

SB2825



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2825

Introduced 2/13/2018, by Sen. Antonio Muñoz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-103

from Ch. 95 1/2, par. 4-103

Amends the Illinois Vehicle Code. Provides that it is a violation for a person not entitled to the possession of a vehicle or essential part of a vehicle to receive, possess, conceal, sell, dispose, or transfer it with the intent to permanently or temporarily deprive the owner of his or her title to or possession of the vehicle. Deletes language providing that it may be inferred that a person exercising exclusive unexplained possession over a stolen or converted vehicle or an essential part of a stolen or converted vehicle has knowledge that such vehicle or essential part is stolen or converted. Provides instead that the trier of fact may infer that a person intends to permanently or temporarily deprive the owner of his or her title to or possession of the vehicle if the person: (i) operates a vehicle or possesses an essential part of a vehicle without the consent of the owner; or (ii) exercises exclusive unexplained possession over a vehicle or an essential part of a vehicle.

LRB100 20520 LNS 35902 b

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 Illinois Vehicle Code is amended by changing
5 Section 4-103 as follows:

6 (625 ILCS 5/4-103) (from Ch. 95 1/2, par. 4-103)

7 Sec. 4-103. Offenses relating to motor vehicles and other
8 vehicles - Felonies.

9 (a) Except as provided in subsection (a-1), it is a
10 violation of this Chapter for:

11 (1) A person not entitled to the possession of a
12 vehicle or essential part of a vehicle to receive, possess,
13 conceal, sell, dispose, or transfer it with the intent to
14 permanently or temporarily deprive the owner of his or her
15 title to or possession of the vehicle, regardless of
16 whether the person has the intent to steal the vehicle,
17 ~~knowing it to have been stolen or converted;~~ additionally
18 the General Assembly finds that the acquisition and
19 disposition of vehicles and their essential parts are
20 strictly controlled by law and that such acquisitions and
21 dispositions are reflected by documents of title, uniform
22 invoices, rental contracts, leasing agreements and bills
23 of sale. The trier of fact may infer that a person intends

1 to permanently or temporarily deprive the owner of his or
2 her title to or possession of the vehicle if the person:
3 (i) operates a vehicle or possesses an essential part of a
4 vehicle without the consent of the owner; or (ii) exercises
5 exclusive unexplained possession over a vehicle or an
6 essential part of a vehicle ~~It may be inferred, therefore~~
7 ~~that a person exercising exclusive unexplained possession~~
8 ~~over a stolen or converted vehicle or an essential part of~~
9 ~~a stolen or converted vehicle has knowledge that such~~
10 ~~vehicle or essential part is stolen or converted,~~
11 regardless of whether the date on which such vehicle or
12 essential part was stolen is recent or remote;

13 (2) A person to knowingly remove, alter, deface,
14 destroy, falsify, or forge a manufacturer's identification
15 number of a vehicle or an engine number of a motor vehicle
16 or any essential part thereof having an identification
17 number;

18 (3) A person to knowingly conceal or misrepresent the
19 identity of a vehicle or any essential part thereof;

20 (4) A person to buy, receive, possess, sell or dispose
21 of a vehicle, or any essential part thereof, with knowledge
22 that the identification number of the vehicle or any
23 essential part thereof having an identification number has
24 been removed or falsified;

25 (5) A person to knowingly possess, buy, sell, exchange,
26 give away, or offer to buy, sell, exchange or give away,

1 any manufacturer's identification number plate, mylar
2 sticker, federal certificate label, State police
3 reassignment plate, Secretary of State assigned plate,
4 rosette rivet, or facsimile of such which has not yet been
5 attached to or has been removed from the original or
6 assigned vehicle. It is an affirmative defense to
7 subsection (a) of this Section that the person possessing,
8 buying, selling or exchanging a plate mylar sticker or
9 label described in this paragraph is a police officer doing
10 so as part of his official duties, or is a manufacturer's
11 authorized representative who is replacing any
12 manufacturer's identification number plate, mylar sticker
13 or Federal certificate label originally placed on the
14 vehicle by the manufacturer of the vehicle or any essential
15 part thereof;

16 (6) A person to knowingly make a false report of the
17 theft or conversion of a vehicle to any police officer of
18 this State or any employee of a law enforcement agency of
19 this State designated by the law enforcement agency to
20 take, receive, process, or record reports of vehicle theft
21 or conversion.

22 (a-1) A person engaged in the repair or servicing of
23 vehicles does not violate this Chapter by knowingly possessing
24 a manufacturer's identification number plate for the purpose of
25 reaffixing it on the same damaged vehicle from which it was
26 originally taken, if the person reaffixes or intends to reaffix

1 the original manufacturer's identification number plate in
2 place of the identification number plate affixed on a new
3 dashboard that has been or will be installed in the vehicle.
4 The person must notify the Secretary of State each time the
5 original manufacturer's identification number plate is
6 reaffixed on a vehicle. The person must keep a record
7 indicating that the identification number plate affixed on the
8 new dashboard has been removed and has been replaced by the
9 manufacturer's identification number plate originally affixed
10 on the vehicle. The person also must keep a record regarding
11 the status and location of the identification number plate
12 removed from the replacement dashboard. The Secretary shall
13 adopt rules for implementing this subsection (a-1).

14 (a-2) The owner of a vehicle repaired under subsection
15 (a-1) must, within 90 days of the date of the repairs, contact
16 an officer of the Illinois State Police Vehicle Inspection
17 Bureau and arrange for an inspection of the vehicle, by the
18 officer or the officer's designee, at a mutually agreed upon
19 date and location.

20 (b) Sentence. A person convicted of a violation of this
21 Section shall be guilty of a Class 2 felony.

22 (c) The offenses set forth in subsection (a) of this
23 Section shall not include the offense set forth in Section
24 4-103.2 of this Code.

25 (Source: P.A. 93-456, eff. 8-8-03.)