



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2978

Introduced 1/31/2024, by Sen. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Creates the Driver and Motor Vehicle Records Data Privacy Law. Provides that the purpose is to comply with the federal Driver's Privacy Protection Act of 1994 in order to protect the interest of individuals in their personal privacy by prohibiting the disclosure and use of personal information contained in their motor vehicle record, except as authorized by the individual or by law. Adds provisions concerning: disclosure of social security number; confidentiality of captured photographs, signatures, and images; confidentiality of documents submitted with applications for driver's licenses and vehicle transactions; restrictions on use of information for immigration enforcement; disclosure with consent; permitted disclosures; fees; commercial requesters; access agreements; audits; redisclosures; prohibitions and violations; data system security breaches; procedural safeguards; and rules. Repeals provisions of the Illinois Vehicle Code regarding confidentiality of captured photographs and images; confidentiality of documents submitted with an application for a driver's license; restrictions on use of information; and sale and distribution of information.

LRB103 37104 MXP 67223 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 by changing
5 Section 1-100 and adding Article 2A as follows:

6 (625 ILCS 5/1-100) (from Ch. 95 1/2, par. 1-100)

7 Sec. 1-100. Short Title. This Act may be cited as the
8 Illinois Vehicle Code.

9 Portions of this Act may likewise be cited by a short title
10 as follows:

11 Chapters 2, 3, 4 and 5: the Illinois Vehicle Title &
12 Registration Law.

13 Chapter 2A: the Driver and Motor Vehicle Record Data
14 Privacy Law.

15 Chapter 6: the Illinois Driver Licensing Law.

16 Chapter 7: the Illinois Safety and Family Financial
17 Responsibility Law.

18 Chapter 11: the Illinois Rules of the Road.

19 Chapter 12: the Illinois Vehicle Equipment Law.

20 Chapter 13: the Illinois Vehicle Inspection Law.

21 Chapter 14: the Illinois Vehicle Equipment Safety Compact.

22 Chapter 15: the Illinois Size and Weight Law.

23 Chapter 17: the Illinois Highway Safety Law.

1 Chapter 18a: the Illinois Commercial Relocation of
2 Trespassing Vehicles Law.

3 Chapter 18b: the Illinois Motor Carrier Safety Law.

4 Chapter 18c: the Illinois Commercial Transportation Law.

5 Chapter 18d: The Illinois Commercial Safety Towing Law.

6 (Source: P.A. 95-562, eff. 7-1-08.)

7 (625 ILCS 5/Ch. 2A heading new)

8 CHAPTER 2A. DRIVER AND MOTOR VEHICLE RECORD PRIVACY

9 (625 ILCS 5/2A-101 new)

10 Sec. 2A-101. Statement of intent and purpose. The purpose
11 of this Chapter is to comply with the federal Driver's Privacy
12 Protection Act of 1994 in order to protect the interest of
13 individuals in their personal privacy by prohibiting the
14 disclosure and use of personal information contained in their
15 motor vehicle record, except as authorized by the individual
16 or by law.

17 (625 ILCS 5/2A-102 new)

18 Sec. 2A-102. Definitions. As used in this Chapter:

19 "Access agreement" means an agreement between the
20 Secretary and any person, governmental entity, or private
21 party for access to the Secretary of State's electronic motor
22 vehicle records.

23 "Breach of the security of the system data" or "breach"

1 means unauthorized acquisition of computerized data that
2 compromises the security, confidentiality, or integrity of
3 personally identifying information maintained by an authorized
4 recipient. "Breach of the security of the system data" does
5 not include good faith acquisition of personally identifying
6 information by an employee or agent of the authorized
7 recipient for an authorized purpose under this Chapter if the
8 personally identifying information is not used for a purpose
9 unrelated to the authorized purpose for which the personal
10 identifying information as obtained or subject to further
11 unauthorized disclosure.

12 "Disclose" means to engage in any practice or conduct to
13 make available and make known personal information contained
14 in a motor vehicle record about a person to any person,
15 organization, or entity, by any means of communication.

16 "Motor vehicle record" means any record that pertains to a
17 motor vehicle operator's permit, including, but not limited
18 to, a commercial learner's permit, driver's license,
19 instruction permit, monitoring device driving permit,
20 probationary license or restricted driving permit, motor
21 vehicle title, motor vehicle registration, or identification
22 card issued by the Secretary of State.

23 "Private party" means any natural person, firm,
24 co-partnership, association, or business entity other than a
25 governmental entity.

26 "Private toll transportation facility" means any toll

1 operated or maintained on the roads, highways, or interstates
2 by a nongovernmental entity.

3 "Requester" means a person, private party, or governmental
4 entity requesting motor vehicle records or other information
5 from the Secretary of State.

6 (625 ILCS 5/2A-103 new)

7 Sec. 2A-103. Prohibition on disclosure of social security
8 number.

9 (a) The Secretary shall not disclose a social security
10 number provided to the Secretary of State in connection with a
11 motor vehicle record, whether an applicant provided a social
12 security number, or any associated information obtained from
13 the Social Security Administration except pursuant to a
14 written request by, or with the prior written consent of, the
15 individual, except:

16 (1) to officers and employees of the Secretary who
17 have a need to know the social security numbers in
18 performance of their official duties;

19 (2) to law enforcement officials for a civil or
20 criminal law enforcement investigation, and if an officer
21 of the law enforcement agency has made a written request
22 to the Secretary specifying the law enforcement
23 investigation for which the social security numbers are
24 being sought, though the Secretary retains the right to
25 require additional verification regarding the validity of

1 the request;

2 (3) to the United States Department of Transportation
3 or any other state, pursuant to the administration and
4 enforcement of the Commercial Motor Vehicle Safety Act of
5 1986 or participation in state-to-state verification
6 service;

7 (4) pursuant to the order of a court of or a subpoena
8 issued by a court;

9 (5) to the Department of Healthcare and Family
10 Services for utilization in the child support enforcement
11 duties assigned to that Department under provisions of the
12 Illinois Public Aid Code after the individual has received
13 advanced notification of what redisclosure is sought by
14 the Secretary in accordance with the federal Privacy Act;

15 (6) to the Department of Healthcare and Family
16 Services and the Department of Human Services solely for
17 the purpose of verifying identity and Illinois residency
18 where such residency is an eligibility requirement for
19 benefits under the Illinois Public Aid Code or any other
20 health benefit program administered by the Department of
21 Healthcare and Family Services or the Department of Human
22 Services;

23 (7) to the Illinois Department of Revenue solely for
24 use by the Department in the collection of any tax or debt
25 that the Department of Revenue is authorized or required
26 by law to collect, provided that the Department shall not

1 disclose the social security number to any person or
2 entity outside the Department;

3 (8) to the Illinois Department of Veterans' Affairs
4 for the purpose of confirming veteran status;

5 (9) the last 4 digits to the Illinois State Board of
6 Elections for purposes of voter registration and as may be
7 required pursuant to an agreement for a multi-state voter
8 registration list maintenance system. If social security
9 information is disclosed by the Secretary in accordance
10 with this Section, no liability shall rest with the Office
11 of the Secretary of State or any of its officers or
12 employees, as the information is released for official
13 purposes only; or

14 (10) to the United States Selective Service for
15 purposes of Selective Service registration.

16 (b) An Illinois governmental agency that receives an
17 individual's social security number under subsection (a) of
18 this Section may not redisclose the social security number
19 except as required by law. An Illinois governmental agency
20 that rediscloses a social security number as authorized by
21 this subsection shall maintain records for a minimum of 5
22 years that identify every entity to which the government
23 agency provided the social security number. Records kept in
24 accordance with this subsection must be made available to the
25 Secretary upon request.

26 (c) Nothing in this Section prohibits an individual from

1 having access to that individual's own social security number
2 that was provided to the Secretary in connection with a motor
3 vehicle record.

4 (d) Knowingly obtaining or using a social security number
5 from a motor vehicle record in violation of this Section is a
6 Class A misdemeanor.

7 (e) Any person who uses or acquires a social security
8 number in violation of this Section that subjects the
9 Secretary to any liability or claim shall indemnify and hold
10 harmless the Secretary from all such liabilities and claims,
11 including attorney fees and court costs, incurred in any
12 action.

13 (625 ILCS 5/2A-104 new)

14 Sec. 2A-104. Confidentiality of captured photographs,
15 signatures, or images.

16 (a) The Secretary of State shall maintain all photographs,
17 signatures and images obtained in the process of issuing a
18 driver's license, permit, identification card, or in
19 connection to a Certificate of Title or vehicle registration.
20 Except as otherwise provided in this Section, the photographs,
21 signatures, and images shall be confidential and shall not be
22 disclosed except to the following persons:

23 (1) the individual upon written request;

24 (2) officers and employees of the Secretary of State
25 who have a need to have access to the stored photographs,

1 signatures, and images for purposes of issuing and
2 controlling driver's licenses, permits, or identification
3 cards and investigation of fraud or misconduct;

4 (3) law enforcement officials for a civil or criminal
5 law enforcement investigation;

6 (4) the State Board of Elections for the sole purpose
7 of providing the signatures required by a local election
8 authority to register a voter through an online voter
9 registration system;

10 (5) officers and employees of the Secretary of State
11 who have a need to have access to the stored photographs,
12 signatures, and images for purposes of issuing and
13 controlling notary public commissions and for the purpose
14 of providing the signatures required to process online
15 applications for appointment and commission as notaries
16 public; or

17 (6) other entities that the Secretary may authorize by
18 rule.

19 (b) The Secretary of State shall not provide facial
20 recognition search services or photographs obtained in the
21 process of issuing a driver's license or permit to any
22 federal, state, or local law enforcement agency or other
23 governmental entity for the purpose of enforcing federal
24 immigration laws and in accordance with Section 2A-106. This
25 subsection shall not apply to requests from federal, state, or
26 local law enforcement agencies or other governmental entities

1 for facial recognition search services or photographs obtained
2 in the process of issuing a driver's license or permit when the
3 purpose of the request relates to criminal activity other than
4 violations of immigration laws.

5 (625 ILCS 5/2A-105 new)

6 Sec. 2A-105. Confidentiality of documents submitted with
7 an application for driver's licenses and vehicle transactions.
8 Documents required to be submitted with an application for a
9 Certificate of Title, vehicle registration, or driver's
10 license to prove the applicant's identity (name and date of
11 birth), social security number or lack of a social security
12 number, written signature, residency, and, as applicable,
13 citizenship or immigration status and country of citizenship
14 shall be confidential and shall not be disclosed except to the
15 following persons:

16 (1) the individual to whom the Certificate of Title,
17 vehicle registration, or driver's license or permit was
18 issued, upon written request;

19 (2) officers and employees of the Secretary of State
20 who have a need to access the stored photographs,
21 signatures, and images for purposes of issuing and
22 controlling vehicle titling or vehicle registration,
23 driver's licenses, permits, or identification cards and
24 investigation of fraud or misconduct;

25 (3) law enforcement officials for a civil or criminal

1 law enforcement investigation, except as restricted by
2 this Chapter;

3 (4) other entities that the Secretary may authorize by
4 rule.

5 (625 ILCS 5/2A-106 new)

6 Sec. 2A-106. Restrictions on use of information for
7 immigration enforcement.

8 (a) Notwithstanding any other provision of law, the
9 Secretary may not release or make accessible in any manner any
10 highly restricted personal information as defined in Section
11 1-125.9 or personally identifying information as defined in
12 Section 1-159.2, provide images, photos, or facial recognition
13 services as described in Section 2A-104 or disclose documents
14 as described in Section 2A-105 to any immigration agent as
15 defined in Section 10 of the Illinois TRUST Act, unless
16 necessary to comply with the following, to the extent that
17 production of such information or documents is specifically
18 required:

19 (1) a lawful court order;

20 (2) a judicial warrant signed by a judge appointed
21 pursuant to Article III of the Constitution of the United
22 States; or

23 (3) a subpoena for individual records issued by a
24 federal or State court.

25 When responding to such a court order, warrant, or

1 subpoena, the Secretary shall disclose only those documents or
2 information specifically requested. Within 3 business days
3 after receiving such a court order, warrant, or subpoena, the
4 Secretary shall send a notification to the individual about
5 whom such information was requested that a court order,
6 warrant, or subpoena was received and the identity of the
7 entity that presented the court order, warrant, or subpoena.

8 (b) The Secretary shall not enter into or maintain any
9 agreement regarding the sharing of any highly restricted
10 personal information as defined in Section 1-125.9, personally
11 identifying information as defined in Section 1-159.2, images
12 or photos described in Section 6-110.1, or documents described
13 in Section 6-110.2 unless all other parties to such agreement
14 certify that the information obtained will not be used for
15 civil immigration purposes or knowingly disseminated to any
16 third party for any purpose related to civil immigration
17 enforcement.

18 (625 ILCS 5/2A-107 new)

19 Sec. 2A-107. Confidentiality of documents submitted with
20 an application for a driver's license. Documents required to
21 be submitted with an application for a driver's license to
22 prove the applicant's identity (name and date of birth),
23 social security number or lack of a social security number,
24 written signature, residency, and, as applicable, citizenship
25 or immigration status and country of citizenship shall be

1 confidential and shall not be disclosed except to the
2 following persons:

3 (1) the individual to whom the driver's license or
4 permit was issued, upon written request;

5 (2) officers and employees of the Secretary of State
6 who have a need to have access to the stored photographs,
7 signatures and images for purposes of issuing and
8 controlling driver's licenses, permits, or identification
9 cards and investigation of fraud or misconduct;

10 (3) law enforcement officials for a civil or criminal
11 law enforcement investigation, except as restricted by
12 Section 2A-106;

13 (4) other entities that the Secretary may authorize by
14 rule.

15 (625 ILCS 5/2A-108 new)

16 Sec. 2A-108. Disclosure with consent. Personally
17 identifying information as defined in this Code may be
18 disclosed upon request if the person making the request is the
19 subject of the information or the person making the request
20 demonstrates in such form and manner as the Secretary
21 prescribes that the person has obtained the written consent of
22 the person who is the subject of the information.

23 (625 ILCS 5/2A-109 new)

24 Sec. 2A-109. Permitted disclosures.

1 (a) Except as otherwise provided in this Section, the
2 Secretary may make the driver's license, vehicle and title
3 registration lists, in part or in whole, and any statistical
4 information derived from these lists available to local
5 governments, elected State officials, State educational
6 institutions, and all other governmental units of the State or
7 federal government requesting them for governmental purposes.
8 The Secretary shall require any such applicant for services to
9 pay for the costs of furnishing such services and in addition
10 is empowered to establish prices and charges for the services
11 so furnished.

12 (b) The Secretary is further empowered to and may, in the
13 Secretary's discretion, furnish to any applicant other than
14 listed in subsection (a) of this Section, vehicle or driver
15 data via digital transmission at a fixed fee of \$500, in
16 advance, and a charge of \$50, per 1,000 motor vehicle records
17 or part thereof. This service shall not be in lieu of an
18 abstract of a driver's record nor of a title or registration
19 search. This information sold pursuant to this subsection may
20 be the entire vehicle or driver data list, or part thereof. The
21 information sold pursuant to this subsection shall not contain
22 personally identifying information unless the information is
23 to be used for one of the purposes identified in subsection
24 (d-5) of this Section and may not be used for solicitation in
25 any form or manner. Commercial purchasers of driver and
26 vehicle record databases shall enter into a written access

1 agreement with the Secretary that includes disclosure of the
2 commercial use of the information to be purchased.

3 (c) The Secretary may compile a list of all registered
4 vehicles. Each list of registered vehicles shall be arranged
5 serially according to the registration numbers assigned to
6 registered vehicles and may contain in addition the names and
7 addresses of registered owners and a brief description of each
8 vehicle including the serial or other identifying number
9 thereof. Such compilation may be in such form as in the
10 discretion of the Secretary may deem best for the purposes
11 intended.

12 (d) The Secretary shall make a title or registration
13 search of the records of his office and a written report on the
14 same for any person, upon written application of such person,
15 accompanied by a fee of \$5 for each registration or title
16 search. The written application shall set forth the intended
17 use of the requested information. No fee shall be charged for a
18 title or registration search, or for the certification
19 thereof, requested by a government agency. The report of the
20 title or registration search shall not contain personally
21 identifying information unless the request for a search was
22 made for one of the purposes identified in subsection (e) of
23 this Section. The report of the title or registration search
24 shall not contain highly restricted personal information
25 unless specifically authorized by this Chapter.

26 The Secretary shall certify a title or registration record

1 upon written request. The fee for certification shall be \$5 in
2 addition to the fee required for a title or registration
3 search. Certification shall be made under the signature of the
4 Secretary and shall be authenticated by Seal of the Secretary.

5 The Secretary may notify the vehicle owner or registrant
6 of the request for purchase of his title or registration
7 information as the Secretary deems appropriate. No information
8 shall be released to the requester until expiration of a
9 10-day period. This 10-day period shall not apply to requests
10 for information made by law enforcement officials, government
11 agencies, financial institutions, attorneys, insurers,
12 employers, automobile associated businesses, the vehicle owner
13 or registrant or other entities as the Secretary may deem by
14 rule and regulation.

15 (e) The Secretary shall not disclose or otherwise make
16 available to any person or entity any personally identifying
17 information obtained by the Secretary in connection with a
18 motor vehicle record unless the information is disclosed for
19 one of the following purposes and the disclosure is not
20 further limited by this Code:

21 (1) For use by any governmental agency, including any
22 court or law enforcement agency, in carrying out its
23 functions, or any private person or entity acting on
24 behalf of a federal, State, or local agency in carrying
25 out its functions.

26 (2) For use in connection with matters of motor

1 vehicle or driver safety or theft; motor vehicle
2 emissions; motor vehicle product alterations, recalls, or
3 advisories; performance monitoring of the motor vehicles,
4 motor vehicle parts, and dealers; and removal of non-owner
5 records from the original owner records of motor vehicle
6 manufacturers.

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

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

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

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

23 (5) For use in connection with any civil, criminal,
24 administrative, or arbitral proceeding in any federal,
25 State, or local court or agency or before any
26 self-regulatory body, including the service of process,

1 investigation in anticipation of litigation, and the
2 execution or enforcement of judgments and orders, or
3 pursuant to an order of a federal, State, or local court.

4 (6) For use by any insurer or insurance support
5 organization or by a self-insured entity or its agents,
6 employees, or contractors in connection with claims
7 investigation activities, antifraud activities, rating, or
8 underwriting.

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

11 (8) For use by an employer or its agent or insurer to
12 obtain or verify information relating to a holder of a
13 commercial driver's license that is required under Chapter
14 313 of Title 49 of the United States Code.

15 (9) For use in connection with the operation of
16 private toll transportation facilities.

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

20 (11) For use by members of the news media, as defined
21 in Section 1-148.5 for the purpose of newsgathering when
22 the request relates to the operation of a motor vehicle or
23 public safety. Requests made by the news media for motor
24 vehicle record information may be furnished without charge
25 or at a reduced charge, as determined by the Secretary,
26 when the specific purpose for requesting the documents is

1 deemed to be in the public interest. Waiver or reduction
2 of the fee is in the public interest if the principal
3 purpose of the request is to access and disseminate
4 information regarding the health, safety, and welfare or
5 the legal rights of the general public and is not for the
6 principal purpose of gaining a personal or commercial
7 benefit.

8 (12) For any other use specifically authorized by law,
9 if that use is related to the operation of a motor vehicle
10 or public safety.

11 (f) The Secretary shall not disclose or otherwise make
12 available to any person or entity any highly restricted
13 personal information obtained by the Secretary in connection
14 with a motor vehicle record unless specifically authorized by
15 this Code.

16 (g) (1) The Secretary may, in accordance with this Code,
17 furnish to the person or agency so requesting a driver's
18 record or data contained therein. Such document may include a
19 record of: current driver's license issuance information,
20 except that the information on judicial permits or monitoring
21 device driving permits shall be available only as otherwise
22 provided by this Code; convictions, orders entered revoking
23 suspending or canceling a driver's license or privilege; and
24 notations of crash involvement. All other information, unless
25 otherwise permitted by this Code, shall remain confidential.
26 Information released pursuant to a request for a driver's

1 record shall not contain personally identifying information,
2 unless the request for the driver's record was made for one of
3 the purposes set forth in subsection (e) of this Section. The
4 Secretary may, without fee, allow a parent or guardian of a
5 person under the age of 18 years, who holds an instruction
6 permit or graduated driver's license, to view that person's
7 driving record online, through a computer connection. The
8 parent or guardian's online access to the driving record will
9 terminate when the instruction permit or graduated driver's
10 license holder reaches the age of 18.

11 (2) The Secretary of State may certify an abstract of a
12 driver's record upon written request therefor. Such
13 certification shall be made under the signature of the
14 Secretary and shall be authenticated by the Seal of his
15 office.

16 (3) All requests for driving record information shall be
17 made in a manner prescribed by the Secretary and shall set
18 forth the intended use of the requested information.

19 The Secretary may notify the affected driver of the
20 request for purchase of his driver's record as the Secretary
21 deems appropriate.

22 No information shall be released to the requester until
23 expiration of a 10-day period. This 10-day period shall not
24 apply to requests for information made by law enforcement
25 officials, government agencies, financial institutions,
26 attorneys, insurers, employers, automobile associated

1 businesses, the affected driver or other entities as the
2 Secretary may exempt by rule or regulation.

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

12 (5) Except as otherwise provided in this Section, the
13 Secretary may furnish, without fee, information from an
14 individual driver's record on file, if a written request
15 therefor is submitted by any public transit system or
16 authority, public defender, law enforcement agency, a state or
17 federal agency, or an Illinois local intergovernmental
18 association, if the request is for the purpose of a background
19 check of applicants for employment with the requesting agency,
20 or the purpose of an official investigation conducted by the
21 agency, or to determine a current address for the driver so
22 public funds can be recovered or paid to the driver, or for any
23 other purpose set forth in subsection (e) of this Section.

24 The Secretary may also furnish the courts a copy of an
25 abstract of a driver's record, without fee, subsequent to an
26 arrest or issuance of a Uniform Citation and Complaint for any

1 violation of a provision of this Code or a similar provision of
2 a local ordinance. Such abstract may include records of
3 dispositions; documented information involving the use of a
4 motor vehicle as contained in the current file; whether such
5 individual has, or previously had, a driver's license; and the
6 address and personal description as reflected on said driver's
7 record.

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

22 (7) Subject to any restrictions contained in the Juvenile
23 Court Act of 1987, and upon receipt of a proper request and a
24 fee as set forth in Section 6-118, the Secretary shall provide
25 a driver's record or data contained therein to the affected
26 driver, or the affected driver's attorney, upon verification.

1 Such record shall contain all the information referred to in
2 paragraph (1) of this subsection, plus: any recorded crash
3 involvement as a driver; information recorded pursuant to
4 subsection (e) of Section 6-117 and paragraph (4) of
5 subsection (a) of Section 6-204. All other information, unless
6 otherwise permitted by this Code, shall remain confidential.

7 (h) Medical statements or medical reports received by the
8 Secretary of State's Office shall be confidential. Except as
9 provided in this Section, no confidential information may be
10 open to public inspection or the contents disclosed to anyone,
11 except officers and employees of the Secretary who have a need
12 to know the information contained in the medical reports and
13 the Driver License Medical Advisory Board, unless so directed
14 by an order of a court of competent jurisdiction, or in
15 response to a civil action filed pursuant to the
16 Administrative Procedure Act as it relates to an order of
17 cancellation, suspension, or revocation. If the Secretary
18 receives a medical report regarding a driver that does not
19 address a medical condition contained in a previous medical
20 report, the Secretary may disclose the unaddressed medical
21 condition to the driver or his or her physician, or both,
22 solely for the purpose of submission of a medical report that
23 addresses the condition.

24 (i) Notations of crash involvement that may be disclosed
25 under this Section shall not include notations relating to
26 damage to a vehicle or other property being transported by a

1 tow truck. The information shall remain confidential, provided
2 that nothing in this subsection shall limit disclosure of any
3 notification of crash involvement to any law enforcement
4 agency or official.

5 (j) Pursuant to the Uniform Anatomical Gift Act and
6 pursuant to an access agreement as set forth in Section
7 2A-108, the Secretary shall allow organ procurement
8 organizations, as defined by the Uniform Anatomical Gift Act,
9 access to the name, address, gender, date of birth, driver's
10 license or identification card number, and date of consent a
11 person joined the First Person Consent organ and donor
12 registry for the purpose of determining whether a potential
13 organ and tissue donor is included in the First Person Consent
14 organ and tissue donor registry.

15 (625 ILCS 5/2A-110 new)

16 Sec. 2A-110. Fees. Disbursement of fees collected under
17 this Chapter shall be as follows:

18 (1) of the \$20 fee for a driver's record, \$11 shall be
19 paid into the Secretary of State Special Services Fund,
20 and \$6 shall be paid into the General Revenue Fund;

21 (2) 50% of the amounts collected under this Chapter
22 shall be paid into the General Revenue Fund; and

23 (3) all remaining fees shall be disbursed under
24 subsection (g) of Section 2-119 of this Code.

1 (625 ILCS 5/2A-111 new)

2 Sec. 2A-111. Commercial requesters; access agreements;
3 electronic access; data security; procedural safeguards.

4 (a) The Secretary may grant access to the electronic motor
5 vehicle records as provided in this Section or Section 5-47 of
6 the Anatomical Gift Act, for commercial use if the Secretary
7 determines there is a legitimate business need to grant access
8 and access is in the best interests of the State of Illinois.

9 (b) The Secretary may limit the number of persons
10 authorized to obtain direct electronic access and may
11 restrict, or establish priority for, access to motor vehicle
12 records as the Secretary deems necessary to avoid disruption
13 to the Secretary's normal operations, or as the Secretary
14 deems is in the best interests of the public.

15 (c) A request for electronic access to motor vehicle
16 records must be submitted in writing and include:

17 (1) a signed and notarized certified statement of use
18 that sets forth the purpose of the request and the
19 specific information or type of information sought. If
20 personally identifying information is requested, the
21 statement shall include the basis under which such
22 information may be disclosed under the Driver's Privacy
23 Protection Act, 18 U.S.C. 2721 et seq., and subsection (e)
24 of Section 2A-108 or that the requester has obtained the
25 consent of the person whose information has been requested
26 and that the data will not be used for any other purpose;

1 and

2 (2) the requester's identity, including name, job
3 title and business address, and the name and address of
4 any organization associated with the request.

5 (d) Every requester must execute an access agreement and
6 agree to be responsible for:

7 (1) obtaining and maintaining access to the Internet
8 that is capable of Virtual Private Network (VPN) traffic
9 and preventing unauthorized use, access, or misuse of the
10 VPN;

11 (2) ensuring that any technology used by the requester
12 is compatible with Secretary of State technology; this
13 includes, but is not limited to, VPN tunnels, firewalls,
14 and routers;

15 (3) maintaining security procedures in the requester's
16 network and procedures deemed appropriate in the sole
17 discretion of the Secretary;

18 (4) maintaining reasonable measures in accordance with
19 industry-recognized leading cybersecurity practices,
20 necessary to prevent the unauthorized uses, access,
21 misuse, and disclosure of motor vehicle records and to
22 prevent unauthorized persons or entities from obtaining,
23 accessing, or using motor vehicle records;

24 (5) providing quarterly written certifications through
25 the duration of the access agreement confirming that the
26 requester has no evidence or other reason to believe that

1 the information systems have been breached or otherwise
2 compromised in the preceding quarter;

3 (6) providing the requester's latest Service
4 Organization Control SOC 2, Type II report completed by a
5 certified auditing agency, as well as any gap letters
6 required to cover stated controls for the applicable
7 annual period not to exceed 3 months, if required in the
8 sole discretion of the Secretary;

9 (7) providing to the Secretary the names, work
10 addresses, and work phone numbers of all persons
11 responsible for maintaining motor vehicle record files
12 provided by the Secretary or otherwise executing the
13 provisions of an access agreement on behalf of the
14 requester. The names on the list are considered the users
15 on behalf of the requester;

16 (8) providing a written certification that Secretary
17 of State motor vehicle records or any portion thereof
18 shall not be transferred, nor accessed outside of the
19 United States, electronically or otherwise;

20 (9) certifying that the requester adheres to the most
21 current ISO NIST CSF or NIST Special Publication standards
22 available;

23 (10) agreeing to complete the Secretary of State
24 security assessment, if required by the Secretary, prior
25 to the execution of the access agreement;

26 (11) certifying that no employee nor officer of the

1 requester accessing motor vehicle records has been
2 convicted of a felony, or that at least 5 years have passed
3 since the completion of the sentence;

4 (12) indemnifying and holding the Secretary of State
5 harmless from any data breach or unauthorized use of data.

6 (e) The Secretary may establish minimum security standards
7 and technological requirements and any terms and conditions as
8 he deems necessary for the agreement and the direct electronic
9 access to motor vehicle records, including, but not limited
10 to, requiring a comprehensive data security program and
11 designing, implementing, and regular tests of its safeguards.
12 If required by the Secretary of State, the requester shall be
13 required to perform penetrative testing of its data security
14 system at least semi-annually and shall promptly provide the
15 results of the testing upon request by the Secretary.

16 (f) An access agreement shall be for a term to be
17 determined by the Secretary.

18 (g) All users granted direct access are prohibited from
19 any type of data mining or web mining of Secretary of State
20 data. Prohibited data mining or web mining includes, but is
21 not limited to, use of website copying software, web data
22 pre-processing, creation of web metrics and mathematical
23 models, web log analysis, static and dynamic visitor
24 profiling, intelligent information retrieval, hyperlink
25 analysis, use of spider, crawl or both programs (vertical
26 search engines), web usage mining, web structure mining, web

1 content mining, data/information extraction, web information
2 integration and schema matching, knowledge synthesis,
3 segmenting, noise detection, use of topic-sensitive PageRank
4 software, use of filtering techniques, meta-search engines, or
5 any other type of automated search of information that goes
6 beyond keyword extraction. Violation of this Section is
7 considered a material breach and may result in termination of
8 an access agreement and access to motor vehicle records. Data
9 or web mining is further considered computer tampering under
10 Section 17-51 of the Criminal Code of 2012.

11 (h) (1) The requester shall properly and timely dispose of
12 the materials containing personally identifiable information
13 in a manner that renders the personal information unreadable
14 and undecipherable, in accordance with the Personal
15 Information Protection Act.

16 (2) The requester shall not make any information from
17 motor vehicle records available to other persons, firms,
18 corporations, partnerships, members of the public, persons
19 outside the employ or direct control of the requester, or
20 other entities without the prior express written consent of
21 the Secretary, except as provided in an approved Certified
22 Statement of Use(s).

23 (3) A requester who sells or discloses any personally
24 identifying information obtained from the Secretary in any
25 manner allowed under the access agreement shall enter into a
26 written agreement with the party receiving the personally

1 identifying information that, at a minimum:

2 (A) prohibits the redisclosure of the information;

3 (B) sets forth the authorized use as provided in
4 Section 2A-109 for which the receiving party acquired the
5 information;

6 (C) requires the person or entity receiving the
7 personally identifying information to acknowledge the
8 terms and conditions of the authorized recipient's access
9 agreement with the Secretary of State and to be subject to
10 the laws of the State of Illinois, including this Code;
11 and

12 (D) indemnifies and holds the Secretary of State
13 harmless from any data breach or unauthorized use of data.

14 (4) A requester who sells or discloses any personally
15 identifying information obtained from the Secretary in any
16 manner allowed under the access agreement shall maintain
17 records of the redisclosure and the written agreement required
18 by paragraph (5) of subsection (k) for a minimum of 5 years,
19 The requester shall make the records available to the
20 Secretary within 5 days upon request of the Secretary.

21 (5) The requester shall not sell or repackage any
22 information from motor vehicle records under the name of the
23 Secretary of State or use the State seal with respect to any
24 data obtained through an access agreement.

25 (6) The requester shall adhere to the Data Processing
26 Confidentiality Act. The requester agrees not to use, sell,

1 furnish, or otherwise make available any motor vehicle record
2 accessed pursuant to an access agreement for any prohibited
3 reason, including, but not limited to, commercial solicitation
4 purposes, to contact individuals for advertising, offering for
5 sale, marketing or sale of products or services; or
6 identifying potential employees. A violation of this
7 subsection shall result in the denial of information for a
8 term of 5 years.

9 (7) The requester shall carry insurance coverage in
10 amounts sufficient to cover requester's potential liabilities
11 arising out of the provision of services under an access
12 agreement. The requester shall provide an insurance
13 certificate naming the Secretary as an additional insured on
14 the general liability, professional liability, and cyber
15 liability coverages and shall provide the insurance
16 certificates with evidence of additional insured status and
17 all required coverages prior to the execution of additional
18 insured status and all required coverages prior to the
19 execution of the access agreement. Insurance shall not limit
20 the requester's obligations to indemnify, defend, or settle
21 any and all claims. Requesters shall procure and maintain the
22 following insurance coverage throughout the term of an access
23 agreement and any renewals thereof:

24 (A) professional liability (errors and omissions)
25 insurance covering errors, omissions, or negligence in the
26 provision of services under an access agreement with

1 limits determined by the Secretary in an amount
2 commiserate with the volume of records purchased by the
3 requester and necessary to protect the constituents of the
4 State of Illinois;

5 (B) cyber liability or data/privacy protection
6 insurance with limits determined by the Secretary in an
7 amount commiserate with the volume of records purchased by
8 the requester and necessary to protect the constituents of
9 the State of Illinois.

10 (i) The Secretary may require an agreement that a
11 requester seeking to obtain motor vehicle records shall hold
12 harmless and indemnify the Secretary for any money damages,
13 criminal fines, civil penalties, court costs, and attorney's
14 fees awarded to any person or entity by any state or federal
15 court resulting from any disclosure by the requester or by any
16 person to whom the requester provided information from a motor
17 vehicle record that is contrary to state or federal law.

18 (j) A breach of any provision contained within this
19 Chapter or the access agreement may be deemed a material
20 breach of the access agreement and result in the immediate
21 revocation of the access agreement.

22 (k) The Secretary may terminate an access agreement
23 immediately, if:

24 (1) the requested information is used for a purpose
25 other than the purpose identified in the written
26 application or in violation of any provision of Section

1 2A-114;

2 (2) the requester violates any provision of the access
3 agreement; or

4 (3) the requester violates any provision of this
5 Chapter.

6 (625 ILCS 5/2A-112 new)

7 Sec. 2A-112. Random audit. The Secretary may, at any time,
8 conduct a random audit of applications for access agreements,
9 requests for information, or certified statements of use(s)
10 submitted and processed pursuant to this Chapter to verify the
11 authenticity of the documents and information submitted in
12 support of those applications.

13 Any person or entity receiving information from a motor
14 vehicle record or electronic access to motor vehicle records
15 pursuant to this Chapter shall have an affirmative duty to
16 cooperate with the audit and provide any information or
17 supporting documentation requested by the Secretary.

18 (625 ILCS 5/2A-113 new)

19 Sec. 2A-113. Redisclosure.

20 (a) If the Secretary discovers that personally identifying
21 information from a motor vehicle record has been wrongfully
22 disclosed by a requester, the requester shall notify the
23 entity or person to whom the personally identifying
24 information was wrongfully disclosed that the personally

1 identifying information may not be used, resold, or
2 redisclosed in any way and must be immediately destroyed. The
3 Secretary shall notify the subject of the personally
4 identifying information that the personally identifying
5 information was wrongly disclosed.

6 (b) A requester who has access to motor vehicle records
7 and who rediscloses any personally identifying information
8 connected with a motor vehicle record must notify each entity
9 or person to whom the personally identifying information is
10 redisclosed that the personally identifying information may
11 not be further disclosed unless the redisclosure is authorized
12 by the Driver's Privacy Protection Act and this Code.

13 (625 ILCS 5/2A-114 new)

14 Sec. 2A-114. Prohibitions and violations of this Chapter.

15 (a) It is unlawful for any person to:

16 (1) knowingly misrepresent the person's identity or to
17 make a false statement to obtain any information
18 associated with a motor vehicle record;

19 (2) knowingly disclose, sell, or otherwise provide
20 personally identifying information from a motor vehicle
21 record to any person who is not authorized under this
22 Chapter to receive personally identifying information;

23 (3) knowingly obtain or use a motor vehicle record for
24 a reason other than authorized by this Code.

25 (b) A violation of this Section is a Class A misdemeanor.

1 Each unauthorized disclosure, unauthorized use, or false
2 representation shall be a separate offense.

3 (c) Neither the Secretary nor its departments or employees
4 shall be civilly liable for any improper use or release of
5 motor vehicle records to any person obtaining such records as
6 provided in this Section.

7 (d) Any person convicted of a violation of this Chapter
8 shall be permanently barred from receiving motor vehicle
9 records.

10 (e) The Secretary shall forward any violations of this
11 Chapter to the appropriate prosecuting authority for
12 prosecution.

13 (f) The Secretary may refuse to disclose data under this
14 Chapter if the Secretary concludes that the requester is
15 likely to use the data for a purpose not authorized by this
16 Chapter.

17 (625 ILCS 5/2A-115 new)

18 Sec. 2A-115. Data system security breach. Any person who
19 has access to motor vehicle records who experiences a breach
20 of the security of the data system as defined in this Chapter
21 or has any reason to believe that Secretary of State data has
22 been compromised must comply with the Personal Information
23 Protection Act and provide the required notices to all persons
24 whose personally identifying information has been exposed. If
25 notices are not required by the Personal Information

1 Protection Act, the Secretary of State may, at its discretion,
2 require notice be sent to persons whose data was obtained in a
3 data breach or by an unauthorized user.

4 (625 ILCS 5/2A-116 new)

5 Sec. 2A-116. Procedural safeguards to protect
6 confidentiality. Any person who has access to personally
7 identifying information from motor vehicle records shall
8 establish procedures to protect the confidentiality of those
9 records. If any personally identifying information is
10 rediscovered as allowed by this Chapter, the person receiving
11 the personally identifying information must also take all
12 steps necessary to ensure confidentiality and to prevent the
13 release of the personally identifying information.

14 (625 ILCS 5/2A-117 new)

15 Sec. 2A-117. Rules. The Secretary may adopt rules to
16 administer and enforce this Chapter.

17 (625 ILCS 5/2-123 rep.)

18 (625 ILCS 5/6-110.1 rep.)

19 (625 ILCS 5/6-110.2 rep.)

20 (625 ILCS 5/6-110.3 rep.)

21 Section 10. The Illinois Vehicle Code is amended by
22 repealing Sections 2-123, 6-110.1, 6-110.2, and 6-110.3.

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/1-100 from Ch. 95 1/2, par. 1-100

4 625 ILCS 5/Ch. 2A heading

5 new

6 625 ILCS 5/2A-101 new

7 625 ILCS 5/2A-102 new

8 625 ILCS 5/2A-103 new

9 625 ILCS 5/2A-104 new

10 625 ILCS 5/2A-105 new

11 625 ILCS 5/2A-106 new

12 625 ILCS 5/2A-107 new

13 625 ILCS 5/2A-108 new

14 625 ILCS 5/2A-109 new

15 625 ILCS 5/2A-110 new

16 625 ILCS 5/2A-111 new

17 625 ILCS 5/2A-112 new

18 625 ILCS 5/2A-113 new

19 625 ILCS 5/2A-114 new

20 625 ILCS 5/2A-115 new

21 625 ILCS 5/2A-116 new

22 625 ILCS 5/2A-117 new

23 625 ILCS 5/2-123 rep.

24 625 ILCS 5/6-110.1 rep.

25 625 ILCS 5/6-110.2 rep.

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1 625 ILCS 5/6-110.3 rep.