



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB2610

by Rep. John C. D'Amico

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Provides that the Secretary of State may implement an electronic motor vehicle liability insurance policy verification program to verify insurance coverage of motor vehicles required to be operated with liability insurance under the Code. Provides for information that an insurance company authorized to sell motor vehicle liability insurance in this State shall make available upon request to the Secretary. Provides that if the Secretary implements the program, he or she shall verify insurance coverage at least twice per calendar year and, if unable to verify coverage, shall provide the vehicle owner written notice allowing the owner 30 calendar days to provide proof of insurance on the date of the attempted verification or proof that the vehicle is inoperable. If the vehicle owner provides proof of insurance, the Secretary may verify the proof with the vehicle owner's insurance company. If the vehicle owner fails to respond to the notice or is unable to provide proof of coverage or proof that the vehicle is inoperable, the Secretary shall suspend the vehicle's registration. Amends the Freedom of Information Act. Makes conforming changes. Amends the Illinois Motor Vehicle Theft Prevention Act. Changes the title of the Act to the Illinois Motor Vehicle Theft Prevention and Insurance Verification Act. Provides that the Secretary of State shall appoint members of the Council (rather than the Governor) and the Director of the Department of State Police shall be the Chairman of the Council. Provides that the Council shall provide funding to the Secretary for the creation, implementation, and maintenance of an electronic motor vehicle liability insurance policy verification program. Makes conforming changes. Amends the State Finance Act to make conforming changes.

LRB100 06781 AXK 16828 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Freedom of Information Act is amended by  
5 changing Section 7.5 as follows:

6 (5 ILCS 140/7.5)

7 Sec. 7.5. Statutory exemptions. To the extent provided for  
8 by the statutes referenced below, the following shall be exempt  
9 from inspection and copying:

10 (a) All information determined to be confidential  
11 under Section 4002 of the Technology Advancement and  
12 Development Act.

13 (b) Library circulation and order records identifying  
14 library users with specific materials under the Library  
15 Records Confidentiality Act.

16 (c) Applications, related documents, and medical  
17 records received by the Experimental Organ Transplantation  
18 Procedures Board and any and all documents or other records  
19 prepared by the Experimental Organ Transplantation  
20 Procedures Board or its staff relating to applications it  
21 has received.

22 (d) Information and records held by the Department of  
23 Public Health and its authorized representatives relating

1 to known or suspected cases of sexually transmissible  
2 disease or any information the disclosure of which is  
3 restricted under the Illinois Sexually Transmissible  
4 Disease Control Act.

5 (e) Information the disclosure of which is exempted  
6 under Section 30 of the Radon Industry Licensing Act.

7 (f) Firm performance evaluations under Section 55 of  
8 the Architectural, Engineering, and Land Surveying  
9 Qualifications Based Selection Act.

10 (g) Information the disclosure of which is restricted  
11 and exempted under Section 50 of the Illinois Prepaid  
12 Tuition Act.

13 (h) Information the disclosure of which is exempted  
14 under the State Officials and Employees Ethics Act, and  
15 records of any lawfully created State or local inspector  
16 general's office that would be exempt if created or  
17 obtained by an Executive Inspector General's office under  
18 that Act.

19 (i) Information contained in a local emergency energy  
20 plan submitted to a municipality in accordance with a local  
21 emergency energy plan ordinance that is adopted under  
22 Section 11-21.5-5 of the Illinois Municipal Code.

23 (j) Information and data concerning the distribution  
24 of surcharge moneys collected and remitted by wireless  
25 carriers under the Wireless Emergency Telephone Safety  
26 Act.

1           (k) Law enforcement officer identification information  
2           or driver identification information compiled by a law  
3           enforcement agency or the Department of Transportation  
4           under Section 11-212 of the Illinois Vehicle Code.

5           (l) Records and information provided to a residential  
6           health care facility resident sexual assault and death  
7           review team or the Executive Council under the Abuse  
8           Prevention Review Team Act.

9           (m) Information provided to the predatory lending  
10          database created pursuant to Article 3 of the Residential  
11          Real Property Disclosure Act, except to the extent  
12          authorized under that Article.

13          (n) Defense budgets and petitions for certification of  
14          compensation and expenses for court appointed trial  
15          counsel as provided under Sections 10 and 15 of the Capital  
16          Crimes Litigation Act. This subsection (n) shall apply  
17          until the conclusion of the trial of the case, even if the  
18          prosecution chooses not to pursue the death penalty prior  
19          to trial or sentencing.

20          (o) Information that is prohibited from being  
21          disclosed under Section 4 of the Illinois Health and  
22          Hazardous Substances Registry Act.

23          (p) Security portions of system safety program plans,  
24          investigation reports, surveys, schedules, lists, data, or  
25          information compiled, collected, or prepared by or for the  
26          Regional Transportation Authority under Section 2.11 of

1 the Regional Transportation Authority Act or the St. Clair  
2 County Transit District under the Bi-State Transit Safety  
3 Act.

4 (q) Information prohibited from being disclosed by the  
5 Personnel Records Review Act.

6 (r) Information prohibited from being disclosed by the  
7 Illinois School Student Records Act.

8 (s) Information the disclosure of which is restricted  
9 under Section 5-108 of the Public Utilities Act.

10 (t) All identified or deidentified health information  
11 in the form of health data or medical records contained in,  
12 stored in, submitted to, transferred by, or released from  
13 the Illinois Health Information Exchange, and identified  
14 or deidentified health information in the form of health  
15 data and medical records of the Illinois Health Information  
16 Exchange in the possession of the Illinois Health  
17 Information Exchange Authority due to its administration  
18 of the Illinois Health Information Exchange. The terms  
19 "identified" and "deidentified" shall be given the same  
20 meaning as in the Health Insurance Portability and  
21 Accountability Act of 1996, Public Law 104-191, or any  
22 subsequent amendments thereto, and any regulations  
23 promulgated thereunder.

24 (u) Records and information provided to an independent  
25 team of experts under Brian's Law.

26 (v) Names and information of people who have applied

1 for or received Firearm Owner's Identification Cards under  
2 the Firearm Owners Identification Card Act or applied for  
3 or received a concealed carry license under the Firearm  
4 Concealed Carry Act, unless otherwise authorized by the  
5 Firearm Concealed Carry Act; and databases under the  
6 Firearm Concealed Carry Act, records of the Concealed Carry  
7 Licensing Review Board under the Firearm Concealed Carry  
8 Act, and law enforcement agency objections under the  
9 Firearm Concealed Carry Act.

10 (w) Personally identifiable information which is  
11 exempted from disclosure under subsection (g) of Section  
12 19.1 of the Toll Highway Act.

13 (x) Information which is exempted from disclosure  
14 under Section 5-1014.3 of the Counties Code or Section  
15 8-11-21 of the Illinois Municipal Code.

16 (y) Confidential information under the Adult  
17 Protective Services Act and its predecessor enabling  
18 statute, the Elder Abuse and Neglect Act, including  
19 information about the identity and administrative finding  
20 against any caregiver of a verified and substantiated  
21 decision of abuse, neglect, or financial exploitation of an  
22 eligible adult maintained in the Registry established  
23 under Section 7.5 of the Adult Protective Services Act.

24 (z) Records and information provided to a fatality  
25 review team or the Illinois Fatality Review Team Advisory  
26 Council under Section 15 of the Adult Protective Services

1 Act.

2 (aa) Information which is exempted from disclosure  
3 under Section 2.37 of the Wildlife Code.

4 (bb) Information which is or was prohibited from  
5 disclosure by the Juvenile Court Act of 1987.

6 (cc) Recordings made under the Law Enforcement  
7 Officer-Worn Body Camera Act, except to the extent  
8 authorized under that Act.

9 (dd) Information that is prohibited from being  
10 disclosed under Section 45 of the Condominium and Common  
11 Interest Community Ombudsperson Act.

12 (ee) ~~(ed)~~ Information that is exempted from disclosure  
13 under Section 30.1 of the Pharmacy Practice Act.

14 (ff) Information that is prohibited from being  
15 disclosed under Section 7-603.5 of the Illinois Vehicle  
16 Code.

17 (Source: P.A. 98-49, eff. 7-1-13; 98-63, eff. 7-9-13; 98-756,  
18 eff. 7-16-14; 98-1039, eff. 8-25-14; 98-1045, eff. 8-25-14;  
19 99-78, eff. 7-20-15; 99-298, eff. 8-6-15; 99-352, eff. 1-1-16;  
20 99-642, eff. 7-28-16; 99-776, eff. 8-12-16; 99-863, eff.  
21 8-19-16; revised 9-1-16.)

22 Section 10. The Illinois Criminal Justice Information Act  
23 is amended by changing Section 7 as follows:

24 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

1           Sec. 7. Powers and Duties. The Authority shall have the  
2 following powers, duties and responsibilities:

3           (a) To develop and operate comprehensive information  
4 systems for the improvement and coordination of all aspects  
5 of law enforcement, prosecution and corrections;

6           (b) To define, develop, evaluate and correlate State  
7 and local programs and projects associated with the  
8 improvement of law enforcement and the administration of  
9 criminal justice;

10          (c) To act as a central repository and clearing house  
11 for federal, state and local research studies, plans,  
12 projects, proposals and other information relating to all  
13 aspects of criminal justice system improvement and to  
14 encourage educational programs for citizen support of  
15 State and local efforts to make such improvements;

16          (d) To undertake research studies to aid in  
17 accomplishing its purposes;

18          (e) To monitor the operation of existing criminal  
19 justice information systems in order to protect the  
20 constitutional rights and privacy of individuals about  
21 whom criminal history record information has been  
22 collected;

23          (f) To provide an effective administrative forum for  
24 the protection of the rights of individuals concerning  
25 criminal history record information;

26          (g) To issue regulations, guidelines and procedures



1           which ensure the privacy and security of criminal history  
2           record information consistent with State and federal laws;

3           (h) To act as the sole administrative appeal body in  
4           the State of Illinois to conduct hearings and make final  
5           determinations concerning individual challenges to the  
6           completeness and accuracy of criminal history record  
7           information;

8           (i) To act as the sole, official, criminal justice body  
9           in the State of Illinois to conduct annual and periodic  
10          audits of the procedures, policies, and practices of the  
11          State central repositories for criminal history record  
12          information to verify compliance with federal and state  
13          laws and regulations governing such information;

14          (j) To advise the Authority's Statistical Analysis  
15          Center;

16          (k) To apply for, receive, establish priorities for,  
17          allocate, disburse and spend grants of funds that are made  
18          available by and received on or after January 1, 1983 from  
19          private sources or from the United States pursuant to the  
20          federal Crime Control Act of 1973, as amended, and similar  
21          federal legislation, and to enter into agreements with the  
22          United States government to further the purposes of this  
23          Act, or as may be required as a condition of obtaining  
24          federal funds;

25          (l) To receive, expend and account for such funds of  
26          the State of Illinois as may be made available to further

1 the purposes of this Act;

2 (m) To enter into contracts and to cooperate with units  
3 of general local government or combinations of such units,  
4 State agencies, and criminal justice system agencies of  
5 other states for the purpose of carrying out the duties of  
6 the Authority imposed by this Act or by the federal Crime  
7 Control Act of 1973, as amended;

8 (n) To enter into contracts and cooperate with units of  
9 general local government outside of Illinois, other  
10 states' agencies, and private organizations outside of  
11 Illinois to provide computer software or design that has  
12 been developed for the Illinois criminal justice system, or  
13 to participate in the cooperative development or design of  
14 new software or systems to be used by the Illinois criminal  
15 justice system. Revenues received as a result of such  
16 arrangements shall be deposited in the Criminal Justice  
17 Information Systems Trust Fund.

18 (o) To establish general policies concerning criminal  
19 justice information systems and to promulgate such rules,  
20 regulations and procedures as are necessary to the  
21 operation of the Authority and to the uniform consideration  
22 of appeals and audits;

23 (p) To advise and to make recommendations to the  
24 Governor and the General Assembly on policies relating to  
25 criminal justice information systems;

26 (q) To direct all other agencies under the jurisdiction

1 of the Governor to provide whatever assistance and  
2 information the Authority may lawfully require to carry out  
3 its functions;

4 (r) To exercise any other powers that are reasonable  
5 and necessary to fulfill the responsibilities of the  
6 Authority under this Act and to comply with the  
7 requirements of applicable federal law or regulation;

8 (s) To exercise the rights, powers and duties which  
9 have been vested in the Authority by the "Illinois Uniform  
10 Conviction Information Act", enacted by the 85th General  
11 Assembly, as hereafter amended;

12 (t) (Blank); ~~To exercise the rights, powers and duties~~  
13 ~~which have been vested in the Authority by the Illinois~~  
14 ~~Motor Vehicle Theft Prevention Act;~~

15 (u) To exercise the rights, powers, and duties vested  
16 in the Authority by the Illinois Public Safety Agency  
17 Network Act; and

18 (v) To provide technical assistance in the form of  
19 training to local governmental entities within Illinois  
20 requesting such assistance for the purposes of procuring  
21 grants for gang intervention and gang prevention programs  
22 or other criminal justice programs from the United States  
23 Department of Justice.

24 The requirement for reporting to the General Assembly shall  
25 be satisfied by filing copies of the report with the Speaker,  
26 the Minority Leader and the Clerk of the House of

1 Representatives and the President, the Minority Leader and the  
2 Secretary of the Senate and the Legislative Research Unit, as  
3 required by Section 3.1 of "An Act to revise the law in  
4 relation to the General Assembly", approved February 25, 1874,  
5 as amended, and filing such additional copies with the State  
6 Government Report Distribution Center for the General Assembly  
7 as is required under paragraph (t) of Section 7 of the State  
8 Library Act.

9 (Source: P.A. 97-435, eff. 1-1-12.)

10 Section 15. The Illinois Motor Vehicle Theft Prevention Act  
11 is amended by changing Sections 1, 2, 3, 4, 6, 7, 8, 8.5, and 12  
12 as follows:

13 (20 ILCS 4005/1) (from Ch. 95 1/2, par. 1301)

14 (Section scheduled to be repealed on January 1, 2020)

15 Sec. 1. This Act shall be known as the Illinois Motor  
16 Vehicle Theft Prevention and Insurance Verification Act.

17 (Source: P.A. 86-1408.)

18 (20 ILCS 4005/2) (from Ch. 95 1/2, par. 1302)

19 (Section scheduled to be repealed on January 1, 2020)

20 Sec. 2. The purpose of this Act is to prevent, combat and  
21 reduce motor vehicle theft in Illinois; to improve and support  
22 motor vehicle theft law enforcement, prosecution and  
23 administration of motor vehicle theft and insurance

1 verification laws by establishing statewide planning  
2 capabilities for and coordination of financial resources.

3 (Source: P.A. 86-1408.)

4 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

5 (Section scheduled to be repealed on January 1, 2020)

6 Sec. 3. As used in this Act:

7 (a) (Blank). ~~"Authority" means the Illinois Criminal~~  
8 ~~Justice Information Authority.~~

9 (b) "Council" means the Illinois Motor Vehicle Theft  
10 Prevention and Insurance Verification Council, ~~established~~  
11 ~~within the Authority by this Act.~~

12 (b-2) "Director" means the Director of State Police.

13 (b-5) "Police" means the Secretary of State Department of  
14 Police.

15 (b-7) "Secretary" means the Secretary of State.

16 (c) "Trust Fund" means the Motor Vehicle Theft Prevention  
17 and Insurance Verification Trust Fund.

18 (Source: P.A. 86-1408.)

19 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

20 (Section scheduled to be repealed on January 1, 2020)

21 Sec. 4. There is hereby created ~~within the Authority~~ an  
22 Illinois Motor Vehicle Theft Prevention and Insurance  
23 Verification Council, which shall exercise its powers, duties  
24 and responsibilities ~~independently of the Authority~~. There

1 shall be 11 members of the Council consisting of the Secretary  
2 of State or his designee, the Director of the Department of  
3 State Police, the State's Attorney of Cook County, the  
4 Superintendent of the Chicago Police Department, and the  
5 following 7 additional members, each of whom shall be appointed  
6 by the Secretary of State ~~Governor~~: a state's attorney of a  
7 county other than Cook, a chief executive law enforcement  
8 official from a jurisdiction other than the City of Chicago, 5  
9 representatives of insurers authorized to write motor vehicle  
10 insurance in this State, all of whom shall be domiciled in this  
11 State.

12 The Director ~~Governor from time to time~~ shall be ~~designate~~  
13 the Chairman of the Council ~~from the membership~~. All members of  
14 the Council appointed by the Secretary ~~Governor~~ shall serve at  
15 the discretion of the Secretary ~~Governor~~ for a term not to  
16 exceed 4 years. ~~The initial appointed members of the Council~~  
17 ~~shall serve from January 1, 1991 until the third Monday in~~  
18 ~~January, 1995 or until their successors are appointed.~~ The  
19 Council shall meet at least quarterly.

20 (Source: P.A. 89-277, eff. 8-10-95.)

21 (20 ILCS 4005/6) (from Ch. 95 1/2, par. 1306)

22 (Section scheduled to be repealed on January 1, 2020)

23 Sec. 6. The ~~Executive~~ Director ~~of the Authority~~ shall  
24 employ, in accordance with the provisions of the Illinois  
25 Personnel Code, such administrative, professional, clerical,

1 and other personnel as may be required and may organize such  
2 staff as may be appropriate to effectuate the purposes of this  
3 Act.

4 (Source: P.A. 86-1408.)

5 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

6 (Section scheduled to be repealed on January 1, 2020)

7 Sec. 7. The Council shall have the following powers, duties  
8 and responsibilities:

9 (a) To apply for, solicit, receive, establish  
10 priorities for, allocate, disburse, contract for, and  
11 spend funds that are made available to the Council from any  
12 source to effectuate the purposes of this Act.

13 (b) To make grants and to provide financial support for  
14 federal and State agencies, units of local government,  
15 corporations, and neighborhood, community and business  
16 organizations to effectuate the purposes of this Act.

17 (c) To assess the scope of the problem of motor vehicle  
18 theft, including particular areas of the State where the  
19 problem is greatest and to conduct impact analyses of State  
20 and local criminal justice policies, programs, plans and  
21 methods for combating the problem.

22 (d) To develop and sponsor the implementation of  
23 statewide plans and strategies to combat motor vehicle  
24 theft and to improve the administration of the motor  
25 vehicle theft laws and provide an effective forum for

1 identification of critical problems associated with motor  
2 vehicle theft.

3 (e) To coordinate the development, adoption and  
4 implementation of plans and strategies relating to  
5 interagency or intergovernmental cooperation with respect  
6 to motor vehicle theft law enforcement.

7 (f) To adopt ~~promulgate~~ rules or regulations necessary  
8 to ensure that appropriate agencies, units of government,  
9 private organizations and combinations thereof are  
10 included in the development and implementation of  
11 strategies or plans adopted pursuant to this Act and to  
12 adopt ~~promulgate~~ rules or regulations as may otherwise be  
13 necessary to effectuate the purposes of this Act.

14 (g) To report annually, on or before April 1, 1992 to  
15 the Governor, General Assembly, and, upon request, to  
16 members of the general public on the Council's activities  
17 in the preceding year.

18 (h) To exercise any other powers that are reasonable,  
19 necessary or convenient to fulfill its responsibilities,  
20 to carry out and to effectuate the objectives and purposes  
21 of the Council and the provisions of this Act, and to  
22 comply with the requirements of applicable federal or State  
23 laws, rules, or regulations; provided, however, that these  
24 ~~such~~ powers shall not include the power to subpoena or  
25 arrest.

26 (i) To provide funding to the Secretary for the



1       creation, implementation, and maintenance of an electronic  
2       motor vehicle liability insurance policy verification  
3       program.

4       (Source: P.A. 86-1408.)

5               (20 ILCS 4005/8) (from Ch. 95 1/2, par. 1308)

6               (Section scheduled to be repealed on January 1, 2020)

7       Sec. 8. (a) A special fund is created in the State Treasury  
8       known as the Motor Vehicle Theft Prevention and Insurance  
9       Verification Trust Fund, which shall be administered by the  
10       ~~Executive Director of the Authority~~ at the direction of the  
11       Council. All interest earned from the investment or deposit of  
12       monies accumulated in the Trust Fund shall, pursuant to Section  
13       4.1 of the State Finance Act, be deposited in the Trust Fund.

14               (b) Money deposited in this Trust Fund shall not be  
15       considered general revenue of the State of Illinois.

16               (c) Money deposited in the Trust Fund shall be used only to  
17       enhance efforts to effectuate the purposes of this Act as  
18       determined by the Council and shall not be appropriated, loaned  
19       or in any manner transferred to the General Revenue Fund of the  
20       State of Illinois.

21               (d) Prior to April 1, 1991, and prior to April 1 of each  
22       year thereafter, each insurer engaged in writing private  
23       passenger motor vehicle insurance coverages which are included  
24       in Class 2 and Class 3 of Section 4 of the Illinois Insurance  
25       Code, as a condition of its authority to transact business in

1 this State, may collect and shall pay into the Trust Fund an  
2 amount equal to \$1.00, or a lesser amount determined by the  
3 Council, multiplied by the insurer's total earned car years of  
4 private passenger motor vehicle insurance policies providing  
5 physical damage insurance coverage written in this State during  
6 the preceding calendar year.

7 (e) Money in the Trust Fund shall be expended as follows:

8 (1) To pay the Authority's costs to administer the  
9 Council and the Trust Fund, but for this purpose in an  
10 amount not to exceed 10% ~~ten percent~~ in any one fiscal year  
11 of the amount collected pursuant to paragraph (d) of this  
12 Section in that same fiscal year.

13 (2) To achieve the purposes and objectives of this Act,  
14 which may include, but not be limited to, the following:

15 (A) To provide financial support to law  
16 enforcement and correctional agencies, prosecutors,  
17 and the judiciary for programs designed to reduce motor  
18 vehicle theft and to improve the administration of  
19 motor vehicle theft laws.

20 (B) To provide financial support for federal and  
21 State agencies, units of local government,  
22 corporations and neighborhood, community or business  
23 organizations for programs designed to reduce motor  
24 vehicle theft and to improve the administration of  
25 motor vehicle theft laws.

26 (C) To provide financial support to conduct

1 programs designed to inform owners of motor vehicles  
2 about the financial and social costs of motor vehicle  
3 theft and to suggest to those owners methods for  
4 preventing motor vehicle theft.

5 (D) To provide financial support for plans,  
6 programs and projects designed to achieve the purposes  
7 of this Act.

8 (3) To provide funding to the Secretary for the  
9 creation, implementation, and maintenance of an electronic  
10 motor vehicle liability insurance policy verification  
11 program by allocating no more than 75% of each dollar  
12 collected for the first calendar year of the program and no  
13 more than 50% of each dollar collected for every other year  
14 the program is in place.

15 (f) Insurers contributing to the Trust Fund shall have a  
16 property interest in the unexpended money in the Trust Fund,  
17 which property interest shall not be retroactively changed or  
18 extinguished by the General Assembly.

19 (g) In the event the Trust Fund were to be discontinued or  
20 the Council were to be dissolved by act of the General Assembly  
21 or by operation of law, then, notwithstanding the provisions of  
22 Section 5 of the State Finance Act, any balance remaining  
23 therein shall be returned to the insurers writing private  
24 passenger motor vehicle insurance in proportion to their  
25 financial contributions to the Trust Fund and any assets of the  
26 Council shall be liquidated and returned in the same manner

1 after deduction of administrative costs.

2 (Source: P.A. 88-452; 89-277, eff. 8-10-95.)

3 (20 ILCS 4005/8.5)

4 (Section scheduled to be repealed on January 1, 2020)

5 Sec. 8.5. State Police Motor Vehicle Theft Prevention Trust  
6 Fund. The State Police Motor Vehicle Theft Prevention Trust  
7 Fund is created as a trust fund in the State treasury. The  
8 State Treasurer shall be the custodian of the Trust Fund. The  
9 Trust Fund is established to receive funds from the Illinois  
10 Motor Vehicle Theft Prevention and Insurance Verification  
11 Council. All interest earned from the investment or deposit of  
12 moneys accumulated in the Trust Fund shall be deposited into  
13 the Trust Fund. Moneys in the Trust Fund shall be used by the  
14 Department of State Police for motor vehicle theft prevention  
15 purposes.

16 (Source: P.A. 97-116, eff. 1-1-12.)

17 (20 ILCS 4005/12)

18 Sec. 12. Repeal. Sections 1 through ~~9 and Section~~ 11 are  
19 repealed January 1, 2025 ~~2020~~.

20 (Source: P.A. 99-251, eff. 1-1-16.)

21 Section 20. The State Finance Act is amended by changing  
22 Sections 5 and 5.295 as follows:

1 (30 ILCS 105/5) (from Ch. 127, par. 141)

2 Sec. 5. Special funds.

3 (a) There are special funds in the State Treasury  
4 designated as specified in the Sections which succeed this  
5 Section 5 and precede Section 6.

6 (b) Except as provided in the Illinois Motor Vehicle Theft  
7 Prevention and Insurance Verification Act, when any special  
8 fund in the State Treasury is discontinued by an Act of the  
9 General Assembly, any balance remaining therein on the  
10 effective date of such Act shall be transferred to the General  
11 Revenue Fund, or to such other fund as such Act shall provide.  
12 Warrants outstanding against such discontinued fund at the time  
13 of the transfer of any such balance therein shall be paid out  
14 of the fund to which the transfer was made.

15 (c) When any special fund in the State Treasury has been  
16 inactive for 18 months or longer, the fund is automatically  
17 terminated by operation of law and the balance remaining in  
18 such fund shall be transferred by the Comptroller to the  
19 General Revenue Fund. When a special fund has been terminated  
20 by operation of law as provided in this Section, the General  
21 Assembly shall repeal or amend all Sections of the statutes  
22 creating or otherwise referring to that fund.

23 The Comptroller shall be allowed the discretion to maintain  
24 or dissolve any federal trust fund which has been inactive for  
25 18 months or longer.

26 (d) (Blank).

1 (e) (Blank).

2 (Source: P.A. 90-372, eff. 7-1-98.)

3 (30 ILCS 105/5.295) (from Ch. 127, par. 141.295)

4 Sec. 5.295. The Motor Vehicle Theft Prevention and  
5 Insurance Verification Trust Fund.

6 (Source: P.A. 86-1408; 86-1475.)

7 Section 25. The Illinois Vehicle Code is amended by  
8 changing Sections 4-109, 7-604, and 7-607 and by adding Section  
9 7-603.5 as follows:

10 (625 ILCS 5/4-109)

11 Sec. 4-109. Motor Vehicle Theft Prevention Program. The  
12 Secretary of State, in conjunction with the Motor Vehicle Theft  
13 Prevention and Insurance Verification Council, is hereby  
14 authorized to establish and operate a Motor Vehicle Theft  
15 Prevention Program as follows:

16 (a) Voluntary program participation.

17 (b) The registered owner of a motor vehicle interested in  
18 participating in the program shall sign an informed consent  
19 agreement designed by the Secretary of State under subsection  
20 (e) of this Section indicating that the motor vehicle  
21 registered to him is not normally operated between the hours of  
22 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be  
23 submitted to the Secretary of State for processing.

1           (c) Upon processing the form, the Secretary of State shall  
2 issue to the registered owner a decal. The registered owner  
3 shall affix the decal in a conspicuous place on his motor  
4 vehicle as prescribed by the Secretary of State.

5           (d) Whenever any law enforcement officer shall see a motor  
6 vehicle displaying a decal issued under the provisions of  
7 subsection (c) of this Section being operated upon the public  
8 highways of this State between the hours of 1:00 a.m. and 5:00  
9 a.m., the officer is authorized to stop that motor vehicle and  
10 to request the driver to produce a valid driver's license and  
11 motor vehicle registration card if required to be carried in  
12 the vehicle. Whenever the operator of a motor vehicle  
13 displaying a decal is unable to produce the documentation set  
14 forth in this Section, the police officer shall investigate  
15 further to determine if the person operating the motor vehicle  
16 is the registered owner or has the authorization of the owner  
17 to operate the vehicle.

18           (e) The Secretary of State, in consultation with the  
19 Director of the Department of State Police and Motor Vehicle  
20 Theft Prevention and Insurance Verification Council, shall  
21 design the manner and form of the informed consent agreement  
22 required under subsection (b) of this Section and the decal  
23 required under subsection (c) of this Section.

24           (f) The Secretary of State shall provide for the recording  
25 of registered owners of motor vehicles who participate in the  
26 program. The records shall be available to all law enforcement

1 departments, agencies, and forces. The Secretary of State shall  
2 cooperate with and assist all law enforcement officers and  
3 other agencies in tracing or examining any questionable motor  
4 vehicles in order to determine the ownership of the motor  
5 vehicles.

6 (g) A fee not to exceed \$10 may be charged for the informed  
7 consent form and decal provided under this Section. The fee, if  
8 any, shall be set by the Motor Vehicle Theft Prevention and  
9 Insurance Verification Council and shall be collected by the  
10 Secretary of State and deposited into the Motor Vehicle Theft  
11 Prevention and Insurance Verification Trust Fund.

12 (h) The Secretary of State, in consultation with the  
13 Director of the Department of State Police and the Motor  
14 Vehicle Theft Prevention and Insurance Verification Council  
15 shall promulgate rules and regulations to effectuate the  
16 purposes of this Section.

17 (Source: P.A. 88-128; 88-684, eff. 1-24-95.)

18 (625 ILCS 5/7-603.5 new)

19 Sec. 7-603.5. Electronic verification of a liability  
20 insurance policy.

21 (a) The Secretary may implement a program of electronic  
22 motor vehicle liability insurance policy verification for  
23 motor vehicles subject to Section 7-601 of this Code for the  
24 purpose of verifying whether or not the motor vehicle is  
25 insured. The program shall include, but is not limited to:



1           (1) a requirement that an insurance company authorized  
2           to sell motor vehicle liability insurance in this State  
3           shall make available, in a format designated by the  
4           Secretary, to the Secretary for each motor vehicle  
5           liability insurance policy issued by the company the  
6           following information:

7                   (A) the name of the policy holder;

8                   (B) the make, model, year, and vehicle  
9                   identification number of the covered motor vehicle;

10                   (C) the policy number;

11                   (D) the policy effective date;

12                   (E) the insurance company's National Association  
13                   of Insurance Commissioner's number; and

14                   (F) any other information the Secretary deems  
15                   necessary;

16           (2) a method for searching motor vehicle liability  
17           insurance policies issued and in effect in this State by  
18           using the information under paragraph (1) of this  
19           subsection (a);

20           (3) a requirement that at least twice per calendar  
21           year, the Secretary shall verify the existence of a  
22           liability insurance policy for every registered motor  
23           vehicle subject to Section 7-601 of this Code; and if the  
24           Secretary is unable to verify the existence of a liability  
25           insurance policy, the Secretary shall, by U.S. mail or  
26           electronic mail, send the vehicle owner a written notice

1 allowing the vehicle owner 30 calendar days to provide  
2 proof of insurance on the date of attempted verification,  
3 or to provide proof that the vehicle is no longer operable;

4 (4) a requirement that a vehicle owner who does not  
5 provide proof of insurance or proof of an inoperable  
6 vehicle under paragraph (3) of this subsection (a) shall be  
7 in violation of Section 7-601 of this Code and the  
8 Secretary shall suspend the vehicle's registration and the  
9 owner shall pay any applicable reinstatement fees and shall  
10 provide proof of insurance before the Secretary may  
11 reinstate the vehicle's registration under Section 7-606  
12 of this Code; and

13 (5) a requirement that if a vehicle owner provides  
14 proof of insurance on the date of the attempted  
15 verification under paragraph (3) of this subsection (1),  
16 the Secretary may verify the vehicle owner's response by  
17 furnishing necessary information to the insurance company.  
18 Within 7 calendar days of receiving the information, the  
19 insurance company shall confirm and notify the Secretary  
20 the dates of the motor vehicle's insurance coverage. If the  
21 insurance company does not confirm coverage for the date of  
22 attempted verification, the Secretary shall suspend the  
23 vehicle's registration and the owner of the vehicle shall  
24 pay any applicable reinstatement fees and shall provide  
25 proof of insurance before the Secretary may reinstate the  
26 vehicle's registration under Section 7-606 of this Code.

1       (b) In addition to the semi-annual verification of  
2 liability insurance under subsection (a) of this Section, the  
3 Secretary may select monthly verification for a motor vehicle  
4 owned or registered by a person:

5           (1) whose motor vehicle registration during the  
6 preceding 4 years has been suspended under Section 7-606 or  
7 7-607 of this Code;

8           (2) who, during the preceding 4 years, has been  
9 convicted of violating Section 3-707, 3-708, or 3-710 of  
10 this Code while operating a vehicle owned by another  
11 person;

12           (3) whose driving privileges have been suspended  
13 during the preceding 4 years;

14           (4) who, during the preceding 4 years, acquired  
15 ownership of a motor vehicle while the registration of the  
16 vehicle under the previous owner was suspended under  
17 Section 7-606 or 7-607 of this Code; or

18           (5) who, during the preceding 4 years, has received a  
19 disposition of court supervision under subsection (c) of  
20 Section 5-6-1 of the Unified Code of Corrections for a  
21 violation of Section 3-707, 3-708, or 3-710 of this Code.

22       (c) Nothing in this Section provides the Secretary with  
23 regulatory authority over insurance companies.

24       (d) The Secretary may contract with a private contractor to  
25 carry out the Secretary's duties under this Section.

26       (e) Any information collected, stored, maintained, or

1 referred to under this Section shall be used solely for the  
2 purpose of verifying whether a registered motor vehicle meets  
3 the requirements of Section 7-601 of this Code and shall be  
4 exempt from a records request or from inspection and copying  
5 under the Freedom of Information Act. A request for release of  
6 verification of liability insurance policy information from  
7 the Secretary shall require a court order, subpoena, or the  
8 motor vehicle owner's approval.

9 (f) The Secretary may adopt any rules necessary to  
10 implement this Section.

11 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

12 Sec. 7-604. Verification of liability insurance policy.

13 (a) The Secretary of State may select random samples of  
14 registrations of motor vehicles subject to Section 7-601 of  
15 this Code, or owners thereof, for the purpose of verifying  
16 whether or not the motor vehicles are insured.

17 In addition to such general random samples of motor vehicle  
18 registrations, the Secretary may select for verification other  
19 random samples, including, but not limited to registrations of  
20 motor vehicles owned by persons:

21 (1) whose motor vehicle registrations during the  
22 preceding 4 years have been suspended pursuant to Section  
23 7-606 or 7-607 of this Code;

24 (2) who during the preceding 4 years have been  
25 convicted of violating Section 3-707, 3-708 or 3-710 of

1 this Code while operating vehicles owned by other persons;

2 (3) whose driving privileges have been suspended  
3 during the preceding 4 years;

4 (4) who during the preceding 4 years acquired ownership  
5 of motor vehicles while the registrations of such vehicles  
6 under the previous owners were suspended pursuant to  
7 Section 7-606 or 7-607 of this Code; or

8 (5) who during the preceding 4 years have received a  
9 disposition of supervision under subsection (c) of Section  
10 5-6-1 of the Unified Code of Corrections for a violation of  
11 Section 3-707, 3-708, or 3-710 of this Code.

12 (b) Upon receiving certification from the Department of  
13 Transportation under Section 7-201.2 of this Code of the name  
14 of an owner or operator of any motor vehicle involved in an  
15 accident, the Secretary may verify whether or not at the time  
16 of the accident such motor vehicle was covered by a liability  
17 insurance policy in accordance with Section 7-601 of this Code.

18 (c) In preparation for selection of random samples and  
19 their verification, the Secretary may send to owners of  
20 randomly selected motor vehicles, or to randomly selected motor  
21 vehicle owners, requests for information about their motor  
22 vehicles and liability insurance coverage. The request shall  
23 require the owner to state whether or not the motor vehicle was  
24 insured on the verification date stated in the Secretary's  
25 request and the request may require, but is not limited to, a  
26 statement by the owner of the names and addresses of insurers,

1 policy numbers, and expiration dates of insurance coverage.

2 (d) Within 30 days after the Secretary mails a request, the  
3 owner to whom it is sent shall furnish the requested  
4 information to the Secretary above the owner's signed  
5 affirmation that such information is true and correct. Proof of  
6 insurance in effect on the verification date, as prescribed by  
7 the Secretary, may be considered by the Secretary to be a  
8 satisfactory response to the request for information.

9 Any owner whose response indicates that his or her vehicle  
10 was not covered by a liability insurance policy in accordance  
11 with Section 7-601 of this Code shall be deemed to have  
12 registered or maintained registration of a motor vehicle in  
13 violation of that Section. Any owner who fails to respond to  
14 such a request shall be deemed to have registered or maintained  
15 registration of a motor vehicle in violation of Section 7-601  
16 of this Code.

17 (e) If the owner responds to the request for information by  
18 asserting that his or her vehicle was covered by a liability  
19 insurance policy on the verification date stated in the  
20 Secretary's request, the Secretary may conduct a verification  
21 of the response by furnishing necessary information to the  
22 insurer named in the response. The insurer shall within 45 days  
23 inform the Secretary whether or not on the verification date  
24 stated the motor vehicle was insured by the insurer in  
25 accordance with Section 7-601 of this Code. The Secretary may  
26 by rule and regulation prescribe the procedures for

1 verification.

2 (f) No random sample selected under this Section shall be  
3 categorized on the basis of race, color, religion, sex,  
4 national origin, ancestry, age, marital status, physical or  
5 mental disability, economic status or geography.

6 (g) (Blank).

7 (h) This Section shall be inoperative upon of the effective  
8 date of the rules adopted by the Secretary to implement Section  
9 7-603.5 of this Code.

10 (Source: P.A. 98-787, eff. 7-25-14; 99-333, eff. 12-30-15 (see  
11 Section 15 of P.A. 99-483 for the effective date of changes  
12 made by P.A. 99-333); 99-737, eff. 8-5-16.)

13 (625 ILCS 5/7-607) (from Ch. 95 1/2, par. 7-607)

14 Sec. 7-607. Submission of false proof - penalty. If the  
15 Secretary determines that the proof of insurance submitted by a  
16 motor vehicle owner under Section 7-603.5, 7-604, 7-605 or  
17 7-606 of this Code is false, the Secretary shall suspend the  
18 owner's vehicle registration. The Secretary shall terminate  
19 the suspension 6 months after its effective date upon payment  
20 by the owner of a reinstatement fee of \$200 and submission of  
21 proof of insurance as prescribed by the Secretary.

22 All fees collected under this Section shall be disbursed  
23 under subsection (g) of Section 2-119 of this Code.

24 (Source: P.A. 99-127, eff. 1-1-16.)

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