



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2283

Introduced 1/12/2006, by Sen. Arthur J. Wilhelmi

SYNOPSIS AS INTRODUCED:

15 ILCS 335/14D new
625 ILCS 5/6-117.1 new

Amends the Illinois Vehicle Code and the Illinois Identification Card Act. Provides that, when information is obtained from a driver's license or identification card to identify or prove the age of the holder of the license or identification card, or in the course of a commercial transaction, that information may be used only for purposes of identification of the individual or for completing the commercial transaction in which the information was obtained. Provides that the information may not be used for any other purpose and may not be provided to a third party. Provides that a person whose driver's license or identification card information was used in violation of the provision is entitled to recover actual damages, but not less than liquidated damages in the amount of \$250 for each violation, plus attorney's fees and costs. Creates exceptions.

LRB094 15332 DRH 50523 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning identification.

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

4 Section 3. The Illinois Identification Card Act is amended
5 by adding Section 14D as follows:

6 (15 ILCS 335/14D new)

7 Sec. 14D. Limitations on use of identification card
8 information.

9 (a) When information is obtained from an identification
10 card issued by the Secretary of State to identify or prove the
11 age of the holder of the card, or in the course of a commercial
12 transaction, that information may be used only for purposes of
13 identification of the individual or for completing the
14 commercial transaction in which the information was obtained.
15 Information obtained from an identification card issued by the
16 Secretary of State may not be used for purposes unrelated to
17 the transaction in which it was obtained, including, but not
18 limited to, commercial solicitations. Information obtained
19 from an identification card issued by the Secretary of State to
20 identify or prove the age of the holder of the card, or in the
21 course of a commercial transaction, may not be sold, leased or
22 otherwise provided to any third party.

23 (b) As used in this Section, "information" on an
24 identification card issued by the Secretary of State includes
25 readable text on the face of the card and information encoded
26 or encrypted into a bar code, magnetic strip, or other
27 electronically readable device on or in the card.

28 (c) Any individual whose identification card information
29 has been used in violation of this Section has a cause of
30 action against the person who violated this Section. Upon a
31 finding that a violation did occur, the individual whose
32 information was used in violation of this Section is entitled

1 to recover actual damages, but not less than liquidated damages
2 in the amount of \$250 for each violation, plus attorney's fees
3 and the costs of bringing the action.

4 (d) Use of information contained on an identification card
5 issued by the Secretary of State is not a violation of this
6 Section if the individual whose information has been used gave
7 express permission for that use, or if the information relating
8 to the individual was obtained from a source other than the
9 individual's identification card issued by the Secretary of
10 State.

11 (e) This Section does not apply to any agency of the United
12 States or to the State of Illinois or any of its political
13 subdivisions.

14 (f) This Section does not apply to the transfer of
15 information to a third party if (i) a federal or State law,
16 rule, or regulation requires that the information be
17 transferred to a third party after being recorded in specified
18 transactions or (ii) the information is transferred to a third
19 party for purposes of the detection or possible prosecution of
20 criminal offenses or fraud. If information is transferred to a
21 third party under this subsection (f), it may be used only for
22 the purposes authorized by this subsection (f).

23 (g) This Section does not apply to the use of information
24 obtained from an identification card which has been provided by
25 the holder of the card in the course of a potential or
26 completed employment, commercial, business or professional
27 transaction for the purpose of completing written documents
28 including, but not limited to, contracts, agreements, purchase
29 orders, retail installment contracts, buyer's orders, purchase
30 contracts, repair orders, applications, disclosure forms or
31 waiver forms.

32 Section 5. The Illinois Vehicle Code is amended by adding
33 Section 6-117.1 as follows:

34 (625 ILCS 5/6-117.1 new)

1 Sec. 6-117.1. Prohibited use of driver's license
2 information.

3 (a) When information is obtained from a driver's license to
4 identify or prove the age of the holder of the license, or in
5 the course of a commercial transaction, that information may be
6 used only for purposes of identification of the individual or
7 for completing the commercial transaction in which the
8 information was obtained. Information obtained from a driver's
9 license may not be used for purposes unrelated to the
10 transaction in which it was obtained, including, but not
11 limited to, commercial solicitations. Information obtained
12 from a driver's license to identify the holder of the license,
13 or in the course of a commercial transaction, may not be sold,
14 leased, or otherwise provided to any third party.

15 (b) Any individual whose driver's license information has
16 been used in violation of this Section has a cause of action
17 against the person who violated this Section. Upon a finding
18 that a violation did occur, the individual whose information
19 was used in violation of this Section is entitled to recover
20 actual damages, but not less than liquidated damages in the
21 amount of \$250 for each violation, plus attorney's fees and the
22 costs of bringing the action.

23 (c) Use of information contained on a driver's license is
24 not a violation of this Section if (i) the individual whose
25 information has been used gave express permission for that use
26 or (ii) the information relating to the individual was obtained
27 from a source other than the individual's driver's license.

28 (d) This Section does not apply to any agency of the United
29 States, the State of Illinois, or any other state or political
30 subdivision thereof.

31 (e) This Section does not apply to the transfer of
32 information to a third party if (i) a federal or State law,
33 rule, or regulation requires that the information be
34 transferred to a third party after being recorded in specified
35 transactions or (ii) the information is transferred to a third
36 party for purposes of the detection or possible prosecution of

1 criminal offenses or fraud. If information is transferred to a
2 third party under this subsection (e), it may be used only for
3 the purposes authorized by this subsection (e).

4 (f) This Section does not apply to the use of information
5 obtained from a driver's license which has been provided by the
6 holder of the license in the course of a potential or completed
7 employment, commercial, business or professional transaction
8 for the purpose of completing written documents including, but
9 not limited to, contracts, agreements, purchase orders, retail
10 installment contracts, buyer's orders, purchase contracts,
11 repair orders, applications, disclosure forms or waiver forms.