

1 AN ACT concerning matters relating to the Secretary of
2 State.

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

5 Section 5. The State Finance Act is amended by changing
6 Section 6z-34 as follows:

7 (30 ILCS 105/6z-34)

8 Sec. 6z-34. Secretary of State Special Services Fund.
9 There is created in the State Treasury a special fund to be
10 known as the Secretary of State Special Services Fund.
11 Moneys deposited into the Fund may, subject to appropriation,
12 be used by the Secretary of State for any or all of the
13 following purposes:

14 (1) For general automation efforts within
15 operations of the Office of Secretary of State.

16 (2) For technology applications in any form that
17 will enhance the operational capabilities of the Office
18 of Secretary of State.

19 (3) To provide funds for any type of library grants
20 authorized and administered by the Secretary of State as
21 State Librarian.

22 These funds are in addition to any other funds otherwise
23 authorized to the Office of Secretary of State for like or
24 similar purposes.

25 On August 15, 1997, all fiscal year 1997 receipts that
26 exceed the amount of \$15,000,000 shall be transferred from
27 this Fund to the Statistical Services Revolving Fund; and on
28 August 15, 1998 and each year thereafter through 2000, all
29 receipts from the fiscal year ending on the previous June
30 30th that exceed the amount of \$17,000,000 shall be
31 transferred from this Fund to the Statistical Services

1 Revolving Fund; and on August 15, 2001 and each year
 2 thereafter, all receipts from the fiscal year ending on the
 3 previous June 30th that exceed the amount of \$19,000,000
 4 shall be transferred from this Fund to the Statistical
 5 Services Revolving Fund.

6 (Source: P.A. 89-503, eff. 7-1-96; 89-697, eff. 1-6-97.)

7 Section 10. The Illinois Vehicle Code is amended by
 8 adding Section 1-159.2 and changing Section 2-123 as follows:

9 (625 ILCS 5/1-159.2 new)

10 Sec. 1-159.2. Personally identifying information.
 11 Information that identifies an individual, including his or
 12 her photograph, social security number, driver identification
 13 number, name, address (but not the 5 digit zip code),
 14 telephone number, and medical or disability information, but
 15 "personally identifying information" does not include
 16 information on vehicular accidents, driving violations, and
 17 driver's status.

18 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

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

20 (a) Except as otherwise provided in this Section, the
 21 Secretary may make the driver's license, vehicle and title
 22 registration lists, in part or in whole, and any statistical
 23 information derived from these lists available to local
 24 governments, elected state officials, state educational
 25 institutions, ~~public-libraries~~ and all other governmental
 26 units of the State and Federal Government requesting them for
 27 governmental purposes. The Secretary shall require any such
 28 applicant for services to pay for the costs of furnishing
 29 such services and the use of the equipment involved, and in
 30 addition is empowered to establish prices and charges for the
 31 services so furnished and for the use of the electronic

1 equipment utilized.

2 (b) The Secretary is further empowered to and he may, in
3 his discretion, furnish to any applicant, other than listed
4 in subsection (a) of this Section, vehicle or driver data on
5 a computer tape, disk, other electronic format or computer
6 processable medium, or printout at a fixed fee of \$250 in
7 advance and require in addition a further sufficient deposit
8 based upon the Secretary of State's estimate of the total
9 cost of the information requested and a charge of \$25 per
10 1,000 units or part thereof identified or the actual cost,
11 whichever is greater. The Secretary is authorized to refund
12 any difference between the additional deposit and the actual
13 cost of the request. This service shall not be in lieu of an
14 abstract of a driver's record nor of a title or registration
15 search. This service may be limited to entities purchasing a
16 minimum number of records as required by administrative rule.
17 The information sold pursuant to this subsection shall be the
18 entire vehicle or driver data list, or part thereof. The
19 information sold pursuant to this subsection shall not
20 contain personally identifying information unless the
21 information is to be used for one of the purposes identified
22 in subsection (f-5) of this Section. Commercial purchasers
23 of driver and vehicle record databases shall enter into a
24 written agreement with the Secretary of State that includes
25 disclosure of the commercial use of the information to be
26 purchased.

27 (c) Secretary of State may issue registration lists.
28 The Secretary of State shall compile and publish, at least
29 annually, a list of all registered vehicles. Each list of
30 registered vehicles shall be arranged serially according to
31 the registration numbers assigned to registered vehicles and
32 shall contain in addition the names and addresses of
33 registered owners and a brief description of each vehicle
34 including the serial or other identifying number thereof.

1 Such compilation may be in such form as in the discretion of
2 the Secretary of State may seem best for the purposes
3 intended.

4 (d) The Secretary of State shall furnish no more than 2
5 current available lists of such registrations to the sheriffs
6 of all counties and to the chiefs of police of all cities and
7 villages and towns of 2,000 population and over in this State
8 at no cost. Additional copies may be purchased by the
9 sheriffs or chiefs of police at the fee of \$500 each or at
10 the cost of producing the list as determined by the Secretary
11 of State. Such lists are to be used for governmental
12 purposes only.

13 (e) (Blank). ~~The--Secretary-of-State-shall-upon-written~~
14 ~~request-and-the-payment--of--the--fee--of--\$500--furnish--the~~
15 ~~current-available-list-of-such-motor-vehicle-registrations-to~~
16 ~~any--person--so--long-as-the-supply-of-available-registration~~
17 ~~lists-shall-last.~~

18 (e-1) (Blank). ~~Commercial--purchasers--of--driver---and~~
19 ~~vehicle-record-databases-shall-enter-into-a-written-agreement~~
20 ~~with--the--Secretary-of-State-that-includes-disclosure-of-the~~
21 ~~commercial-use-of-the-intended-purchase.---Affected--drivers,~~
22 ~~vehicle---owners,--or--registrants--may--request--that--their~~
23 ~~personally--identifiable--information---not---be---used---for~~
24 ~~commercial-solicitation-purposes.~~

25 (f) The Secretary of State shall make a title or
26 registration search of the records of his office and a
27 written report on the same for any person, upon written
28 application of such person, accompanied by a fee of \$5 for
29 each registration or title search. The written application
30 shall set forth the intended use of the requested
31 information. No fee shall be charged for a title or
32 registration search, or for the certification thereof
33 requested by a government agency. The report of the title or
34 registration search shall not contain personally identifying

1 information unless the request for a search was made for one
2 of the purposes identified in subsection (f-5) of this
3 Section.

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

10 The Secretary of State may notify the vehicle owner or
11 registrant of the request for purchase of his title or
12 registration information as the Secretary deems appropriate.

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

26 No information shall be released to the requestor until
27 expiration of a 10 day period. This 10 day period shall not
28 apply to requests for information made by law enforcement
29 officials, government agencies, financial institutions,
30 attorneys, insurers, employers, automobile associated
31 businesses, persons licensed as a private detective or firms
32 licensed as a private detective agency under the Private
33 Detective, Private Alarm, and Private Security Act of 1983,
34 who are employed by or are acting on behalf of law

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

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

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

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

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

1 (A) to verify the accuracy of personal
2 information submitted by an individual to the
3 business or its agents, employees, or contractors;
4 and

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

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

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

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

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

29 (8) For use by any private investigative agency or
30 security service licensed in Illinois for any purpose
31 permitted under this subsection.

32 (9) For use by an employer or its agent or insurer
33 to obtain or verify information relating to a holder of a
34 commercial driver's license that is required under

1 chapter 313 of title 49 of the United States Code.

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

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

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

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

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

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

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

5 The Secretary of State may notify the affected
 6 driver of the request for purchase of his driver's record
 7 as the Secretary deems appropriate.

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

21 No information shall be released to the requester
 22 until expiration of a 10 day period. This 10 day period
 23 shall not apply to requests for information made by law
 24 enforcement officials, government agencies, financial
 25 institutions, attorneys, insurers, employers, automobile
 26 associated businesses, persons licensed as a private
 27 detective or firms licensed as a private detective agency
 28 under the Private Detective, Private Alarm, and Private
 29 Security Act of 1983, who are employed by or are acting
 30 on behalf of law enforcement officials, government
 31 agencies, financial institutions, attorneys, insurers,
 32 employers, automobile associated businesses, and other
 33 business entities for purposes consistent with the
 34 Illinois Vehicle Code, the affected driver or other

1 entities as the Secretary may exempt by rule and
2 regulation.

3 Any misrepresentation made by a requestor of driver
4 information shall be punishable as a petty offense,
5 except in the case of persons licensed as a private
6 detective or firms licensed as a private detective agency
7 which shall be subject to disciplinary sanctions under
8 Section 22 or 25 of the Private Detective, Private Alarm,
9 and Private Security Act of 1983.

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

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

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

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

26 7. Subject to any restrictions contained in the
27 Juvenile Court Act of 1987, and upon receipt of a proper
28 request and a fee of \$6, the Secretary of State shall
29 provide a driver's record to the affected driver, or the
30 affected driver's attorney, upon verification. Such
31 record shall contain all the information referred to in
32 paragraph 1 of this subsection (g) plus: any recorded
33 accident involvement as a driver; information recorded
34 pursuant to subsection (e) of Section 6-117 and paragraph

1 (4) of subsection (a) of Section 6-204 of this Code. All
2 other information, unless otherwise permitted by this
3 Code, shall remain confidential.

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

26 (i) (Blank). ~~The Secretary of State is empowered to~~
27 ~~promulgate rules and regulations to effectuate this Section.~~

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

1 order of a court of competent jurisdiction.

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

6 (l) (Blank). ~~The Secretary of State shall report his~~
7 ~~recommendations to the General Assembly by January 17, 1993,~~
8 ~~regarding the sale and dissemination of the information~~
9 ~~maintained by the Secretary, including the sale of lists of~~
10 ~~driver and vehicle records.~~

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

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

32 (m) The redisclosure of personally identifying
33 information obtained pursuant to this Section is prohibited,
34 except to the extent necessary to effectuate the purpose for

1 which the original disclosure of the information was
2 permitted.

3 (n) The Secretary of State is empowered to adopt rules
4 to effectuate this Section.

5 (Source: P.A. 90-144, eff. 7-23-97; 90-330, eff. 8-8-97;
6 90-400, eff. 8-15-97; 90-655, eff. 7-30-98; 91-37, eff.
7 7-1-99; 91-357, eff. 7-29-99; 91-716, eff. 10-1-00.)

8 Section 99. Effective date. This Act takes effect on
9 July 1, 2001.