



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB3679**

Introduced 02/24/05, by Rep. Gary Hannig

**SYNOPSIS AS INTRODUCED:**

625 ILCS 5/2-123

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

Amends the Illinois Vehicle Code. Reduces from \$500 to \$250 the fee the Secretary of State may charge certain persons for providing driver or vehicle data in electronic format, computer processable medium, or printout. Reduces from \$50 to \$25 the additional amount the Secretary may charge those persons per 1,000 units of data. Effective immediately.

LRB094 03475 DRH 33478 b

FISCAL NOTE ACT  
MAY APPLY

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 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 and before the effective  
27 date of this amendatory Act of the 94th General Assembly, and  
28 \$250 for orders received on or after the effective date of this  
29 amendatory Act of the 94th General Assembly, in advance, and  
30 require in addition a further sufficient deposit based upon the  
31 Secretary of State's estimate of the total cost of the  
32 information requested and a charge of \$25 for orders received

1 before October 1, 2003, ~~and~~ \$50 for orders received on or after  
2 October 1, 2003 and before the effective date of this  
3 amendatory Act of the 94th General Assembly, and \$25 for orders  
4 received on or after the effective date of this amendatory Act  
5 of the 94th General Assembly, per 1,000 units or part thereof  
6 identified or the actual cost, whichever is greater. The  
7 Secretary is authorized to refund any difference between the  
8 additional deposit and the actual cost of the request. This  
9 service shall not be in lieu of an abstract of a driver's  
10 record nor of a title or registration search. This service may  
11 be limited to entities purchasing a minimum number of records  
12 as required by administrative rule. The information sold  
13 pursuant to this subsection shall be the entire vehicle or  
14 driver data list, or part thereof. The information sold  
15 pursuant to this subsection shall not contain personally  
16 identifying information unless the information is to be used  
17 for one of the purposes identified in subsection (f-5) of this  
18 Section. Commercial purchasers of driver and vehicle record  
19 databases shall enter into a written agreement with the  
20 Secretary of State that includes disclosure of the commercial  
21 use of the information to be purchased.

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

32 (d) The Secretary of State shall furnish no more than 2  
33 current available lists of such registrations to the sheriffs  
34 of all counties and to the chiefs of police of all cities and  
35 villages and towns of 2,000 population and over in this State  
36 at no cost. Additional copies may be purchased by the sheriffs

1 or chiefs of police at the fee of \$500 each or at the cost of  
2 producing the list as determined by the Secretary of State.  
3 Such lists are to be used for governmental purposes only.

4 (e) (Blank).

5 (e-1) (Blank).

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

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

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

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

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

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

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

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

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

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

36 (A) to verify the accuracy of personal information

1 submitted by an individual to the business or its  
2 agents, employees, or contractors; and

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

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

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

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

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

27 (8) For use by any person licensed as a private  
28 detective or firm licensed as a private detective agency  
29 under the Private Detective, Private Alarm, Private  
30 Security, and Locksmith Act of 1993, private investigative  
31 agency or security service licensed in Illinois for any  
32 purpose permitted under this subsection.

33 (9) For use by an employer or its agent or insurer to  
34 obtain or verify information relating to a holder of a  
35 commercial driver's license that is required under chapter  
36 313 of title 49 of the United States Code.

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

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

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

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

13          (f-6) The Secretary of State shall not disclose or  
14 otherwise make available to any person or entity any highly  
15 restricted personal information obtained by the Secretary of  
16 State in connection with a driver's license, vehicle, or title  
17 registration record unless specifically authorized by this  
18 Code.

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

36          2. The Secretary of State shall not disclose or

1 otherwise make available to any person or entity any highly  
2 restricted personal information obtained by the Secretary  
3 of State in connection with a driver's license, vehicle, or  
4 title registration record unless specifically authorized  
5 by this Code. The Secretary of State may certify an  
6 abstract of a driver's record upon written request  
7 therefor. Such certification shall be made under the  
8 signature of the Secretary of State and shall be  
9 authenticated by the Seal of his office.

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

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

16 No information shall be released to the requester until  
17 expiration of a 10 day period. This 10 day period shall not  
18 apply to requests for information made by law enforcement  
19 officials, government agencies, financial institutions,  
20 attorneys, insurers, employers, automobile associated  
21 businesses, persons licensed as a private detective or  
22 firms licensed as a private detective agency under the  
23 Private Detective, Private Alarm, Private Security, and  
24 Locksmith Act of 2004, who are employed by or are acting on  
25 behalf of law enforcement officials, government agencies,  
26 financial institutions, attorneys, insurers, employers,  
27 automobile associated businesses, and other business  
28 entities for purposes consistent with the Illinois Vehicle  
29 Code, the affected driver or other entities as the  
30 Secretary may exempt by rule and regulation.

31 Any misrepresentation made by a requestor of driver  
32 information shall be punishable as a petty offense, except  
33 in the case of persons licensed as a private detective or  
34 firms licensed as a private detective agency which shall be  
35 subject to disciplinary sanctions under Section 40-10 of  
36 the Private Detective, Private Alarm, Private Security,



1 and Locksmith Act of 2004.

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

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

25 The Secretary may also furnish the courts a copy of an  
26 abstract of a driver's record, without fee, subsequent to  
27 an arrest for a violation of Section 11-501 or a similar  
28 provision of a local ordinance. Such abstract may include  
29 records of dispositions; documented information involving  
30 the use of a motor vehicle as contained in the current  
31 file; whether such individual has, or previously had, a  
32 driver's license; and the address and personal description  
33 as reflected on said driver's record.

34 6. Any certified abstract issued by the Secretary of  
35 State or transmitted electronically by the Secretary of  
36 State pursuant to this Section, to a court or on request of

1 a law enforcement agency, for the record of a named person  
2 as to the status of the person's driver's license shall be  
3 prima facie evidence of the facts therein stated and if the  
4 name appearing in such abstract is the same as that of a  
5 person named in an information or warrant, such abstract  
6 shall be prima facie evidence that the person named in such  
7 information or warrant is the same person as the person  
8 named in such abstract and shall be admissible for any  
9 prosecution under this Code and be admitted as proof of any  
10 prior conviction or proof of records, notices, or orders  
11 recorded on individual driving records maintained by the  
12 Secretary of State.

13 7. Subject to any restrictions contained in the  
14 Juvenile Court Act of 1987, and upon receipt of a proper  
15 request and a fee of \$6 before October 1, 2003 and a fee of  
16 \$12 on or after October 1, 2003, the Secretary of State  
17 shall provide a driver's record to the affected driver, or  
18 the affected driver's attorney, upon verification. Such  
19 record shall contain all the information referred to in  
20 paragraph 1 of this subsection (g) plus: any recorded  
21 accident involvement as a driver; information recorded  
22 pursuant to subsection (e) of Section 6-117 and paragraph  
23 (4) of subsection (a) of Section 6-204 of this Code. All  
24 other information, unless otherwise permitted by this  
25 Code, shall remain confidential.

26 (h) The Secretary shall not disclose social security  
27 numbers or any associated information obtained from the Social  
28 Security Administration except pursuant to a written request  
29 by, or with the prior written consent of, the individual  
30 except: (1) to officers and employees of the Secretary who have  
31 a need to know the social security numbers in performance of  
32 their official duties, (2) to law enforcement officials for a  
33 lawful, civil or criminal law enforcement investigation, and if  
34 the head of the law enforcement agency has made a written  
35 request to the Secretary specifying the law enforcement  
36 investigation for which the social security numbers are being

1 sought, (3) to the United States Department of Transportation,  
2 or any other State, pursuant to the administration and  
3 enforcement of the Commercial Motor Vehicle Safety Act of 1986,  
4 (4) pursuant to the order of a court of competent jurisdiction,  
5 or (5) to the Department of Public Aid for utilization in the  
6 child support enforcement duties assigned to that Department  
7 under provisions of the Public Aid Code after the individual  
8 has received advanced meaningful notification of what  
9 redisclosure is sought by the Secretary in accordance with the  
10 federal Privacy Act.

11 (i) (Blank).

12 (j) Medical statements or medical reports received in the  
13 Secretary of State's Office shall be confidential. No  
14 confidential information may be open to public inspection or  
15 the contents disclosed to anyone, except officers and employees  
16 of the Secretary who have a need to know the information  
17 contained in the medical reports and the Driver License Medical  
18 Advisory Board, unless so directed by an order of a court of  
19 competent jurisdiction.

20 (k) All fees collected under this Section shall be paid  
21 into the Road Fund of the State Treasury, except that (i) for  
22 fees collected before October 1, 2003, \$3 of the \$6 fee for a  
23 driver's record shall be paid into the Secretary of State  
24 Special Services Fund, (ii) for fees collected on and after  
25 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall  
26 be paid into the Secretary of State Special Services Fund and  
27 \$6 shall be paid into the General Revenue Fund, and (iii) for  
28 fees collected on and after October 1, 2003, 50% of the amounts  
29 collected pursuant to subsection (b) shall be paid into the  
30 General Revenue Fund.

31 (l) (Blank).

32 (m) Notations of accident involvement that may be disclosed  
33 under this Section shall not include notations relating to  
34 damage to a vehicle or other property being transported by a  
35 tow truck. This information shall remain confidential,  
36 provided that nothing in this subsection (m) shall limit

1 disclosure of any notification of accident involvement to any  
2 law enforcement agency or official.

3 (n) Requests made by the news media for driver's license,  
4 vehicle, or title registration information may be furnished  
5 without charge or at a reduced charge, as determined by the  
6 Secretary, when the specific purpose for requesting the  
7 documents is deemed to be in the public interest. Waiver or  
8 reduction of the fee is in the public interest if the principal  
9 purpose of the request is to access and disseminate information  
10 regarding the health, safety, and welfare or the legal rights  
11 of the general public and is not for the principal purpose of  
12 gaining a personal or commercial benefit. The information  
13 provided pursuant to this subsection shall not contain  
14 personally identifying information unless the information is  
15 to be used for one of the purposes identified in subsection  
16 (f-5) of this Section.

17 (o) The redisclosure of personally identifying information  
18 obtained pursuant to this Section is prohibited, except to the  
19 extent necessary to effectuate the purpose for which the  
20 original disclosure of the information was permitted.

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

23 (Source: P.A. 92-32, eff. 7-1-01; 92-651, eff. 7-11-02; 93-32,  
24 eff. 7-1-03; 93-438, eff. 8-5-03; 93-895, eff. 1-1-05.)

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.