretary of State.

3 The Secretary of State may notify the vehicle owner or  
4 registrant of the request for purchase of his title or  
5 registration information as the Secretary deems appropriate.

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

21 Any misrepresentation made by a requestor of title or  
22 vehicle information shall be punishable as a petty offense,  
23 except in the case of persons licensed as a private detective  
24 or firms licensed as a private detective agency which shall be  
25 subject to disciplinary sanctions under Section 40-10 of the  
26 Private Detective, Private Alarm, Private Security, and  
27 Locksmith Act of 2004.

28 (f-5) The Secretary of State shall not disclose or  
29 otherwise make available to any person or entity any personally  
30 identifying information obtained by the Secretary of State in  
31 connection with a driver's license, vehicle, or title  
32 registration record unless the information is disclosed for one  
33 of the following purposes:

34 (1) For use by any government agency, including any  
35 court or law enforcement agency, in carrying out its  
36 functions, or any private person or entity acting on behalf

1 of a federal, State, or local agency in carrying out its  
2 functions.

3 (2) For use in connection with matters of motor vehicle  
4 or driver safety and theft; motor vehicle emissions; motor  
5 vehicle product alterations, recalls, or advisories;  
6 performance monitoring of motor vehicles, motor vehicle  
7 parts, and dealers; and removal of non-owner records from  
8 the original owner records of motor vehicle manufacturers.

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

12 (A) to verify the accuracy of personal information  
13 submitted by an individual to the business or its  
14 agents, employees, or contractors; and

15 (B) if such information as so submitted is not  
16 correct or is no longer correct, to obtain the correct  
17 information, but only for the purposes of preventing  
18 fraud by, pursuing legal remedies against, or  
19 recovering on a debt or security interest against, the  
20 individual.

21 (4) For use in research activities and for use in  
22 producing statistical reports, if the personally  
23 identifying information is not published, redisclosed, or  
24 used to contact individuals.

25 (5) For use in connection with any civil, criminal,  
26 administrative, or arbitral proceeding in any federal,  
27 State, or local court or agency or before any  
28 self-regulatory body, including the service of process,  
29 investigation in anticipation of litigation, and the  
30 execution or enforcement of judgments and orders, or  
31 pursuant to an order of a federal, State, or local court.

32 (6) For use by any insurer or insurance support  
33 organization or by a self-insured entity or its agents,  
34 employees, or contractors in connection with claims  
35 investigation activities, antifraud activities, rating, or  
36 underwriting.

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

3 (8) For use by any person licensed as a private  
4 detective or firm licensed as a private detective agency  
5 under the Private Detective, Private Alarm, Private  
6 Security, and Locksmith Act of 1993, private investigative  
7 agency or security service licensed in Illinois for any  
8 purpose permitted under this subsection.

9 (9) For use by an employer or its agent or insurer to  
10 obtain or verify information relating to a holder of a  
11 commercial driver's license that is required under chapter  
12 313 of title 49 of the United States Code.

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

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

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

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

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

31 (g) 1. The Secretary of State may, upon receipt of a  
32 written request and a fee of \$6 before October 1, 2003 and  
33 a fee of \$12 on and after October 1, 2003, furnish to the  
34 person or agency so requesting a driver's record. Such  
35 document may include a record of: current driver's license  
36 issuance information, except that the information on

1 judicial driving permits shall be available only as  
2 otherwise provided by this Code; convictions; orders  
3 entered revoking, suspending or cancelling a driver's  
4 license or privilege; and notations of accident  
5 involvement. All other information, unless otherwise  
6 permitted by this Code, shall remain confidential.  
7 Information released pursuant to a request for a driver's  
8 record shall not contain personally identifying  
9 information, unless the request for the driver's record was  
10 made for one of the purposes set forth in subsection (f-5)  
11 of this Section.

12 2. The Secretary of State shall not disclose or  
13 otherwise make available to any person or entity any highly  
14 restricted personal information obtained by the Secretary  
15 of State in connection with a driver's license, vehicle, or  
16 title registration record unless specifically authorized  
17 by this Code. The Secretary of State may certify an  
18 abstract of a driver's record upon written request  
19 therefor. Such certification shall be made under the  
20 signature of the Secretary of State and shall be  
21 authenticated by the Seal of his office.

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

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

28 No information shall be released to the requester until  
29 expiration of a 10 day period. This 10 day period shall not  
30 apply to requests for information made by law enforcement  
31 officials, government agencies, financial institutions,  
32 attorneys, insurers, employers, automobile associated  
33 businesses, persons licensed as a private detective or  
34 firms licensed as a private detective agency under the  
35 Private Detective, Private Alarm, Private Security, and  
36 Locksmith Act of 2004, who are employed by or are acting on



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

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

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

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

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

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

25           7. Subject to any restrictions contained in the  
26 Juvenile Court Act of 1987, and upon receipt of a proper  
27 request and a fee of \$6 before October 1, 2003 and a fee of  
28 \$12 on or after October 1, 2003, the Secretary of State  
29 shall provide a driver's record to the affected driver, or  
30 the affected driver's attorney, upon verification. Such  
31 record shall contain all the information referred to in  
32 paragraph 1 of this subsection (g) plus: any recorded  
33 accident involvement as a driver; information recorded  
34 pursuant to subsection (e) of Section 6-117 and paragraph  
35 (4) of subsection (a) of Section 6-204 of this Code. All  
36 other information, unless otherwise permitted by this

1 Code, shall remain confidential.

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

24 (i) (Blank).

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

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

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

8 (l) (Blank).

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

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

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

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

36 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,

1 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)