



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/05/04, by JoAnn D. Osmond

SYNOPSIS AS INTRODUCED:

625 ILCS 5/2-123

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

Amends the Illinois Vehicle Code with regard to the sale and distribution of information by the Secretary of State. Provides that the information that may be sold includes information regarding violation, conviction, or driver license revocation, suspension, or cancellation activity that occurred within the most recent monthly period. Provides that, before providing designated summary information regarding that activity, the Secretary must determine that the provision of the requested information will cause the actual purchase of an abstract of a driver's record.

LRB093 18646 DRH 44372 b

1 AN ACT concerning vehicles.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 2-123 as follows:

6 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

7 Sec. 2-123. Sale and Distribution of Information.

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

20 (b) The Secretary is further empowered to and he may, in
21 his discretion, furnish to any applicant, other than listed in
22 subsection (a) of this Section, vehicle or driver data on a
23 computer tape, disk, other electronic format or computer
24 processable medium, or printout at a fixed fee of \$250 for
25 orders received before October 1, 2003 and \$500 for orders
26 received on or after October 1, 2003, in advance, and require
27 in addition a further sufficient deposit based upon the
28 Secretary of State's estimate of the total cost of the
29 information requested and a charge of \$25 for orders received
30 before October 1, 2003 and \$50 for orders received on or after
31 October 1, 2003, per 1,000 units or part thereof identified or
32 the actual cost, whichever is greater. The Secretary is

1 authorized to refund any difference between the additional
2 deposit and the actual cost of the request. This service shall
3 not be in lieu of an abstract of a driver's record nor of a
4 title or registration search. The Secretary must determine,
5 before providing designated summary information indicating
6 violation, conviction, or driver license revocation,
7 suspension, or cancellation activity that occurred within the
8 most recent monthly period, that the provision of the requested
9 information will cause the actual purchase of an abstract of a
10 driver's record pursuant to subsection (g). This service may be
11 limited to entities purchasing a minimum number of records as
12 required by administrative rule. The information sold pursuant
13 to this subsection shall be violation, conviction, or driver
14 license revocation, suspension, or cancellation activity that
15 occurred within the most recent monthly period or the entire
16 vehicle or driver data list, or part thereof. The information
17 sold pursuant to this subsection shall not contain personally
18 identifying information unless the information is to be used
19 for one of the purposes identified in subsection (f-5) of this
20 Section. Commercial purchasers of driver and vehicle record
21 databases shall enter into a written agreement with the
22 Secretary of State that includes disclosure of the commercial
23 use of the information to be purchased.

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

34 (d) The Secretary of State shall furnish no more than 2
35 current available lists of such registrations to the sheriffs
36 of all counties and to the chiefs of police of all cities and

1 villages and towns of 2,000 population and over in this State
2 at no cost. Additional copies may be purchased by the sheriffs
3 or chiefs of police at the fee of \$500 each or at the cost of
4 producing the list as determined by the Secretary of State.
5 Such lists are to be used for governmental purposes only.

6 (e) (Blank).

7 (e-1) (Blank).

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

20 The Secretary of State shall certify a title or
21 registration record upon written request. The fee for
22 certification shall be \$5 in addition to the fee required for a
23 title or registration search. Certification shall be made under
24 the signature of the Secretary of State and shall be
25 authenticated by Seal of the Secretary of State.

26 The Secretary of State may notify the vehicle owner or
27 registrant of the request for purchase of his title or
28 registration information as the Secretary deems appropriate.

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

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

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

15 (f-5) The Secretary of State shall not disclose or
16 otherwise make available to any person or entity any personally
17 identifying information obtained by the Secretary of State in
18 connection with a driver's license, vehicle, or title
19 registration record unless the information is disclosed for one
20 of the following purposes:

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

26 (2) For use in connection with matters of motor vehicle
27 or driver safety and theft; motor vehicle emissions; motor
28 vehicle product alterations, recalls, or advisories;
29 performance monitoring of motor vehicles, motor vehicle
30 parts, and dealers; and removal of non-owner records from
31 the original owner records of motor vehicle manufacturers.

32 (3) For use in the normal course of business by a
33 legitimate business or its agents, employees, or
34 contractors, but only:

35 (A) to verify the accuracy of personal information
36 submitted by an individual to the business or its

1 agents, employees, or contractors; and

2 (B) if such information as so submitted is not
3 correct or is no longer correct, to obtain the correct
4 information, but only for the purposes of preventing
5 fraud by, pursuing legal remedies against, or
6 recovering on a debt or security interest against, the
7 individual.

8 (4) For use in research activities and for use in
9 producing statistical reports, if the personally
10 identifying information is not published, redisclosed, or
11 used to contact individuals.

12 (5) For use in connection with any civil, criminal,
13 administrative, or arbitral proceeding in any federal,
14 State, or local court or agency or before any
15 self-regulatory body, including the service of process,
16 investigation in anticipation of litigation, and the
17 execution or enforcement of judgments and orders, or
18 pursuant to an order of a federal, State, or local court.

19 (6) For use by any insurer or insurance support
20 organization or by a self-insured entity or its agents,
21 employees, or contractors in connection with claims
22 investigation activities, antifraud activities, rating, or
23 underwriting.

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

26 (8) For use by any private investigative agency or
27 security service licensed in Illinois for any purpose
28 permitted under this subsection.

29 (9) For use by an employer or its agent or insurer to
30 obtain or verify information relating to a holder of a
31 commercial driver's license that is required under chapter
32 313 of title 49 of the United States Code.

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

35 (11) For use by any requester, if the requester
36 demonstrates it has obtained the written consent of the

1 individual to whom the information pertains.

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

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

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

26 2. The Secretary of State may certify an abstract of a
27 driver's record upon written request therefor. Such
28 certification shall be made under the signature of the
29 Secretary of State and shall be authenticated by the Seal
30 of his office.

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

34 The Secretary of State may notify the affected driver
35 of the request for purchase of his driver's record as the
36 Secretary deems appropriate.

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

16 Any misrepresentation made by a requestor of driver
17 information shall be punishable as a petty offense, except
18 in the case of persons licensed as a private detective or
19 firms licensed as a private detective agency which shall be
20 subject to disciplinary sanctions under Section 40-10 of
21 the Private Detective, Private Alarm, Private Security,
22 and Locksmith Act of 2004.

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

33 5. Except as otherwise provided in this Section, the
34 Secretary of State may furnish, without fee, information
35 from an individual driver's record on file, if a written
36 request therefor is submitted by any public transit system

1 or authority, public defender, law enforcement agency, a
2 state or federal agency, or an Illinois local
3 intergovernmental association, if the request is for the
4 purpose of a background check of applicants for employment
5 with the requesting agency, or for the purpose of an
6 official investigation conducted by the agency, or to
7 determine a current address for the driver so public funds
8 can be recovered or paid to the driver, or for any other
9 purpose set forth in subsection (f-5) of this Section.

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

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

34 7. Subject to any restrictions contained in the
35 Juvenile Court Act of 1987, and upon receipt of a proper
36 request and a fee of \$6 before October 1, 2003 and a fee of

1 §12 on or after October 1, 2003, the Secretary of State
2 shall provide a driver's record to the affected driver, or
3 the affected driver's attorney, upon verification. Such
4 record shall contain all the information referred to in
5 paragraph 1 of this subsection (g) plus: any recorded
6 accident involvement as a driver; information recorded
7 pursuant to subsection (e) of Section 6-117 and paragraph
8 (4) of subsection (a) of Section 6-204 of this Code. All
9 other information, unless otherwise permitted by this
10 Code, shall remain confidential.

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

31 (i) (Blank).

32 (j) Medical statements or medical reports received in the
33 Secretary of State's Office shall be confidential. No
34 confidential information may be open to public inspection or
35 the contents disclosed to anyone, except officers and employees
36 of the Secretary who have a need to know the information

1 contained in the medical reports and the Driver License Medical
2 Advisory Board, unless so directed by an order of a court of
3 competent jurisdiction.

4 (k) All fees collected under this Section shall be paid
5 into the Road Fund of the State Treasury, except that (i) for
6 fees collected before October 1, 2003, \$3 of the \$6 fee for a
7 driver's record shall be paid into the Secretary of State
8 Special Services Fund, (ii) for fees collected on and after
9 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
10 be paid into the Secretary of State Special Services Fund and
11 \$6 shall be paid into the General Revenue Fund, and (iii) for
12 fees collected on and after October 1, 2003, 50% of the amounts
13 collected pursuant to subsection (b) shall be paid into the
14 General Revenue Fund.

15 (l) (Blank).

16 (m) Notations of accident involvement that may be disclosed
17 under this Section shall not include notations relating to
18 damage to a vehicle or other property being transported by a
19 tow truck. This information shall remain confidential,
20 provided that nothing in this subsection (m) shall limit
21 disclosure of any notification of accident involvement to any
22 law enforcement agency or official.

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

1 (o) The redisclosure of personally identifying information
2 obtained pursuant to this Section is prohibited, except to the
3 extent necessary to effectuate the purpose for which the
4 original disclosure of the information was permitted.

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

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