

1 AN ACT in relation to 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  
5 changing 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, public libraries and all other governmental  
14 units of the State and Federal Government requesting them for  
15 governmental purposes. The Secretary shall require any such  
16 applicant for services to pay for the costs of furnishing  
17 such services and the use of the equipment involved, and in  
18 addition is empowered to establish prices and charges for the  
19 services so furnished and for the use of the electronic  
20 equipment utilized.

21 (b) The Secretary is further empowered to and he may, in  
22 his discretion, furnish to any applicant, other than listed  
23 in subsection (a) of this Section, vehicle or driver data on  
24 a computer tape, disk, or printout at a fixed fee of \$250 in  
25 advance and require in addition a further sufficient deposit  
26 based upon the Secretary of State's estimate of the total  
27 cost of the information requested and a charge of \$25 per  
28 1,000 units or part thereof identified or the actual cost,  
29 whichever is greater. The Secretary is authorized to refund  
30 any difference between the additional deposit and the actual  
31 cost of the request. This service shall not be in lieu of an

1 abstract of a driver's record nor of a title or registration  
2 search. The information sold pursuant to this subsection  
3 shall be the entire vehicle or driver data list, or part  
4 thereof.

5 (c) Secretary of State may issue registration lists.  
6 The Secretary of State shall compile and publish, at least  
7 annually, a list of all registered vehicles. Each list of  
8 registered vehicles shall be arranged serially according to  
9 the registration numbers assigned to registered vehicles and  
10 shall contain in addition the names and addresses of  
11 registered owners and a brief description of each vehicle  
12 including the serial or other identifying number thereof.  
13 Such compilation may be in such form as in the discretion of  
14 the Secretary of State may seem best for the purposes  
15 intended.

16 (d) The Secretary of State shall furnish no more than 2  
17 current available lists of such registrations to the sheriffs  
18 of all counties and to the chiefs of police of all cities and  
19 villages and towns of 2,000 population and over in this State  
20 at no cost. Additional copies may be purchased at the fee of  
21 \$500 each or at the cost of producing the list as determined  
22 by the Secretary of State.

23 (e) The Secretary of State shall upon written request  
24 and the payment of the fee of \$500 furnish the current  
25 available list of such motor vehicle registrations to any  
26 person so long as the supply of available registration lists  
27 shall last.

28 (e-1) Commercial purchasers of driver and vehicle record  
29 databases shall enter into a written agreement with the  
30 Secretary of State that includes disclosure of the commercial  
31 use of the intended purchase. Affected drivers, vehicle  
32 owners, or registrants may request that their personally  
33 identifiable information not be used for commercial  
34 solicitation purposes.

1       (e-2) The Secretary of State may not knowingly disclose  
2 or otherwise make available to any person or entity for  
3 commercial solicitation purposes a photograph or digitally  
4 produced and captured image of any individual obtained by the  
5 Secretary of State's office in connection with a motor  
6 vehicle record. "Commercial solicitation purposes" means the  
7 use of a State database to contact individuals to advertise,  
8 offer for sale, market, or sell products or services or to  
9 identify potential employees.

10       (f) The Secretary of State shall make a title or  
11 registration search of the records of his office and a  
12 written report on the same for any person, upon written  
13 application of such person, accompanied by a fee of \$5 for  
14 each registration or title search. No fee shall be charged  
15 for a title or registration search, or for the certification  
16 thereof requested by a government agency.

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

23       The Secretary of State may notify the vehicle owner or  
24 registrant of the request for purchase of his title or  
25 registration information as the Secretary deems appropriate.

26       The vehicle owner or registrant residence address and  
27 other personally identifiable information on the record shall  
28 not be disclosed. This nondisclosure shall not apply to  
29 requests made by law enforcement officials, government  
30 agencies, financial institutions, attorneys, insurers,  
31 employers, automobile associated businesses, other business  
32 entities for purposes consistent with the Illinois Vehicle  
33 Code, the vehicle owner or registrant, or other entities as  
34 the Secretary may exempt by rule and regulation. This

1 information may be withheld from the entities listed above,  
2 except law enforcement and government agencies upon  
3 presentation of a valid court order of protection for the  
4 duration of the order.

5 No information shall be released to the requestor until  
6 expiration of a 10 day period. This 10 day period shall not  
7 apply to requests for information made by law enforcement  
8 officials, government agencies, financial institutions,  
9 attorneys, insurers, employers, automobile associated  
10 businesses, persons licensed as a private detective or firms  
11 licensed as a private detective agency under the Private  
12 Detective, Private Alarm, and Private Security Act of 1983,  
13 who are employed by or are acting on behalf of law  
14 enforcement officials, government agencies, financial  
15 institutions, attorneys, insurers, employers, automobile  
16 associated businesses, and other business entities for  
17 purposes consistent with the Illinois Vehicle Code, the  
18 vehicle owner or registrant or other entities as the  
19 Secretary may exempt by rule and regulation.

20 Any misrepresentation made by a requestor of title or  
21 vehicle information shall be punishable as a petty offense,  
22 except in the case of persons licensed as a private detective  
23 or firms licensed as a private detective agency which shall  
24 be subject to disciplinary sanctions under Section 22 or 25  
25 of the Private Detective, Private Alarm, and Private Security  
26 Act of 1983.

27 (g) 1. The Secretary of State may, upon receipt of a  
28 written request and a fee of \$6, furnish to the person or  
29 agency so requesting a driver's record. Such document  
30 may include a record of: current driver's license  
31 issuance information, except that the information on  
32 judicial driving permits shall be available only as  
33 otherwise provided by this Code; convictions; orders  
34 entered revoking, suspending or cancelling a driver's

1 license or privilege; and notations of accident  
2 involvement. All other information, unless otherwise  
3 permitted by this Code, shall remain confidential.

4 2. The Secretary of State may certify an abstract  
5 of a driver's record upon written request therefor.  
6 Such certification shall be made under the signature of  
7 the Secretary of State and shall be authenticated by the  
8 Seal of his office.

9 3. All requests for driving record information  
10 shall be made in a manner prescribed by the Secretary.

11 The Secretary of State may notify the affected  
12 driver of the request for purchase of his driver's record  
13 as the Secretary deems appropriate.

14 The affected driver residence address and other  
15 personally identifiable information on the record shall  
16 not be disclosed. This nondisclosure shall not apply to  
17 requests made by law enforcement officials, government  
18 agencies, financial institutions, attorneys, insurers,  
19 employers, automobile associated businesses, other  
20 business entities for purposes consistent with the  
21 Illinois Vehicle Code, the affected driver, or other  
22 entities as the Secretary may exempt by rule and  
23 regulation. This information may be withheld from the  
24 entities listed above, except law enforcement and  
25 government agencies, upon presentation of a valid court  
26 order of protection for the duration of the order.

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

1 Security Act of 1983, who are employed by or are acting  
2 on behalf of law enforcement officials, government  
3 agencies, financial institutions, attorneys, insurers,  
4 employers, automobile associated businesses, and other  
5 business entities for purposes consistent with the  
6 Illinois Vehicle Code, the affected driver or other  
7 entities as the Secretary may exempt by rule and  
8 regulation.

9 Any misrepresentation made by a requestor of driver  
10 information shall be punishable as a petty offense,  
11 except in the case of persons licensed as a private  
12 detective or firms licensed as a private detective agency  
13 which shall be subject to disciplinary sanctions under  
14 Section 22 or 25 of the Private Detective, Private Alarm,  
15 and Private Security Act of 1983.

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

27 5. Except as otherwise provided in this Section,  
28 the Secretary of State may furnish, without fee,  
29 information from an individual driver's record on file,  
30 if a written request therefor is submitted by any public  
31 transit system or authority, public defender, law  
32 enforcement agency, a state or federal agency, or an  
33 Illinois local intergovernmental association, if the  
34 request is for the purpose of a background check of

1 applicants for employment with the requesting agency, or  
2 for the purpose of an official investigation conducted by  
3 the agency, or to determine a current address for the  
4 driver so public funds can be recovered or paid to the  
5 driver, or for any other lawful purpose.

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

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

31 7. Subject to any restrictions contained in the  
32 Juvenile Court Act of 1987, and upon receipt of a proper  
33 request and a fee of \$6, the Secretary of State shall  
34 provide a driver's record to the affected driver, or the

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

9 (h) The Secretary shall not disclose social security  
10 numbers except pursuant to a written request by, or with the  
11 prior written consent of, the individual except: (1) to  
12 officers and employees of the Secretary who have a need to  
13 know the social security numbers in performance of their  
14 official duties, (2) to law enforcement officials for a  
15 lawful, civil or criminal law enforcement investigation, and  
16 if the head of the law enforcement agency has made a written  
17 request to the Secretary specifying the law enforcement  
18 investigation for which the social security numbers are being  
19 sought, (3) to the United States Department of  
20 Transportation, or any other State, pursuant to the  
21 administration and enforcement of the Commercial Motor  
22 Vehicle Safety Act of 1986, (4) pursuant to the order of a  
23 court of competent jurisdiction, or (5) to the Department of  
24 Public Aid for utilization in the child support enforcement  
25 duties assigned to that Department under provisions of the  
26 Public Aid Code after the individual has received advanced  
27 meaningful notification of what redisclosure is sought by the  
28 Secretary in accordance with the federal Privacy Act;  
29 provided, the redisclosure shall not be authorized by the  
30 Secretary prior to September 30, 1992.

31 (i) The Secretary of State is empowered to promulgate  
32 rules and regulations to effectuate this Section.

33 (j) Medical statements or medical reports received in  
34 the Secretary of State's Office shall be confidential. No

1 confidential information may be open to public inspection or  
2 the contents disclosed to anyone, except officers and  
3 employees of the Secretary who have a need to know the  
4 information contained in the medical reports and the Driver  
5 License Medical Advisory Board, unless so directed by an  
6 order of a court of competent jurisdiction.

7 (k) All fees collected under this Section shall be paid  
8 into the Road Fund of the State Treasury, except that \$3 of  
9 the \$6 fee for a driver's record shall be paid into the  
10 Secretary of State Special Services Fund.

11 (l) The Secretary of State shall report his  
12 recommendations to the General Assembly by January 1, 1993,  
13 regarding the sale and dissemination of the information  
14 maintained by the Secretary, including the sale of lists of  
15 driver and vehicle records.

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

23 (n) Requests made by the news media for driver's  
24 license, vehicle, or title registration information may be  
25 furnished without charge or at a reduced charge, as  
26 determined by the Secretary, when the specific purpose for  
27 requesting the documents is deemed to be in the public  
28 interest. Waiver or reduction of the fee is in the public  
29 interest if the principal purpose of the request is to access  
30 and disseminate information regarding the health, safety, and  
31 welfare or the legal rights of the general public and is not  
32 for the principal purpose of gaining a personal or commercial  
33 benefit.

34 (Source: P.A. 90-144, eff. 7-23-97; 90-330, eff. 8-8-97;

1 90-400, eff. 8-15-97; 90-655, eff. 7-30-98; 91-37, eff.  
2 7-1-99; 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.