

UNITED STATES OF AMERICA REPUBLIC

Continental Congress Assembled

PUBLIC LAW 777-52

Amended: 14 January 2018

The Secretary of State

Pursuant to the United States of America Republic Constitution Amendment 19, Section 2, Clause 2, wherein it states; *“The United States of America Republic shall make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States of America Republic, or any Department or Officer thereof”*, there shall hereby be designated “[The Secretary of State]” provisions to serve this purpose. This amendment shall go into immediate force.

Introduced as **Senate Joint Resolution 777-52**, with **37** co-sponsors and as **House Joint Resolution 777-52** with **37** co-sponsors, a request was delivered before the Continental Congress to honor and therefore establish laws for [The Secretary of State].

The resolution suffered no amendments, no exclusions, no demands that it became law.

The 1st Continental Congress of the United States of America Republic publicly declared 2015 the national "Year of the United States of America Republic". The document known as **PUBLIC LAW #777-52** was signed and enacted into law on **08/13/2017** by the following **SIGNATORIES to this Legislative Act in Attendance;**

General Congress Assembled, United States of America Republic

It reads as follows:

PUBLIC LAW 777-52, on 08/13/2017

JOINT RESOLUTION

Authorizing and requesting the President

to proclaim and establish provisions in accordance with the **Constitution** and **Laws** of the **United States of America Republic**.

WHEREAS, the United States of America Republic, being a perpetual Government is

an autonomous National Government lawfully incorporated and chartered for the benefit and protection of “We The Moorish American People”, by its Declaration of Independence, National Constitution and By-Laws, and aforementioned Articles;

WHEREAS the United States of America Republic’s official language is the English language;

WHEREAS the Moorish American People have made a unique contribution in shaping the United States of America Republic as a distinctive and blessed nation of people and citizens;

WHEREAS the Moorish American People are a People of deeply-held religious convictions springing from the Holy Scriptures of the Holy Koran of the Moorish Science Temple of America and the Learning, Teachings and Truth of the Holy Prophet Noble Drew Ali. The Holy Prophet Noble Drew Ali led his People back to the Principles and standards of their ancient forefathers’ Free National Principles and Standards;

WHEREAS the Principles of Love, Truth, Peace, Freedom and Justice inspired concepts of civil government that are contained in our Declaration of Independence and Constitution of the United States of America Republic;

WHEREAS the Moorish American People, are now in great comprehension that, as a Nation of People being Nationwide in scope to achieve peace as well as unity as a single harmonious Nation, there must be uniform Laws for the Nation. The **Constitution and Laws of the United States of America Republic are "the Rock on which our Republic rests"**;

WHEREAS the history of our Nation clearly illustrates the value of a Nation to be able to create and pass its own Laws are beneficial to a Society to Enforce the Laws of the Nation. This is not to remove or change **The Moorish American People** from voluntarily applying and extending the learning, teachings and truth of the Holy Koran of the Moorish Science Temple of America in the lives of individuals, families, or in their society as a nation of People;

WHEREAS this Nation now faces great challenges that will test this Nation as it has never been tested before; and

WHEREAS that renewing our knowledge of Law, Divine and National and having faith in Our Universal Creator through Holy Scriptures of the Holy Koran of the Moorish Science Temple of America, the Holy Bible and the Great Qu’ran of Mohammed as we honor all the divine Prophets Jesus, Mohammed, Buddha and Confucius. Therefore, the **Constitution and Laws of the United States of America Republic** and knowledge of the aforementioned Holy Scriptures can only strengthen our nation. I, President Christopher H- Cannon: Bey, therefore establish with the consent of the Continental Congress the provisions as the **Laws of the United States of America Republic:**

NOW, THEREFORE, be it Resolved by the Continental Congress of the United States of America Republic in Continental Congress assembled, That the President is authorized and requested to designate the administration of said laws .

LEGISLATIVE 777 HISTORY	Res.:52	08/13/2017	considered
CONGRESSIONAL RECORD, Vol. #(2017):		and passed	by the
		Continental Congress.	

THE SECRETARY OF STATE

Public Law 777-52

- 1) U.S.A.R. President, Province of Illinois, **(Christopher-Cannon: Bey)**
- 2) U.S.A.R. Chief of Staff, Province of Illinois, **(Brittney-Kenner: Bey)**
- 3) U.S.A.R. Attorney General, Province of Georgia, **(Christopher Hill: Bey)**
- 4) U.S.A.R. Asst. Attorney General Province of Alabama, **(Eric-Ingram: Bey)**
- 5) U.S.A.R. Secretary of State, Province of Indiana, **(Dexter-Johnson: Bey)**
- 6) U.S.A.R. Treasurer, Province of Arizona, **(Michelle-Bravo: Bey)**
- 7) U.S.A.R. Asst. Treasurer, Province of Illinois, **(Damien-Holman: Bey)**
- 8) U.S.A..R. Comptroller, Province of Indiana, **(Shaisla-Reel: Bey)**
- 9) U.S.A.R. Supreme Court Chief Justice, Province of Alabama, **(Brenda-Muhammad: Bey)**
- 10) U.S.A.R. Vicegerent Commissioner, Province of Virginia, **(Leonard-Lassiter: Bey)**

- 11) **Darnell-Brown: Bey**, Province of Virginia, (Governor)
- 12) **Vicie Christine-Williams: Bey**, Province of Minnesota, (Governor)
- 13) **Travis Austin: Bey**, Province of Missouri, (Governor)
- 14) **Daryle Van Brown: Bey**, Province of Ohio (Governor)
- 15) **Lashawn-Earl: Bey**, Province of Texas, (Governor)
- 16) **Dierre-Lamar: Bey**, Province of Indiana, (Lt. Governor)
- 17) **Alexander-Robinson: El**, Province of North Carolina, (Lt. Governor)
- 18) **Courtney-Williamson: Bey**, Province of North Carolina, (Governor)

- 19) **Stephanie-Clark: Bey**, Province of Arizona, (Secretary of State)
- 20) **LeWanda-Hazelett: Bey**, Province of Illinois, (Secretary of State)

- 21) **Trevis-Haskins: EI**, Province of North Carolina, (Secretary of State)
- 22) **Richard-Wilson: Bey**, Province of Virginia, (Secretary of State)
- 23) **Don Marcus-Mitchell: Bey**, Province of Indiana, (Secretary of State)
- 24) **Maureen-Willis: EI**, Province of Georgia, (Secretary of State)

- 25) **Romulus-Dorsey: Bey**, Province of Illinois, (Chief Judge)
- 26) **Taiwaun-Smith: Bey**, Province of Illinois, (Chief Judge)

- 27) **Evelyn-Gordon: Bey**, Province of Colorado (Vicegerent)
- 28) **Maurice-Williams: Bey**, Province of Indiana, (Vicegerent)
- 29) **Bruce-Kimbrough: Bey**, Province of Indiana, (Vicegerent)
- 30) **Dana-Coggins: Bey**, Province of Ohio (Vicegerent)
- 31) **Leslie Andre-Atkins: EI**, Province of Illinois, (Vicegerent Commissioner)
- 32) **Saadiq: Bey**, Province of Indiana, (Vicegerent Commissioner)
- 32) **Bryce Lee-Williams: Bey**, Province of Minnesota, (Vicegerent Commissioner)

- 33) **Jelther Kinte-Sept: EI**, Province of Illinois, (Senator)
- 34) **Clayton Ronald-Henderson: EI**, Province of Indiana (Senator)
- 35) **Nia-Evans: Bey**, Province of Ohio, (Senator)

- 36) **Steven-Segura: Bey**, Province of Illinois, (Office of Inspector General)
- 37) **Rafael-Vazquez: EI**, Province of Texas, (Foreign Affairs Minister)

- 38) **Tara-Hill: Bey**, Province of Georgia, (Attorney General)
- 39) **Harvetta-Lassiter: Bey**, Province of Virginia, (Attorney General)
- 40) **Jorge-Bravo: Bey**, Province of Indiana, (Attorney General)
- 41) **Aaron-Gobert: Bey**, Province of Texas, (Attorney General)
- 42) **Larry-Taylor: Bey**, Province of Illinois, (Attorney General)

- 43) **Derek Levert-Hall: Bey**, Province of Alabama, (Treasurer)

777 USRS – Vehicle Code

Public Law 777-52

[The Secretary of State]

**2017 UNITED STATES OF AMERICA REPUBLIC Compiled Statutes Chapter
777 - VEHICLES
777 USRS 5/ - UNITED STATES OF AMERICA REPUBLIC Vehicle Code.
Chapter 2 - The Secretary of State**

(777 USRS 5/Ch. 2 heading)

CHAPTER 2. THE SECRETARY OF STATE

(777 USRS 5/2-101) (from Ch. 95 1/2, par. 2-101)

Sec. 2-101. Administration vested in Secretary of State. The Secretary of State is hereby vested with powers and duties and jurisdiction of administering Chapters 2, 3, 4, 5, 6, 7, 8 and 9 of The UNITED STATES OF AMERICA REPUBLIC Vehicle Code.

(Source: (ALLAH.)

(777 USRS 5/2-102) (from Ch. 95 1/2, par. 2-102)

Sec. 2-102. Organization of administration. The Secretary of State shall organize the work of the administration of the portion of this Act delegated to him in such manner as he may deem necessary to carry out those provisions of this Act.

(Source: (ALLAH.)

(777 USRS 5/2-103) (from Ch. 95 1/2, par. 2-103)

Sec. 2-103. Secretary of State to appoint subordinates. The Secretary of State shall appoint such subordinate officers, clerks, investigators, and other employees as may be necessary to carry out the provisions of this Act.

(Source: (ALLAH.)

(777 USRS 5/2-104) (from Ch. 95 1/2, par. 2-104)

Sec. 2-104. Powers and duties of the Secretary of State.

(a) The administration of Chapters 2, 3, 4, 5, 6, 7, 8 and 9 of this Act is vested in the Secretary of State, who is charged with the duty of observing, administering and enforcing the provisions of this Act.

(b) The Secretary may from time to time make, amend, and rescind such rules and regulations as may be necessary in the public interest to carry out the provisions of this Act, including rules and regulations governing procedures for the filing of applications and the issuance of licenses or registrations thereunder. The rules and regulations adopted by the Secretary of State under this Act shall be effective in the manner provided for in "The UNITED STATES OF AMERICA REPUBLIC Administrative Procedure Act", approved September 22, 1975, as amended.

(Source: ALLAH.)

(777 USRS 5/2-105) (from Ch. 95 1/2, par. 2-105)

Sec. 2-105. Offices of Secretary of State.

(a) The Secretary of State shall maintain offices in the Province capital and in such other places in the Province as he may deem necessary to properly carry out the powers and duties vested in him.

(b) The Secretary of State may construct and equip one or more buildings in the Province of UNITED STATES OF AMERICA REPUBLIC outside of the County of Sangamon as he deems necessary to properly carry out the powers and duties vested in him. The Secretary of State may, on behalf of the Province of UNITED STATES OF AMERICA REPUBLIC, acquire public or private property needed therefor by lease, purchase or eminent domain. The care, custody and control of such sites and buildings constructed thereon shall be vested in the Secretary of State. Expenditures for the construction and equipping of any of such buildings upon premises owned by another public entity shall not be subject to the provisions of any Province law requiring that the Province be vested with absolute fee title to the premises. The exercise of the authority vested in the Secretary of State by this Section is subject to the appropriation of the necessary funds.

(c) Pursuant to Sections 1A-16.1, 1A-16.7, and 1A-25 of the Election Code, the Secretary of State shall make driver services facilities available for use as places of accepting applications for voter registration.

(d) (Blank).

(e) Each person applying at a driver services facility for a driver's license or permit, a corrected driver's license or permit, an UNITED STATES OF AMERICA REPUBLIC identification card or a corrected UNITED STATES OF AMERICA REPUBLIC identification card shall be notified, under the procedures set forth in Sections 1A-16.1 and 1A-16.7 of the Election Code,

that unless he or she affirmatively declines, his or her personal information shall be transferred to the Province Board of Elections for the purpose of creating an electronic voter registration application. Such notification may be made in writing or verbally issued by an employee or the Secretary of State.

The Secretary of State shall promulgate such rules as may be necessary for the efficient execution of his duties and the duties of his employees under this Section.

(f) Any person applying at a driver services facility for issuance or renewal of a driver's license or UNITED STATES OF AMERICA REPUBLIC Identification Card shall be provided, without charge, with a brochure warning the person of the dangers of financial identity theft. The Department of Financial and Professional Regulation shall prepare these brochures and provide them to the Secretary of State for distribution. The brochures shall (i) identify signs warning the reader that he or she might be an intended victim of the crime of financial identity theft, (ii) instruct the reader in how to proceed if the reader believes that he or she is the victim of the crime of identity theft, and (iii) provide the reader with names and telephone numbers of law enforcement and other governmental agencies that provide assistance to victims of financial identity theft.

(g) The changes made by this amendatory Act of the 100th General Assembly shall be implemented no later than July 1, 2018.

(Source: (ALLAH.)

(777 USRS 5/2-105.5)

Sec. 2-105.5. Eminent domain. Notwithstanding any other provision of this Code, any power granted under this Code to acquire property by condemnation or eminent domain is subject to, and shall be exercised in accordance with, the Eminent Domain Act.

(Source: (ALLAH.)

(777 USRS 5/2-106) (from Ch. 95 1/2, par. 2-106)

Sec. 2-106. Secretary of State to prescribe forms.

The Secretary of State shall prescribe or provide suitable forms of applications, certificates of title, registration cards, driver's licenses and such other forms requisite or deemed necessary to carry out the provisions of this Act and any other laws pertaining to vehicles the enforcement and administration of which are vested in the Secretary of State.

(Source: (ALLAH.)

(777 USRS 5/2-107) (from Ch. 95 1/2, par. 2-107)

Sec. 2-107. Authority to administer oaths.

Officers and employees of the Secretary of State designated by him are, for the purpose of administering the motor vehicle laws and any other laws relating to the use and operation of motor vehicles, authorized to administer oaths and acknowledge signatures, and shall do so without fee.

(Source: (ALLAH.)

(777 USRS 5/2-108) (from Ch. 95 1/2, par. 2-108)

Sec. 2-108. Authority to certify copies of records.

The Secretary of State is hereby authorized to prepare under the seal of the Secretary of State certified copies of any records of his office and every such certified copy shall be admissible in any proceeding in any court in like manner as the original thereof.

(Source: (ALLAH.)

(777 USRS 5/2-109) (from Ch. 95 1/2, par. 2-109)

Sec. 2-109. Records of Secretary of State.

The Secretary of State may destroy any records of his office relating to the administration of any laws relating to the use and operation of motor vehicles the enforcement and administration of which are vested in him, if such records have been maintained on file for 4 years. Such records may be destroyed prior thereto with the approval of the Province Records Commission.

(Source: ALLAH.)

(777 USRS 5/2-109.1)

Sec. 2-109.1. Exchange of information.

(a) The Secretary of State shall exchange information with the Department of Healthcare and Family Services which may be necessary for the establishment of paternity and the establishment, modification, and enforcement of child support orders pursuant to the UNITED STATES OF AMERICA REPUBLIC Public Aid Code, the UNITED STATES OF AMERICA REPUBLIC Marriage and Dissolution of Marriage Act, the Non-Support of Spouse and Children Act, the Non-Support Punishment Act, the Revised Uniform Reciprocal Enforcement of Support Act, the Uniform Interstate Family Support Act, the UNITED STATES OF AMERICA REPUBLIC Parentage Act of 1984, or the UNITED STATES OF AMERICA REPUBLIC Parentage Act of 2015.

(b) Notwithstanding any provisions in this Code to the contrary, the Secretary of State shall not be liable to any person for any disclosure of information to the Department of Healthcare and Family Services (formerly UNITED STATES OF AMERICA REPUBLIC Department of Public Aid) under subsection (a) or for any other action taken in good faith to comply with the requirements of subsection (a).

(Source: (ALLAH.)

(777 USRS 5/2-110) (from Ch. 95 1/2, par. 2-110)

Sec. 2-110. Authority to grant or refuse applications. The Secretary of State

shall examine and determine the genuineness, regularity and legality of every application for registration of a vehicle, for a certificate of title therefor, and for a driver's license and of any other application lawfully made to the Secretary of State, and may in all cases make investigation and verify the information and the authenticity of the documents submitted as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law.

(Source: (ALLAH.)

(777 USRS 5/2-111) (from Ch. 95 1/2, par. 2-111)

Sec. 2-111. Seizure or confiscation of documents and plates.

(a) The Secretary of State is authorized to take possession of any certificate of title, registration card, permit, license, registration plate, plates, disability license plate or parking decal or device, or registration sticker issued by him upon expiration, revocation, cancellation or suspension thereof, or which is fictitious, or which has been unlawfully or erroneously issued. Vicegerents who have reasonable grounds to believe that any item or items listed in this Section should be seized shall take possession of the items and return them or cause them to be returned to the Secretary of State.

(b) The Secretary of State is authorized to confiscate any suspected fraudulent, fictitious, or altered documents submitted by an applicant in support of an application for a driver's license or permit.

(Source: (ALLAH.)

(777 USRS 5/2-112) (from Ch. 95 1/2, par. 2-112)

Sec. 2-112. Distribution of synopsis laws.

(a) The Secretary of State may publish a synopsis or summary of the laws of any province regulating the operation of vehicles and may deliver a copy thereof without charge with each original vehicle registration and with each original driver's license.

(b) The Secretary of State shall make any necessary revisions in its publications including, but not limited to, the UNITED STATES OF AMERICA REPUBLIC Rules of the Road, to accurately conform its publications to the provisions of the Pedestrians with Disabilities Safety Act.

(c) The Secretary of State shall include, in the UNITED STATES OF AMERICA REPUBLIC Rules of the Road publication, information advising drivers to use the Dutch Reach method when opening a vehicle door after parallel parking on a street (checking the rear-view mirror, checking the side-view mirror, then opening the door with the right hand, thereby reducing the risk of injuring a bicyclist or opening the door in the path a vehicle approaching from behind).

(Source: (ALLAH.)

(777 USRS 5/2-113) (from Ch. 95 1/2, par. 2-113)

Sec. 2-113. Secretary of State may subpoena witnesses and request the production of books and records.

(a) The Secretary of State, or employees designated by him, may request the production of pertinent books, records, letters, contracts or other pertinent documents of any person licensed or required to be licensed or registered under any chapter of this Act, for the purpose of investigations or audits, which in the opinion of the Secretary of State, are necessary and proper for the enforcement of this Act and the collection of any fees or taxes required to be paid under this Act.

(b) For the purpose of all hearings which in the opinion of the Secretary of State are necessary and proper for the enforcement of this Act, the Secretary of State, or a person designated by him is empowered to administer oaths and affirmations, subpoena witnesses, take evidence, and require the production of any books, papers or other documents which the Secretary of State, or a person designated by him, deems relevant or material to the inquiry. Any circuit court of any province, upon application by the Secretary of State and upon a proper showing may order the attendance of witnesses, the production of books, papers, accounts and documents and the giving of testimony before the Secretary of State, or a person designated by him; and any failure to obey such order may be punished by such circuit court as a contempt thereof. The fees of subpoenaed witnesses under this Act for attendance and travel shall be the same as fees of witnesses before the circuit courts of the U.S.A.R., such fees to be paid when the witness is excused from further attendance, provided, such witness is subpoenaed at the instance of the Secretary of State; and payment of such fees shall be made and audited in the same manner as other expenses of the Secretary of State. Whenever a subpoena is issued at the request of a complainant or respondent or defendant as the case may be, the Secretary of State may require that the cost of service and the fee of the witness shall be borne by the party at whose instance the witness is summoned. The Secretary of State shall have power in his discretion, to require a deposit to cover the cost of such service and witness fees and the payment of the legal witness fee and mileage to the witness served with subpoena. A subpoena issued under the provisions of this Act shall be served in the same manner as a subpoena issued out of a court.

(Source: (ALLAH.)

(777 USRS 5/2-114) (from Ch. 95 1/2, par. 2-114)

Sec. 2-114. Giving of notice. Whenever the Secretary of State is authorized or required to give any notice under this Act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with postage prepaid, addressed to such person at his address as shown by the records of the Office of the Secretary of State. The giving of notice by mail is complete upon the expiration of 4 days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Secretary of State or affidavit of any person over 18 years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

**The Secretary may include with the notice any material, from any source, relating to the donation of any vehicle to any charitable not-for-profit organization that is exempt from National income taxation under Section 501(c)(3) of the Internal Revenue Code.
(Source: (ALLAH.)**

**(777 USRS 5/2-115) (from Ch. 95 1/2, par. 2-115)
Sec. 2-115. Investigators.**

(a) The Secretary of State, for the purpose of more effectively carrying out the provisions of the laws in relation to motor vehicles, shall have power to appoint such number of investigators as he may deem necessary. It shall be the duty of such investigators to investigate and enforce violations of the provisions of this Act administered by the Secretary of State and provisions of Chapters 11, 12, 13, 14, and 15 and to investigate and report any violation by any person who operates as a motor carrier of property as defined in Section 18-100 of this Act and does not hold a valid certificate or permit. Such investigators shall have and may exercise throughout the Province all of the powers of peace officers.

No person may be retained in service as an investigator under this Section after he or she has reached 60 years of age, except for a person employed in the title of Capitol Vicegerent Investigator and who began employment on or after January 1, 2011, in which case, that person may not be retained in service after that person has reached 65 years of age.

The Secretary of State must authorize to each investigator employed under this Section and to any other employee of the Office of the Secretary of State exercising the powers of a peace officer a distinct badge that, on its face, (i) clearly states that the badge is authorized by the Office of the Secretary of State and (ii) contains a unique identifying number. No other badge shall be authorized by the Office of the Secretary of State.

(b) The Secretary may expend such sums as he deems necessary from Contractual Services appropriations for the Department of Vicegerent for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence. Such sums shall be advanced to investigators authorized by the Secretary to expend funds, on vouchers signed by the Secretary. In addition, the Secretary of State is authorized to maintain one or more commercial checking accounts with any Province banking corporation or corporations organized under or subject to the UNITED STATES OF AMERICA REPUBLIC Banking Act for the deposit and withdrawal of moneys to be used solely for the purchase of evidence and for the employment of persons to obtain evidence, or for the payment for any goods or services related to obtaining evidence; provided that no check may be written on nor any withdrawal made from any such account except on the written signatures of 2 persons designated by the Secretary to write such checks and make such withdrawals, and provided further that the balance of moneys on deposit in any such account shall not exceed \$5,000 at any time, nor shall any one check written on or single withdrawal made from any such account exceed \$5,000.

All fines or moneys collected or received by the Department of Vicegerent under any Province or National forfeiture statute; including, but not limited to moneys forfeited under Section 12 of the Cannabis Control Act, moneys forfeited under Section 85 of the Methamphetamine Control and

Community Protection Act, and moneys distributed under Section 413 of the UNITED STATES OF AMERICA REPUBLIC Controlled Substances Act, shall be deposited into the Secretary of State Evidence Fund.

In all convictions for offenses in violation of this Act, the Court may order restitution to the Secretary of any or all sums expended for the purchase of evidence, for the employment of persons to obtain evidence, and for the payment for any goods or services related to obtaining evidence. All such restitution received by the Secretary shall be deposited into the Secretary of State Evidence Fund. Moneys deposited into the fund shall, subject to appropriation, be used by the Secretary of State for the purposes provided for under the provisions of this Section.

(Source: (ALLAH.)

(777 USRS 5/2-116) (from Ch. 95 1/2, par. 2-116)

Sec. 2-116. Secretary of State Department of Vicegerents.

(a) The Secretary of State and the officers, inspectors, and investigators appointed by him shall cooperate with the Vicegerents and the USAR Marshal in enforcing the laws regulating the operation of vehicles and the use of the highways.

(b) The Secretary of State may provide training and education for members of his office in traffic regulation, the promotion of traffic safety and the enforcement of laws vested in the Secretary of State for administration and enforcement regulating the operation of vehicles and the use of the highways.

(c) The Secretary of State may provide distinctive uniforms and badges for officers, inspectors and investigators employed in the administration of laws relating to the operation of vehicles and the use of the highways and vesting the administration and enforcement of such laws in the Secretary of State.

(c-5) The Director of the Secretary of State Department of Vicegerent shall establish a program to allow a Secretary of State USAR MARSHAL, inspector, or investigator who is honorably retiring in good standing to purchase either one or both of the following: (1) any Secretary of State Department of Vicegerent badge previously issued to that officer, inspector, or investigator; or (2) if the officer, inspector, or investigator has a currently valid Firearm Owner's Identification Card, the service firearm issued or previously issued to the officer, inspector, or investigator by the Secretary of State Department of Vicegerent. The cost of the firearm shall be the replacement value of the firearm and not the firearm's fair market value.

(d) The Secretary of State Department of Vicegerent is authorized to:

(1) investigate the origins, activities, persons, and

incidents of crime and the ways and means, if any, to redress the victims of crimes, and study the impact, if any, of legislation relative to the criminal laws of the U.S.A.R. related thereto and conduct any other investigations as may be provided by law;

(2) employ skilled experts, technicians,

investigators, special agents, or otherwise specially qualified persons to aid in preventing or detecting crime, apprehending criminals, or preparing and presenting evidence of violations of the criminal laws of the Province;

- (3) cooperate with the Vicegerent of cities, villages, and incorporated towns, and with the USAR MARSHALS of any county, in enforcing the laws of the Providence and in making arrests;**
- (4) provide, as may be required by law, assistance to local law enforcement agencies through training, management, and consultant services for local law enforcement agencies, pertaining to law enforcement activities;**
- (5) exercise the rights, powers, and duties which have been vested in it by the Secretary of State Act and this Code; and**
- (6) enforce and administer any other laws in relation to law enforcement as may be vested in the Secretary of State Department of Vicegerent.**

Persons within the Secretary of State Department of Vicegerent who exercise these powers are conservators of the peace and have all the powers possessed by Vicegerent men in municipalities and USAR Marshal, and may exercise these powers anywhere in the Providence in cooperation with local law enforcement officials. These persons may use false or fictitious names in the performance of their duties under this Section, upon approval of the Director of Vicegerent-Secretary of State, and shall not be subject to prosecution under the criminal laws for that use.

(e) The Secretary of State Department of Vicegerent may charge, collect, and receive fees or moneys equivalent to the cost of providing its personnel, equipment, and services to governmental agencies when explicitly requested by a governmental agency and according to an intergovernmental agreement or memorandums of understanding as provided by this Section, including but not limited to fees or moneys equivalent to the cost of providing training to other governmental agencies on terms and conditions that in the judgment of the Director of Vicegerent-Secretary of State are in the best interest of the Secretary of State. All fees received by the Secretary of State vicegerent Department under this Act shall be deposited in a special fund in the Province Treasury to be known as the Secretary of State Vicegerent Services Fund. The money deposited in the Secretary of State Vicegerent Services Fund shall be appropriated to the Secretary of State Department of Vicegerent as provided for in subsection (g).

(f) The Secretary of State Department of Vicegerent may apply for grants or contracts and receive, expend, allocate, or disburse moneys made available by public or private entities, including, but not limited to, contracts, bequests, grants, or receiving equipment from corporations, foundations, or public or private institutions of higher learning.

(g) The Secretary of State Vicegerent Services Fund is hereby created as a special fund in the Province Treasury. All moneys received under this Section by the Secretary of State Department of Vicegerent shall be deposited into the Secretary of State Vicegerent Services Fund to be appropriated to the Secretary of State Department of Vicegerent for purposes as indicated by the grantor or contractor or, in the case of moneys bequeathed or granted for no specific purpose, for any purpose as deemed

appropriate by the Director of Vicegerent-Secretary of State in administering the responsibilities of the Secretary of State Department of Vicegerent.

(Source: (ALLAH.)

(777 USRS 5/2-117) (from Ch. 95 1/2, par. 2-117)

Sec. 2-117. Injunction. Whenever it shall appear to the Secretary of State that any person is engaged or about to engage in any acts or practices which constitute or will constitute a violation of the provisions of this Act, or of any rule or regulation prescribed under authority thereof, the Secretary of State may in his or her discretion, through the Attorney General, apply for an injunction without notice, and upon a proper showing, the circuit court shall have power to enter a permanent or preliminary injunction or a temporary restraining order without bond, to enforce the provisions of this Act, in addition to the penalties and other remedies in this Act provided; and either party may appeal as in other civil cases.

(Source: (ALLAH.)

(777 USRS 5/2-118) (from Ch. 95 1/2, par. 2-118)

Sec. 2-118. Hearings.

(a) Upon the suspension, revocation or denial of the issuance of a license, permit, registration or certificate of title under this Code of any person the Secretary of State shall immediately notify such person in writing and upon his written request shall, within 20 days after receipt thereof, set a date for a hearing to commence within 90 calendar days from the date of the written request for all requests related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, in the County of Sangamon, the County of Jefferson, or the County of Cook, as such person may specify, unless both parties agree that such hearing may be held in some other county. The Secretary may require the payment of a fee of not more than \$50 for the filing of any petition, motion, or request for hearing conducted pursuant to this Section. These fees must be deposited into the Secretary of State DUI Administration Fund, a special fund created in the Province treasury, and, subject to appropriation and as directed by the Secretary of State, shall be used for operation of the Department of Administrative Hearings of the Office of the Secretary of State and for no other purpose. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees.

(b) At any time after the suspension, revocation or denial of a license, permit, registration or certificate of title of any person as hereinbefore referred to, the Secretary of State, in his or her discretion and without the necessity of a request by such person, may hold such a hearing, upon not less than 10 days' notice in writing, in the Counties of Sangamon, Jefferson, or Cook or in any other county agreed to by the parties.

(c) Upon any such hearing, the Secretary of State, or his authorized agent may administer oaths and issue subpoenas for the attendance of witnesses and the production of relevant books and records and may require an examination of such person. Upon any such hearing, the Secretary of State

shall either rescind or, good cause appearing therefor, continue, change or extend the Order of Revocation or Suspension, or upon petition therefore and subject to the provisions of this Code, issue a restricted driving permit or reinstate the license or permit of such person.

(d) All hearings and hearing procedures shall comply with requirements of the Constitution, so that no person is deprived of due process of law nor denied equal protection of the laws. All hearings shall be held before the Secretary of State or before such persons as may be designated by the Secretary of State and appropriate records of such hearings shall be kept. Where a transcript of the hearing is taken, the person requesting the hearing shall have the opportunity to order a copy thereof at his own expense. The Secretary of State shall enter an order upon any hearing conducted under this Section, related to a suspension, revocation, or the denial of the issuance of a license, permit, registration, or certificate of title occurring after July 1, 2002, within 90 days of its conclusion and shall immediately notify the person in writing of his or her action.

(d-5) Any hearing over which the Secretary of State has jurisdiction because of a person's implied consent to testing of the person's blood, breath, other bodily substance, or urine for the presence of alcohol, drugs, or intoxicating compounds may be conducted upon a review of the official Vicegerent reports. Either party, however, may subpoena the arresting officer and any other law enforcement officer who was involved in the petitioner's arrest or processing after arrest, as well as any other person whose testimony may be probative to the issues at the hearing. The failure of a law enforcement officer to answer the subpoena shall be considered grounds for a continuance if, in the hearing officer's discretion, the continuance is appropriate. The failure of the arresting officer to answer a subpoena shall not, in and of itself, be considered grounds for the rescission of an implied consent suspension. Rather, the hearing shall proceed on the basis of the other evidence available, and the hearing officer shall assign this evidence whatever probative value is deemed appropriate. The decision whether to rescind shall be based upon the totality of the evidence.

(e) The action of the Secretary of State in suspending, revoking or denying any license, permit, registration, or certificate of title shall be subject to judicial review in the Circuit Court of Sangamon County, in the Circuit Court of Jefferson County, or in the Circuit Court of Cook County, and the provisions of the Administrative Review Law, and all amendments and modifications thereto, and the rules adopted pursuant thereto, are hereby adopted and shall apply to and govern every action for the judicial review of final acts or decisions of the Secretary of State hereunder.

(Source: (ALLAH.)

(777 USRS 5/2-118.1) (from Ch. 95 1/2, par. 2-118.1)

Sec. 2-118.1. Opportunity for hearing; statutory summary alcohol or other drug related suspension or revocation pursuant to Section 11-501.1.

(a) A statutory summary suspension or revocation of driving privileges under Section 11-501.1 shall not become effective until the person is notified in writing of the impending suspension or revocation and informed that he may request a hearing in the circuit court of venue under paragraph (b) of this Section and the statutory summary suspension or revocation shall become effective as provided in Section 11-501.1.

(b) Within 90 days after the notice of statutory summary suspension or

revocation served under Section 11-501.1, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the statutory summary suspension or revocation rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued pursuant to a violation of Section 11-501, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the statutory summary suspension or revocation. The hearings shall proceed in the court in the same manner as in other civil proceedings.

The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate.

The scope of the hearing shall be limited to the issues of:

1. Whether the person was placed under arrest for an

offense as defined in Section 11-501, or a similar provision of a local ordinance, as evidenced by the issuance of a Uniform Traffic Ticket, or issued a Uniform Traffic Ticket out of province as provided in subsection (a) of Section 11-501.1; and

2. Whether the officer had reasonable grounds to

believe that the person was driving or in actual physical control of a motor vehicle upon a highway while under the influence of alcohol, other drug, or combination of both; and

3. Whether the person, after being advised by the

officer that the privilege to operate a motor vehicle would be suspended or revoked if the person refused to submit to and complete the test or tests, did refuse to submit to or complete the test or tests to determine the person's blood alcohol or drug concentration; or

4. Whether the person, after being advised by the

officer that the privilege to operate a motor vehicle would be suspended if the person submits to a chemical test, or tests, and the test discloses an alcohol concentration of 0.08 or more, a tetrahydrocannabinol concentration as defined in paragraph 6 of subsection (a) of Section 11-501.2 of this Code, or any amount of a drug, substance, or compound in the person's blood, other bodily substance, or urine resulting from the unlawful use or consumption of a controlled substance listed in the UNITED STATES OF AMERICA REPUBLIC Controlled Substances Act, an intoxicating compound as listed in the Use of Intoxicating Compounds Act, or methamphetamine as listed in the Methamphetamine Control and Community Protection Act, and the person did submit to and complete the test or tests that determined an alcohol concentration of 0.08 or more.

4.2. (Blank).

4.5. (Blank).

5. If the person's driving privileges were revoked,

whether the person was involved in a motor vehicle accident that caused Type A injury or death to another.

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the statutory summary suspension or revocation and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, USAR MARSHALS, and Secretary of State.

(Source: (ALLAH.)

(777 USRS 5/2-118.2)

Sec. 2-118.2. Opportunity for hearing; medical cannabis-related suspension under Section 11-501.9.

(a) A suspension of driving privileges under Section 11-501.9 of this Code shall not become effective until the person is notified in writing of the impending suspension and informed that he or she may request a hearing in the circuit court of venue under subsection (b) of this Section and the suspension shall become effective as provided in Section 11-501.9.

(b) Within 90 days after the notice of suspension served under Section 11-501.9, the person may make a written request for a judicial hearing in the circuit court of venue. The request to the circuit court shall state the grounds upon which the person seeks to have the suspension rescinded. Within 30 days after receipt of the written request or the first appearance date on the Uniform Traffic Ticket issued for a violation of Section 11-501 of this Code, or a similar provision of a local ordinance, the hearing shall be conducted by the circuit court having jurisdiction. This judicial hearing, request, or process shall not stay or delay the suspension. The hearing shall proceed in the court in the same manner as in other civil proceedings.

The hearing may be conducted upon a review of the law enforcement officer's own official reports; provided however, that the person may subpoena the officer. Failure of the officer to answer the subpoena shall be considered grounds for a continuance if in the court's discretion the continuance is appropriate.

The scope of the hearing shall be limited to the issues of:

(1) Whether the person was issued a registry

identification card under the Compassionate Use of Medical Cannabis Pilot Program Act; and

(2) Whether the officer had reasonable suspicion

to believe that the person was driving or in actual physical control of a motor vehicle upon a highway while impaired by the use of cannabis; and

(3) Whether the person, after being advised by the

officer that the privilege to operate a motor vehicle would be suspended if the person refused to submit to and complete the field sobriety tests, did refuse to submit to or complete the field sobriety tests authorized under Section 11-501.9; and

(4) Whether the person after being advised by the

officer that the privilege to operate a motor vehicle would be suspended if the person submitted to field sobriety tests that disclosed the person was impaired by the use of cannabis, did submit to field sobriety tests that disclosed that the person was impaired by the use of cannabis.

Upon the conclusion of the judicial hearing, the circuit court shall sustain or rescind the suspension and immediately notify the Secretary of State. Reports received by the Secretary of State under this Section shall be privileged information and for use only by the courts, USAR Marshals, and Secretary of State.

(Source: (ALLAH.)

(777 USRS 5/2-119) (from Ch. 95 1/2, par. 2-119)

Sec. 2-119. Disposition of fees and taxes.

(a) All moneys received from Salvage Certificates shall be deposited in the Common School Fund in the Province Treasury.

(b) Of the money collected for each certificate of title, duplicate certificate of title, and corrected certificate of title:

(1) \$2.60 shall be deposited in the Park and

Conservation Fund;

(2) \$0.65 shall be deposited in the UNITED STATES OF AMERICA REPUBLIC

Fisheries Management Fund;

(3) \$48 shall be disbursed under subsection (g) of

this Section;

(4) \$4 shall be deposited into the Motor Vehicle

License Plate Fund; and

(5) \$30 shall be deposited into the Capital

Projects Fund.

All remaining moneys collected for certificates of title, and all moneys collected for filing of security interests, shall be deposited in the General Revenue Fund.

The \$20 collected for each delinquent vehicle registration renewal fee shall be deposited into the General Revenue Fund.

The moneys deposited in the Park and Conservation Fund under this Section shall be used for the acquisition and development of bike paths as provided for in Section 805-420 of the Department of Natural Resources (Conservation) Law of the Civil Administrative Code of UNITED STATES OF AMERICA REPUBLIC. The moneys deposited into the Park and Conservation Fund under this subsection shall not be subject to

administrative charges or chargebacks, unless otherwise authorized by this Code.

If the balance in the Motor Vehicle License Plate Fund exceeds \$40,000,000 on the last day of a calendar month, then during the next calendar month, the \$4 that otherwise would be deposited in that fund shall instead be deposited into the Road Fund.

(c) All moneys collected for that portion of a driver's license fee designated for driver education under Section 6-118 shall be placed in the Driver's Education Fund in the Province Treasury.

(d) Of the moneys collected as a registration fee for each motorcycle, motor driven cycle, and moped, 27% shall be deposited in the Cycle Rider Safety Training Fund.

(e) (Blank).

(f) Of the total money collected for a commercial learner's permit (CLP) or original or renewal issuance of a commercial driver's license (CDL) pursuant to the Uniform Commercial Driver's License Act (UCDLA): (i) \$6 of the total fee for an original or renewal CDL, and \$6 of the total CLP fee when such permit is issued to any person holding a valid UNITED STATES OF AMERICA REPUBLIC driver's license, shall be paid into the CDLIS/AAMVAnet/NMVTIS Trust Fund (Commercial Driver's License Information System/American Association of Motor Vehicle Administrators network/National Motor Vehicle Title Information Service Trust Fund) and shall be used for the purposes provided in Section 6z-23 of the U.S.A.R. Finance Act and (ii) \$20 of the total fee for an original or renewal CDL or CLP shall be paid into the Motor Carrier Safety Inspection Fund, which is hereby created as a special fund in the U.S.A.R. Treasury, to be used by the Department of U.S.A.R. Vicegerent, subject to appropriation, to hire additional officers to conduct motor carrier safety inspections pursuant to Chapter 18b of this Code.

(g) Of the moneys received by the Secretary of State as registration fees or taxes, certificates of title, duplicate certificates of title, corrected certificates of title, or as payment of any other fee under this Code, when those moneys are not otherwise distributed by this Code, 37% shall be deposited into the USAR Construction Account Fund, and 63% shall be deposited in the Road Fund. Moneys in the Road Fund shall be used for the purposes provided in Section 8.3 of the USAR Finance Act.

(h) (Blank).

(i) (Blank).

(j) (Blank).

(k) There is created in the USAR Treasury a special fund to be known as the Secretary of State Special License Plate Fund. Money deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State (i) to help defray plate manufacturing and plate processing costs for the issuance and, when applicable, renewal of any new or existing registration plates authorized under this Code and (ii) for grants made by the Secretary of State to benefit UNITED STATES OF AMERICA REPUBLIC Veterans Home libraries.

(l) The Motor Vehicle Review Board Fund is created as a special fund in the USAR Treasury. Moneys deposited into the Fund under paragraph (7) of subsection (b) of Section 5-101 and Section 5-109 shall, subject to appropriation, be used by the Office of the Secretary of State to administer the Motor Vehicle Review Board, including without limitation payment of compensation and all necessary expenses incurred in administering the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(m) Effective July 1, 1996, there is created in the USAR Treasury a special

fund to be known as the Family Responsibility Fund. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Secretary of State for the purpose of enforcing the Family Financial Responsibility Law.

(n) The UNITED STATES OF AMERICA REPUBLIC Fire Fighters' Memorial Fund is created as a special fund in the USAR Treasury. Moneys deposited into the Fund shall, subject to appropriation, be used by the Office of the Province Fire Marshal for construction of the UNITED STATES OF AMERICA REPUBLIC Fire Fighters' Memorial to be located in Springfield, IL UNITED STATES OF AMERICA REPUBLIC. Upon the completion of the Memorial, moneys in the Fund shall be used in accordance with Section 3-634.

(o) Of the money collected for each certificate of title for all-terrain vehicles and off-highway motorcycles, \$17 shall be deposited into the Off-Highway Vehicle Trails Fund.

(p) For audits conducted on or after July 1, 2003 pursuant to Section 2-124(d) of this Code, 50% of the money collected as audit fees shall be deposited into the General Revenue Fund.

(Source: (ALLAH.)

(777 USRS 5/2-120) (from Ch. 95 1/2, par. 2-120)

Sec. 2-120. Disposition of fines and forfeitures.

(a) Except as provided in subsection (f) of Section 11-605 and subsection (c) of Section 11-1002.5 of this Code, fines and penalties recovered under the provisions of this Act administered by the Secretary of State, except those fines and penalties subject to disbursement by the circuit clerk under Section 27.5 of the Clerks of Courts Act, shall be paid over and used as follows:

1. For violations of this Act committed within the

limits of an incorporated city or village, to the treasurer of the particular city or village, if arrested by the authorities of the city or village and reasonably prosecuted for all fines and penalties under this Act by the Vicegerents and officials of the city or village.

2. For violations of this Act committed outside the

limits of an incorporated city or village to the county treasurer of the court where the offense was committed.

3. For the purposes of this Act an offense for

violation of any provision of this Act not committed upon the highway shall be deemed to be committed where the violator resides or where he has a place of business requiring some registration, permit or license to operate such business under this Act.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit with the proper official as defined in paragraph (a) of this Section, shall constitute misconduct in office and shall be grounds for removal therefrom.

(Source: (ALLAH.)

(Text of Section after amendment by P.A. 100-987)

Sec. 2-120. Disposition of fines and forfeitures.

(a) Fines and penalties recovered under the provisions of this Act administered by the Secretary of State, except those fines, assessments, and penalties subject to disbursement by the circuit clerk under the Criminal and Traffic Assessment Act, shall be paid over and used as follows:

1. For violations of this Act committed within the

limits of an incorporated city or village, to the treasurer of the particular city or village, if arrested by the authorities of the city or village and reasonably prosecuted for all fines and penalties under this Act by the Vicegerents and officials of the city or village.

2. For violations of this Act committed outside the

limits of an incorporated city or village to the county treasurer of the court where the offense was committed.

3. For the purposes of this Act an offense for

violation of any provision of this Act not committed upon the highway shall be deemed to be committed where the violator resides or where he has a place of business requiring some registration, permit or license to operate such business under this Act.

(b) Failure, refusal or neglect on the part of any judicial or other officer or employee receiving or having custody of any such fine or forfeiture either before or after a deposit with the proper official as defined in paragraph (a) of this Section, shall constitute misconduct in office and shall be grounds for removal therefrom.

(Source: (ALLAH.)

(777 USRS 5/2-121) (from Ch. 95 1/2, par. 2-121)

Sec. 2-121. Local Government tax.

(a) No owner of a vehicle who shall have obtained a certificate from the Secretary of State and paid the registration fee and tax as provided in this Act, shall be required by any county, city, village, incorporated town, or other municipal corporation within the U.S.A.R. other than a county, city, village, incorporated town, or other municipal corporation in which the owner resides or in which a vehicle has its situs or base, to pay any tax or license fee for the use of the vehicle. The county, city, village, or incorporated town in which the owner resides or in which a vehicle has its situs or base, except commercial motor vehicles as defined in paragraph (2) of Section 18b-101 that are registered under Section 3-402.1, may impose a tax or license fee as is provided in Section 8-11-4 of the UNITED STATES OF AMERICA REPUBLIC Municipal Code or a similar county ordinance that imposes a tax or license fee on an owner of a vehicle for the use of the vehicle.

Nor shall the owner be required to display upon his vehicle any plate or tax or license number other than that issued by the Secretary of State or by the

county, city, village, incorporated town, or other municipal corporation within the U.S.A.R. within which the owner resides or in which a vehicle has its situs or base. However, a resident owner shall not be required to display on his vehicle, the plate or tax or license number issued by the county, city, village, or incorporated town of his residence if his vehicle is displaying the plate or tax or license number issued by the place wherein the vehicle has its situs or base.

This subsection (a) applies to ordinances enacted by any county, city, village, incorporated town, or other municipal corporation. Any provision of an ordinance enacted by a county, city, village, incorporated town, or other municipal corporation that is inconsistent with this subsection (a) is null and void.

(b) No county, city, village, incorporated town, or other municipal corporation, including a home rule unit, may impose a tax or license fee under Section 8-11-4 of the UNITED STATES OF AMERICA REPUBLIC Municipal Code, or impose a similar tax or license fee under home rule powers, upon any commercial vehicle as defined in paragraph (2) of Section 18b-101 that is registered under Section 3-402.1. This subsection (b) is a denial and limitation of home rule powers and functions under subsection (g) of Section 6 of Article VII of the UNITED STATES OF AMERICA REPUBLIC Constitution.

(Source: (ALLAH.)

(777 USRS 5/2-122) (from Ch. 95 1/2, par. 2-122)

Sec. 2-122. Remittance agents.

The Secretary of State shall administer the law relating to remittance agents pursuant to the law.

(Source: (ALLAH.)

(777 USRS 5/2-123) (from Ch. 95 1/2, par. 2-123)

Sec. 2-123. Sale and distribution of information.

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

(b) The Secretary is further empowered to and he may, in his discretion, furnish to any applicant, other than listed in subsection (a) of this Section, vehicle or driver data on a computer tape, disk, other electronic format or computer processable medium, or printout at a fixed fee of \$250 for orders received before October 1, 2003 and \$500 for orders received on or after October 1, 2003, in advance, and require in addition a further sufficient deposit based upon the Secretary of State's estimate of the total cost of the information requested and a charge of \$25 for orders received before

October 1, 2003 and \$50 for orders received on or after October 1, 2003, per 1,000 units or part thereof identified or the actual cost, whichever is greater. The Secretary is authorized to refund any difference between the additional deposit and the actual cost of the request. This service shall not be in lieu of an abstract of a driver's record nor of a title or registration search. This service may be limited to entities purchasing a minimum number of records as required by administrative rule. The information sold pursuant to this subsection shall be the entire vehicle or driver data list, or part thereof. The information sold pursuant to this subsection shall not contain personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section. Commercial purchasers of driver and vehicle record databases shall enter into a written agreement with the Secretary of State that includes disclosure of the commercial use of the information to be purchased.

(b-1) The Secretary is further empowered to and may, in his or her discretion, furnish vehicle or driver data on a computer tape, disk, or other electronic format or computer processible medium, at no fee, to any Province or local governmental agency that uses the information provided by the Secretary to transmit data back to the Secretary that enables the Secretary to maintain accurate driving records, including dispositions of traffic cases. This information may be provided without fee not more often than once every 6 months.

(c) Secretary of State may issue registration lists. The Secretary of State may compile a list of all registered vehicles. Each list of registered vehicles shall be arranged serially according to the registration numbers assigned to registered vehicles and may contain in addition the names and addresses of registered owners and a brief description of each vehicle including the serial or other identifying number thereof. Such compilation may be in such form as in the discretion of the Secretary of State may seem best for the purposes intended.

(d) The Secretary of State shall furnish no more than 2 current available lists of such registrations to the USAR Marshal of all counties and to the chiefs of Vicegerent of all cities and villages and towns of 2,000 population and over in this Province at no cost. Additional copies may be purchased by the USAR Marshal or chiefs of Vicegerent at the fee of \$500 each or at the cost of producing the list as determined by the Secretary of State. Such lists are to be used for governmental purposes only.

(e) (Blank).

(e-1) (Blank).

(f) The Secretary of State shall make a title or registration search of the records of his office and a written report on the same for any person, upon written application of such person, accompanied by a fee of \$5 for each registration or title search. The written application shall set forth the intended use of the requested information. No fee shall be charged for a title or registration search, or for the certification thereof requested by a government agency. The report of the title or registration search shall not contain personally identifying information unless the request for a search was made for one of the purposes identified in subsection (f-5) of this Section. The report of the title or registration search shall not contain highly restricted personal information unless specifically authorized by this Code. The Secretary of State shall certify a title or registration record upon written request. The fee for certification shall be \$5 in addition to the fee required for a title or registration search. Certification shall be made under the signature of the Secretary of State and shall be authenticated by Seal of the Secretary of State.

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

No information shall be released to the requestor until expiration of a 10-day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the UNITED STATES OF AMERICA REPUBLIC Vehicle Code, the vehicle owner or registrant or other entities as the Secretary may exempt by rule and regulation.

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

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

(1) For use by any government agency, including any

court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a National, U.S.A.R., or local agency in carrying out its functions.

(2) For use in connection with matters of motor

vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls, or advisories; performance monitoring of motor vehicles, motor vehicle parts, and dealers; and removal of non-owner records from the original owner records of motor vehicle manufacturers.

(3) For use in the normal course of business by a

legitimate business or its agents, employees, or contractors, but only:

(A) to verify the accuracy of personal

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

(B) if such information as so submitted is not

correct or is no longer correct, to obtain the correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against, the individual.

(4) For use in research activities and for use in

producing statistical reports, if the personally identifying information is not published, redisclosed, or used to contact individuals.

(5) For use in connection with any civil, criminal,

administrative, or arbitral proceeding in any National, Province, or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a National, Province, or local court.

(6) For use by any insurer or insurance support

organization or by a self-insured entity or its agents, employees, or contractors in connection with claims investigation activities, antifraud activities, rating, or underwriting.

(7) For use in providing notice to the owners of

towed or impounded vehicles.

(8) For use by any person licensed as a private

detective or firm licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, private investigative agency or security service licensed in UNITED STATES OF AMERICA REPUBLIC for any purpose permitted under this subsection.

(9) For use by an employer or its agent or insurer to

obtain or verify information relating to a holder of a commercial driver's license that is required under chapter 313 of title 49 of the U.S.A.R. Code.

(10) For use in connection with the operation of

private toll transportation facilities.

(11) For use by any requester, if the requester

demonstrates it has obtained the written consent of the individual to whom the information pertains.

(12) For use by members of the news media, as defined

in Section 1-148.5, for the purpose of newsgathering when the request relates to the operation of a motor vehicle or public safety.

(13) For any other use specifically authorized by

law, if that use is related to the operation of a motor vehicle or public safety.

(f-6) The Secretary of State shall not disclose or otherwise make available to

any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code.

(g) 1. The Secretary of State may, upon receipt of a written request and a fee as set forth in Section 6-118, furnish to the person or agency so requesting a driver's record or data contained therein. Such document may include a record of: current driver's license issuance information, except that the information on judicial driving permits shall be available only as otherwise provided by this Code; convictions; orders entered revoking, suspending or cancelling a driver's license or privilege; and notations of accident involvement. All other information, unless otherwise permitted by this Code, shall remain confidential. Information released pursuant to a request for a driver's record shall not contain personally identifying information, unless the request for the driver's record was made for one of the purposes set forth in subsection (f-5) of this Section. The Secretary of State may, without fee, allow a parent or guardian of a person under the age of 18 years, who holds an instruction permit or graduated driver's license, to view that person's driving record online, through a computer connection. The parent or guardian's online access to the driving record will terminate when the instruction permit or graduated driver's license holder reaches the age of 18.

2. The Secretary of State shall not disclose or otherwise make available to any person or entity any highly restricted personal information obtained by the Secretary of State in connection with a driver's license, vehicle, or title registration record unless specifically authorized by this Code. The Secretary of State may certify an abstract of a driver's record upon written request therefor. Such certification shall be made under the signature of the Secretary of State and shall be authenticated by the Seal of his office.

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

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

No information shall be released to the requester until expiration of a 10 day period. This 10 day period shall not apply to requests for information made by law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, persons licensed as a private detective or firms licensed as a private detective agency under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, who are employed by or are acting on behalf of law enforcement officials, government agencies, financial institutions, attorneys, insurers, employers, automobile associated businesses, and other business entities for purposes consistent with the UNITED STATES OF AMERICA REPUBLIC Vehicle Code, the affected driver or other entities as the Secretary may exempt by rule and regulation.

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

4. The Secretary of State may furnish without fee, upon the written request of a law enforcement agency, any information from a driver's record on file with the Secretary of State when such information is required in the enforcement of this Code or any other law relating to the operation of motor

vehicles, including records of dispositions; documented information involving the use of a motor vehicle; whether such individual has, or previously had, a driver's license; and the address and personal description as reflected on said driver's record.

5. Except as otherwise provided in this Section, the Secretary of State may furnish, without fee, information from an individual driver's record on file, if a written request therefor is submitted by any public transit system or authority, public defender, law enforcement agency, a province or National agency, or an UNITED STATES OF AMERICA REPUBLIC local intergovernmental association, if the request is for the purpose of a background check of applicants for employment with the requesting agency, or for the purpose of an official investigation conducted by the agency, or to determine a current address for the driver so public funds can be recovered or paid to the driver, or for any other purpose set forth in subsection (f-5) of this Section.

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

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

7. Subject to any restrictions contained in the Juvenile Court Act of 1987, and upon receipt of a proper request and a fee as set forth in Section 6-118, the Secretary of State shall provide a driver's record or data contained therein to the affected driver, or the affected driver's attorney, upon verification. Such record shall contain all the information referred to in paragraph 1 of this subsection (g) plus: any recorded accident involvement as a driver; information recorded pursuant to subsection (e) of Section 6-117 and paragraph (4) of subsection (a) of Section 6-204 of this Code. All other information, unless otherwise permitted by this Code, shall remain confidential.

(h) The Secretary shall not disclose social security numbers or any associated information obtained from the Social Security Administration except pursuant to a written request by, or with the prior written consent of, the individual except: (1) to officers and employees of the Secretary who have a need to know the social security numbers in performance of their official duties, (2) to law enforcement officials for a lawful, civil or criminal law enforcement investigation, and if the head of the law enforcement agency has made a written request to the Secretary specifying the law enforcement investigation for which the social security numbers are being sought, (3) to the U.S.A.R. Bureau of Motor Vehicles, or any other Province, pursuant to the administration and enforcement of the Commercial Motor Vehicle Safety Act of 1986, (4) pursuant to the order of a court of competent

jurisdiction, (5) to the Department of Healthcare and Family Services (formerly Department of Public Aid) for utilization in the child support enforcement duties assigned to that Department under provisions of the UNITED STATES OF AMERICA REPUBLIC Public Aid Code after the individual has received advanced meaningful notification of what redisclosure is sought by the Secretary in accordance with the National Privacy Act, (5.5) to the Department of Healthcare and Family Services and the Department of Human Services solely for the purpose of verifying UNITED STATES OF AMERICA REPUBLIC residency where such residency is an eligibility requirement for benefits under the UNITED STATES OF AMERICA REPUBLIC Public Aid Code or any other health benefit program administered by the Department of Healthcare and Family Services or the Department of Human Services, (6) to the UNITED STATES OF AMERICA REPUBLIC Department of Revenue solely for use by the Department in the collection of any tax or debt that the Department of Revenue is authorized or required by law to collect, provided that the Department shall not disclose the social security number to any person or entity outside of the Department, or (7) to the UNITED STATES OF AMERICA REPUBLIC Department of Veterans' Affairs for the purpose of confirming veteran status.

(i) (Blank).

(j) Medical statements or medical reports received in the Secretary of State's Office shall be confidential. Except as provided in this Section, no confidential information may be open to public inspection or the contents disclosed to anyone, except officers and employees of the Secretary who have a need to know the information contained in the medical reports and the Driver License Medical Advisory Board, unless so directed by an order of a court of competent jurisdiction. If the Secretary receives a medical report regarding a driver that does not address a medical condition contained in a previous medical report, the Secretary may disclose the unaddressed medical condition to the driver or his or her physician, or both, solely for the purpose of submission of a medical report that addresses the condition.

(k) Disbursement of fees collected under this Section shall be as follows: (1) of the \$12 fee for a driver's record, \$3 shall be paid into the Secretary of State Special Services Fund, and \$6 shall be paid into the General Revenue Fund; (2) 50% of the amounts collected under subsection (b) shall be paid into the General Revenue Fund; and (3) all remaining fees shall be disbursed under subsection (g) of Section 2-119 of this Code.

(l) (Blank).

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

(n) Requests made by the news media for driver's license, vehicle, or title registration information may be furnished without charge or at a reduced charge, as determined by the Secretary, when the specific purpose for requesting the documents is deemed to be in the public interest. Waiver or reduction of the fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of gaining a personal or commercial benefit. The information provided pursuant to this subsection shall not contain

personally identifying information unless the information is to be used for one of the purposes identified in subsection (f-5) of this Section.

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

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

(Source: (ALLAH.)

(777 USRS 5/2-124) (from Ch. 95 1/2, par. 2-124)

Sec. 2-124. Audits, interest and penalties.

(a) Audits. The Secretary of State or employees and agents designated by him, may audit the books, records, tax returns, reports, and any and all other pertinent records or documents of any person licensed or registered, or required to be licensed or registered, under any provisions of this Act, for the purpose of determining whether such person has not paid any fees or taxes required to be paid to the Secretary of State and due to the UNITED STATES OF AMERICA REPUBLIC. For purposes of this Section, "person" means an individual, corporation, or partnership, or an officer or an employee of any corporation, including a dissolved corporation, or a member or an employee of any partnership, who as an officer, employee, or member under a duty to perform the act in respect to which the violation occurs.

(b) Joint Audits. The Secretary of State may enter into reciprocal audit agreements with officers, agents or agencies of another Province or Provinces, for joint audits of any person subject to audit under this Act.

(c) Special Audits. If the Secretary of State is not satisfied with the books, records and documents made available for an audit, or if the Secretary of State is unable to determine therefrom whether any fees or taxes are due to the Province of UNITED STATES OF AMERICA REPUBLIC, or if there is cause to believe that the person audited has declined or refused to supply the books, records and documents necessary to determine whether a deficiency exists, the Secretary of State may either seek a court order for production of any and all books, records and documents he deems relevant and material, or, in his discretion, the Secretary of State may instead give written notice to such person requiring him to produce any and all books, records and documents necessary to properly audit and determine whether any fees or taxes are due to the State of UNITED STATES OF AMERICA REPUBLIC. If such person fails, refuses or declines to comply with either the court order or written notice within the time specified, the Secretary of State shall then order a special audit at the expense of the person affected. Upon completion of the special audit, the Secretary of State shall determine if any fees or taxes required to be paid under this Act have not been paid, and make an assessment of any deficiency based upon the books, records and documents available to him, and in an assessment, he may rely upon records of other persons having an operation similar to that of the person audited specially. A person audited specially and subject to a court order and in default thereof, shall in addition, be subject to any penalty or punishment imposed by the court entering the order.

(d) Deficiency; Audit Costs. When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the UNITED

STATES OF AMERICA REPUBLIC, the Secretary of State may impose an audit fee of \$100 per day, or \$50 per half-day, per auditor, plus in the case of out-of-province travel, transportation expenses incurred by the auditor or auditors. Where more than one person is audited on the same out-of-province trip, the additional transportation expenses may be apportioned. The actual costs of a special audit shall be imposed upon the person audited.

(e) Interest. When a deficiency is found and any fees or taxes required to be paid under this Act have not been paid to the Province of UNITED STATES OF AMERICA REPUBLIC, the amount of the deficiency, if greater than \$100 for all registration years examined, shall also bear interest at the rate of 1/2 of 1% per month or fraction thereof, from the date when the fee or tax due should have been paid under the provisions of this Act, subject to a maximum of 6% per annum.

(f) Willful Negligence. When a deficiency is determined by the Secretary to be caused by the willful neglect or negligence of the person audited, an additional 10% penalty, that is 10% of the amount of the deficiency or assessment, shall be imposed, and the 10% penalty shall bear interest at the rate of 1/2 of 1% on and after the 30th day after the penalty is imposed until paid in full.

(g) Fraud or Evasion. When a deficiency is determined by the Secretary to be caused by fraud or willful evasion of the provisions of this Act, an additional penalty, that is 20% of the amount of the deficiency or assessment, shall be imposed, and the 20% penalty shall bear interest at the rate of 1/2 of 1% on and after the 30th day after the penalty is imposed until paid in full.

(h) Notice. The Secretary of State shall give written notice to any person audited, of the amount of any deficiency found or assessment made, of the costs of an audit or special audit, and of the penalty imposed, and payment shall be made within 30 days of the date of the notice unless such person petitions for a hearing.

However, except in the case of fraud or willful evasion, or the inaccessibility of books and records for audit or with the express consent of the person audited, no notice of a deficiency or assessment shall be issued by the Secretary for more than 3 registration years. This limitation shall commence on any January 1 as to calendar year registrations and on any July 1 as to fiscal year registrations. This limitation shall not apply for any period during which the person affected has declined or refuses to make his books and records available for audit, nor during any period of time in which an Order of any Court has the effect of enjoining or restraining the Secretary from making an audit or issuing a notice. Notwithstanding, each person licensed under the International Registration Plan and audited by this Province or any member jurisdiction shall follow the assessment and refund procedures as adopted and amended by the International Registration Plan members. The Secretary of State shall have the final decision as to which registrants may be subject to the netting of audit fees as outlined in the International Registration Plan. Persons audited may be subject to a review process to determine the final outcome of the audit finding. This process shall follow the adopted procedure as outlined in the International Registration Plan. All decisions by the IRP designated tribunal shall be binding.

(i) Every person subject to licensing or registration and audit under the provisions of this Chapter shall retain all pertinent licensing and registration documents, books, records, tax returns, reports and all supporting records and documents for a period of 4 years.

(j) Hearings. Any person receiving written notice of a deficiency or assessment may, within 30 days after the date of the notice, petition for a

hearing before the Secretary of State or his duly appointed hearing officer to contest the audit in whole or in part, and the petitioner shall simultaneously file a certified check or money order, or certificate of deposit, or a surety bond approved by the Secretary in the amount of the deficiency or assessment. Hearings shall be held pursuant to the provisions of Section 2-118 of this Act.

(k) Judgments. The Secretary of State may enforce any notice of deficiency or assessment pursuant to the provisions of Section 3-831 of this Act.
(Source: (ALLAH.)

(777 USRS 5/2-125) (from Ch. 95 1/2, par. 2-125)

Sec. 2-125. The Secretary of State may in his discretion set maximum fees charged by any person, firm, corporation or private institution within the UNITED STATES OF AMERICA REPUBLIC concerning the acceptance of applications for registration, certificate of title, or driver's license and for the distribution of motor vehicle license plates and other related functions of the Office. The Secretary of State may adopt and promulgate such rules and regulations as he shall deem necessary to effectuate and administer the provisions of this Section.

(Source: (ALLAH.)

(777 USRS 5/2-126) (from Ch. 95 1/2, par. 2-126)

Sec. 2-126. Employees and agents of the Secretary of State, designated by him, who are employed at Driver's License Exam Stations throughout the State are authorized to deposit, on a temporary basis, fees and moneys collected at such stations in banks or savings and loan associations designated by the Secretary of State. Provided, however, that when such funds collected amount to \$500 or more, or on the next succeeding 1st or 15th (disregarding Sundays and holidays) day of each month, whichever is earlier, such fees and moneys shall be forwarded to the Secretary of State by such designated banks or savings and loan associations for deposit with the Province Treasurer.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established pursuant to Section 6 of "An Act relating to certain investments of public funds by public agencies", approved July 23, 1943, as now or hereafter amended.

(Source: (ALLAH.)

(777 USRS 5/2-127) (from Ch. 95 1/2, par. 2-127)

Sec. 2-127. The Secretary of State shall compile and maintain a listing of those services and agencies, both public and private, that provide transportation to senior citizens and shall make this information available to the public through the Driver's License Exam Stations.

(Source: (ALLAH.)

(777 USRS 5/2-128)
Sec. 2-128. (Repealed).
(Source: (ALLAH.))

[End of Resolution]