

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 and
21 notwithstanding any other provision of law, the photographs,
22 signatures, and images shall be confidential and shall not be
23 disclosed except to the following persons:

24 (1) the individual to whom the driver's license,
25 permit, identification card, Certificate of Title, or

1 vehicle registration was issued upon written request;

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

7 (3) law enforcement officials for a civil or criminal
8 law enforcement investigation, except as restricted by
9 Section 2A-106;

10 (4) the State Board of Elections for the sole purpose
11 of providing the signatures required by a local election
12 authority to register a voter through an online voter
13 registration system;

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

21 (6) other entities that the Secretary may authorize by
22 rule.

23 (b) The Secretary of State shall not provide facial
24 recognition search services or photographs obtained in the
25 process of issuing a driver's license or permit to any
26 federal, state, or local law enforcement agency or other

1 governmental entity for the purpose of enforcing federal
2 immigration laws and in accordance with Section 2A-106. This
3 subsection shall not apply to requests from federal, state, or
4 local law enforcement agencies or other governmental entities
5 for facial recognition search services or photographs obtained
6 in the process of issuing a driver's license or permit when the
7 purpose of the request relates to criminal activity other than
8 violations of immigration laws.

9 (625 ILCS 5/2A-105 new)

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

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

23 (2) officers and employees of the Secretary of State
24 who have a need to access the stored photographs,
25 signatures, and images for purposes of issuing and

1 controlling vehicle titling or vehicle registration,
2 driver's licenses, permits, or identification cards and
3 investigation of fraud or misconduct;

4 (3) law enforcement officials for a civil or criminal
5 law enforcement investigation, except as restricted by
6 this Chapter;

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

9 (625 ILCS 5/2A-106 new)

10 Sec. 2A-106. Restrictions on use of information for
11 immigration enforcement.

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

23 (1) a lawful court order;

24 (2) a judicial warrant signed by a judge appointed
25 pursuant to Article III of the Constitution of the United

1 States; or

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

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

12 (b) The Secretary shall not enter into or maintain any
13 agreement regarding the sharing of any highly restricted
14 personal information as defined in Section 1-125.9, personally
15 identifying information as defined in Section 1-159.2, images
16 or photos described in Section 2A-104 or documents described
17 in Section 2A-105 unless all other parties to such agreement
18 certify that the information obtained will not be used for
19 civil immigration purposes or knowingly disseminated to any
20 third party for any purpose related to civil immigration
21 enforcement.

22 (625 ILCS 5/2A-108 new)

23 Sec. 2A-108. Disclosure with consent. Personally
24 identifying information as defined in this Code may be
25 disclosed upon request if the person making the request is the

1 subject of the information or the person making the request
2 demonstrates in such form and manner as the Secretary
3 prescribes that the person has obtained the written consent of
4 the person who is the subject of the information.

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

6 Sec. 2A-109. Permitted disclosures.

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

18 (b) The Secretary is further empowered to and may, in the
19 Secretary's discretion, furnish to any applicant other than
20 listed in subsection (a) of this Section, vehicle or driver
21 data via digital transmission at a fixed fee of \$500, in
22 advance, and a charge of \$50, per 1,000 motor vehicle records
23 or part thereof. This service shall not be in lieu of an
24 abstract of a driver's record nor of a title or registration
25 search. This information sold pursuant to this subsection may

1 be the entire vehicle or driver data list, or part thereof. The
2 information sold pursuant to this subsection shall not contain
3 personally identifying information unless the information is
4 to be used for one of the purposes identified in subsection
5 (d-5) of this Section and may not be used for solicitation in
6 any form or manner. Commercial purchasers of driver and
7 vehicle record databases shall enter into a written access
8 agreement with the Secretary that includes disclosure of the
9 commercial use of the information to be purchased.

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

19 (d) The Secretary shall make a title or registration
20 search of the records of his office and a written report on the
21 same for any person, upon written application of such person,
22 accompanied by a fee of \$5 for each registration or title
23 search. The written application shall set forth the intended
24 use of the requested information. No fee shall be charged for a
25 title or registration search, or for the certification
26 thereof, requested by a government agency. The report of the

1 title or registration search shall not contain personally
2 identifying information unless the request for a search was
3 made for one of the purposes identified in subsection (e) of
4 this Section. The report of the title or registration search
5 shall not contain highly restricted personal information
6 unless specifically authorized by this Chapter.

7 The Secretary shall certify a title or registration record
8 upon written request. The fee for certification shall be \$5 in
9 addition to the fee required for a title or registration
10 search. Certification shall be made under the signature of the
11 Secretary and shall be authenticated by Seal of the Secretary.

12 The Secretary may notify the vehicle owner or registrant
13 of the request for purchase of his title or registration
14 information as the Secretary deems appropriate. No information
15 shall be released to the requester until expiration of a
16 10-day period. This 10-day period shall not apply to requests
17 for information made by law enforcement officials, government
18 agencies, financial institutions, attorneys, insurers,
19 employers, automobile associated businesses, the vehicle owner
20 or registrant or other entities as the Secretary may deem by
21 rule and regulation.

22 (e) The Secretary shall not disclose or otherwise make
23 available to any person or entity any personally identifying
24 information obtained by the Secretary in connection with a
25 motor vehicle record unless the information is disclosed for
26 one of the following purposes and the disclosure is not

1 further limited by this Code:

2 (1) For use by any governmental agency, including any
3 court or law enforcement agency, in carrying out its
4 functions, or any private person or entity acting on
5 behalf of a federal, State, or local agency in carrying
6 out its functions.

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

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

17 (A) to verify the accuracy of personal information
18 submitted by an individual to the business or its
19 agents, employees, or contractors; and

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

26 (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 an employer or its agent or insurer to
19 obtain or verify information relating to a holder of a
20 commercial driver's license that is required under Chapter
21 313 of Title 49 of the United States Code.

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

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

1 (11) For use by members of the news media, as defined
2 in Section 1-148.5 for the purpose of newsgathering when
3 the request relates to the operation of a motor vehicle or
4 public safety. Requests made by the news media for motor
5 vehicle record information may be furnished without charge
6 or at a reduced charge, as determined by the Secretary,
7 when the specific purpose for requesting the documents is
8 deemed to be in the public interest. Waiver or reduction
9 of the fee is in the public interest if the principal
10 purpose of the request is to access and disseminate
11 information regarding the health, safety, and welfare or
12 the legal rights of the general public and is not for the
13 principal purpose of gaining a personal or commercial
14 benefit.

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

18 (f) The Secretary shall not disclose or otherwise make
19 available to any person or entity any highly restricted
20 personal information obtained by the Secretary in connection
21 with a motor vehicle record unless specifically authorized by
22 this Code.

23 (g) (1) The Secretary may, in accordance with this Code,
24 furnish to the person or agency so requesting a driver's
25 record or data contained therein. Such document may include a
26 record of: current driver's license issuance information,

1 except that the information on judicial permits or monitoring
2 device driving permits shall be available only as otherwise
3 provided by this Code; convictions, orders entered revoking
4 suspending or canceling a driver's license or privilege; and
5 notations of crash involvement. All other information, unless
6 otherwise 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 information,
9 unless the request for the driver's record was made for one of
10 the purposes set forth in subsection (e) of this Section. The
11 Secretary may, without fee, allow a parent or guardian of a
12 person under the age of 18 years, who holds an instruction
13 permit or graduated driver's license, to view that person's
14 driving record online, through a computer connection. The
15 parent or guardian's online access to the driving record will
16 terminate when the instruction permit or graduated driver's
17 license holder reaches the age of 18.

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 and shall be authenticated by the Seal of his
22 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 may notify the affected driver of the

1 request for purchase of his driver's record as the Secretary
2 deems appropriate.

3 No information shall be released to the requester until
4 expiration of a 10-day period. This 10-day period shall not
5 apply to requests for information made by law enforcement
6 officials, government agencies, financial institutions,
7 attorneys, insurers, employers, automobile associated
8 businesses, the affected driver or other entities as the
9 Secretary may exempt by rule or regulation.

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

19 (5) Except as otherwise provided in this Section, the
20 Secretary may furnish, without fee, information from an
21 individual driver's record on file, if a written request
22 therefor is submitted by any public transit system or
23 authority, public defender, law enforcement agency, a state or
24 federal agency, or an Illinois local intergovernmental
25 association, if the request is for the purpose of a background
26 check of applicants for employment with the requesting agency,

1 or the purpose of an official investigation conducted by the
2 agency, or to determine a current address for the driver so
3 public funds can be recovered or paid to the driver, or for any
4 other purpose set forth in subsection (e) of this Section.

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

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

1 notices, or orders recorded on individual driving records
2 maintained by the Secretary.

3 (7) Subject to any restrictions contained in the Juvenile
4 Court Act of 1987, and upon receipt of a proper request and a
5 fee as set forth in Section 6-118, the Secretary shall provide
6 a driver's record or data contained therein to the affected
7 driver, or the affected driver's attorney, upon verification.
8 Such record shall contain all the information referred to in
9 paragraph (1) of this subsection, plus: any recorded crash
10 involvement as a driver; information recorded pursuant to
11 subsection (e) of Section 6-117 and paragraph (4) of
12 subsection (a) of Section 6-204. All other information, unless
13 otherwise permitted by this Code, shall remain confidential.

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

1 report, the Secretary may disclose the unaddressed medical
2 condition to the driver or his or her physician, or both,
3 solely for the purpose of submission of a medical report that
4 addresses the condition.

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

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

22 (625 ILCS 5/2A-110 new)

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

25 (1) of the \$20 fee for a driver's record, \$11 shall be

1 paid into the Secretary of State Special Services Fund,
2 and \$6 shall be paid into the General Revenue Fund;

3 (2) 50% of the amounts collected under this Chapter
4 shall be paid into the General Revenue Fund; and

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

7 (625 ILCS 5/2A-111 new)

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

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

15 (b) The Secretary may limit the number of persons
16 authorized to obtain direct electronic access and may
17 restrict, or establish priority for, access to motor vehicle
18 records as the Secretary deems necessary to avoid disruption
19 to the Secretary's normal operations, or as the Secretary
20 deems is in the best interests of the public.

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

23 (1) a signed and notarized certified statement of use
24 that sets forth the purpose of the request and the
25 specific information or type of information sought. If

1 personally identifying information is requested, the
2 statement shall include the basis under which such
3 information may be disclosed under the Driver's Privacy
4 Protection Act, 18 U.S.C. 2721 et seq., and subsection (e)
5 of Section 2A-108 or that the requester has obtained the
6 consent of the person whose information has been requested
7 and that the data will not be used for any other purpose;
8 and

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

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

14 (1) obtaining and maintaining access to the Internet
15 that is capable of Virtual Private Network (VPN) traffic
16 and preventing unauthorized use, access, or misuse of the
17 VPN;

18 (2) ensuring that any technology used by the requester
19 is compatible with Secretary of State technology; this
20 includes, but is not limited to, VPN tunnels, firewalls,
21 and routers;

22 (3) maintaining security procedures in the requester's
23 network and procedures deemed appropriate in the sole
24 discretion of the Secretary;

25 (4) maintaining reasonable measures in accordance with
26 industry-recognized leading cybersecurity practices,

1 necessary to prevent the unauthorized uses, access,
2 misuse, and disclosure of motor vehicle records and to
3 prevent unauthorized persons or entities from obtaining,
4 accessing, or using motor vehicle records;

5 (5) providing quarterly written certifications through
6 the duration of the access agreement confirming that the
7 requester has no evidence or other reason to believe that
8 the information systems have been breached or otherwise
9 compromised in the preceding quarter;

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

16 (7) providing to the Secretary the names, work
17 addresses, and work phone numbers of all persons
18 responsible for maintaining motor vehicle record files
19 provided by the Secretary or otherwise executing the
20 provisions of an access agreement on behalf of the
21 requester. The names on the list are considered the users
22 on behalf of the requester;

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

1 (9) certifying that the requester adheres to the most
2 current ISO NIST CSF or NIST Special Publication standards
3 available;

4 (10) agreeing to complete the Secretary of State
5 security assessment, if required by the Secretary, prior
6 to the execution of the access agreement;

7 (11) certifying that no employee nor officer of the
8 requester accessing motor vehicle records has been
9 convicted of a felony, or that at least 5 years have passed
10 since the completion of the sentence;

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

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

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

25 (g) All users granted direct access are prohibited from
26 any type of data mining or web mining of Secretary of State

1 data. Prohibited data mining or web mining includes, but is
2 not limited to, use of website copying software, web data
3 pre-processing, creation of web metrics and mathematical
4 models, web log analysis, static and dynamic visitor
5 profiling, intelligent information retrieval, hyperlink
6 analysis, use of spider, crawl or both programs (vertical
7 search engines), web usage mining, web structure mining, web
8 content mining, data/information extraction, web information
9 integration and schema matching, knowledge synthesis,
10 segmenting, noise detection, use of topic-sensitive PageRank
11 software, use of filtering techniques, meta-search engines, or
12 any other type of automated search of information that goes
13 beyond keyword extraction. Violation of this Section is
14 considered a material breach and may result in termination of
15 an access agreement and access to motor vehicle records. Data
16 or web mining is further considered computer tampering under
17 Section 17-51 of the Criminal Code of 2012.

18 (h) (1) The requester shall properly and timely dispose of
19 the materials containing personally identifiable information
20 in a manner that renders the personal information unreadable
21 and undecipherable, in accordance with the Personal
22 Information Protection Act.

23 (2) The requester shall not make any information from
24 motor vehicle records available to other persons, firms,
25 corporations, partnerships, members of the public, persons
26 outside the employ or direct control of the requester, or

1 other entities without the prior express written consent of
2 the Secretary, except as provided in an approved Certified
3 Statement of Use(s).

4 (3) A requester who sells or discloses any personally
5 identifying information obtained from the Secretary in any
6 manner allowed under the access agreement shall enter into a
7 written agreement with the party receiving the personally
8 identifying information that, at a minimum:

9 (A) prohibits the redisclosure of the information;

10 (B) sets forth the authorized use as provided in
11 Section 2A-109 for which the receiving party acquired the
12 information;

13 (C) requires the person or entity receiving the
14 personally identifying information to acknowledge the
15 terms and conditions of the authorized recipient's access
16 agreement with the Secretary of State and to be subject to
17 the laws of the State of Illinois, including this Code;
18 and

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

21 (4) A requester who sells or discloses any personally
22 identifying information obtained from the Secretary in any
23 manner allowed under the access agreement shall maintain
24 records of the redisclosure and the written agreement required
25 by paragraph (5) of subsection (k) for a minimum of 5 years,
26 The requester shall make the records available to the

1 Secretary within 5 days upon request of the Secretary.

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

6 (6) The requester shall adhere to the Data Processing
7 Confidentiality Act. The requester agrees not to use, sell,
8 furnish, or otherwise make available any motor vehicle record
9 accessed pursuant to an access agreement for any prohibited
10 reason, including, but not limited to, commercial solicitation
11 purposes, to contact individuals for advertising, offering for
12 sale, marketing or sale of products or services; or
13 identifying potential employees. A violation of this
14 subsection shall result in the denial of information for a
15 term of 5 years.

16 (7) The requester shall carry insurance coverage in
17 amounts sufficient to cover requester's potential liabilities
18 arising out of the provision of services under an access
19 agreement. The requester shall provide an insurance
20 certificate naming the Secretary as an additional insured on
21 the general liability, professional liability, and cyber
22 liability coverages and shall provide the insurance
23 certificates with evidence of additional insured status and
24 all required coverages prior to the execution of additional
25 insured status and all required coverages prior to the
26 execution of the access agreement. Insurance shall not limit

1 the requester's obligations to indemnify, defend, or settle
2 any and all claims. Requesters shall procure and maintain the
3 following insurance coverage throughout the term of an access
4 agreement and any renewals thereof:

5 (A) professional liability (errors and omissions)
6 insurance covering errors, omissions, or negligence in the
7 provision of services under an access agreement with
8 limits determined by the Secretary in an amount
9 commiserate with the volume of records purchased by the
10 requester and necessary to protect the constituents of the
11 State of Illinois;

12 (B) cyber liability or data/privacy protection
13 insurance with limits determined by the Secretary in an
14 amount commiserate with the volume of records purchased by
15 the requester and necessary to protect the constituents of
16 the State of Illinois.

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

25 (j) A breach of any provision contained within this
26 Chapter or the access agreement may be deemed a material

1 breach of the access agreement and result in the immediate
2 revocation of the access agreement.

3 (k) The Secretary may terminate an access agreement
4 immediately, if:

5 (1) the requested information is used for a purpose
6 other than the purpose identified in the written
7 application or in violation of any provision of Section
8 2A-114;

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

11 (3) the requester violates any provision of this
12 Chapter.

13 (625 ILCS 5/2A-112 new)

14 Sec. 2A-112. Random audit. The Secretary may, at any time,
15 conduct a random audit of applications for access agreements,
16 requests for information, or certified statements of use(s)
17 submitted and processed pursuant to this Chapter to verify the
18 authenticity of the documents and information submitted in
19 support of those applications.

20 Any person or entity receiving information from a motor
21 vehicle record or electronic access to motor vehicle records
22 pursuant to this Chapter shall have an affirmative duty to
23 cooperate with the audit and provide any information or
24 supporting documentation requested by the Secretary.

1 (625 ILCS 5/2A-113 new)

2 Sec. 2A-113. Redisclosure.

3 (a) If the Secretary discovers that personally identifying
4 information from a motor vehicle record has been wrongfully
5 disclosed by a requester, the requester shall notify the
6 entity or person to whom the personally identifying
7 information was wrongfully disclosed that the personally
8 identifying information may not be used, resold, or
9 redisclosed in any way and must be immediately destroyed. The
10 Secretary shall notify the subject of the personally
11 identifying information that the personally identifying
12 information was wrongly disclosed.

13 (b) A requester who has access to motor vehicle records
14 and who rediscloses any personally identifying information
15 connected with a motor vehicle record must notify each entity
16 or person to whom the personally identifying information is
17 redisclosed that the personally identifying information may
18 not be further disclosed unless the redisclosure is authorized
19 by the Driver's Privacy Protection Act and this Code.

20 (625 ILCS 5/2A-114 new)

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

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

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

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

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

7 (b) A violation of this Section is a Class A misdemeanor.
8 Each unauthorized disclosure, unauthorized use, or false
9 representation shall be a separate offense.

10 (c) Except for willful or wanton misconduct, neither the
11 Secretary nor the Secretary's departments or employees shall
12 be civilly liable for any improper use or release of motor
13 vehicle records to any person obtaining such records as
14 provided in this Section.

15 (d) Any person convicted of a violation of this Chapter
16 shall be permanently barred from receiving motor vehicle
17 records.

18 (e) The Secretary shall forward any violations of this
19 Chapter to the appropriate prosecuting authority for
20 prosecution.

21 (f) The Secretary may refuse to disclose data under this
22 Chapter if the Secretary concludes that the requester is
23 likely to use the data for a purpose not authorized by this
24 Chapter.

1 Sec. 2A-115. Data system security breach. Any person who
2 has access to motor vehicle records who experiences a breach
3 of the security of the data system as defined in this Chapter
4 or has any reason to believe that Secretary of State data has
5 been compromised must comply with the Personal Information
6 Protection Act and provide the required notices to all persons
7 whose personally identifying information has been exposed. If
8 notices are not required by the Personal Information
9 Protection Act, the Secretary of State may, at its discretion,
10 require notice be sent to persons whose data was obtained in a
11 data breach or by an unauthorized user.

12 (625 ILCS 5/2A-116 new)

13 Sec. 2A-116. Procedural safeguards to protect
14 confidentiality. Any person who has access to personally
15 identifying information from motor vehicle records shall
16 establish procedures to protect the confidentiality of those
17 records. If any personally identifying information is
18 redisclosed as allowed by this Chapter, the person receiving
19 the personally identifying information must also take all
20 steps necessary to ensure confidentiality and to prevent the
21 release of the personally identifying information.

22 (625 ILCS 5/2A-117 new)

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

1 (625 ILCS 5/2-123 rep.)

2 (625 ILCS 5/6-110.1 rep.)

3 (625 ILCS 5/6-110.2 rep.)

4 (625 ILCS 5/6-110.3 rep.)

5 Section 10. The Illinois Vehicle Code is amended by
6 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.

1 625 ILCS 5/6-110.3 rep.