

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 the Secretary of
13 State Department of Police.

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

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

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

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

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

21 (Section scheduled to be repealed on January 1, 2020)

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

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

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

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

22 (20 ILCS 4005/6) (from Ch. 95 1/2, par. 1306)

23 (Section scheduled to be repealed on January 1, 2020)

24 Sec. 6. The Secretary ~~Executive Director of the Authority~~
25 shall employ, in accordance with the provisions of the Illinois

1 Personnel Code, such administrative, professional, clerical,
2 and other personnel as may be required and may organize such
3 staff as may be appropriate to effectuate the purposes of this
4 Act.

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

6 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

7 (Section scheduled to be repealed on January 1, 2020)

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

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

14 (b) To make grants and to provide financial support for
15 federal and State agencies, units of local government,
16 corporations, and neighborhood, community and business
17 organizations to effectuate the purposes of this Act, to
18 deter and investigate recyclable metal theft, and to law
19 enforcement agencies to assist in the prosecution of
20 recyclable metal theft.

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

1 (d) To develop and sponsor the implementation of
2 statewide plans and strategies to combat motor vehicle
3 theft and to improve the administration of the motor
4 vehicle theft laws and provide an effective forum for
5 identification of critical problems associated with motor
6 vehicle theft.

7 (e) To coordinate the development, adoption and
8 implementation of plans and strategies relating to
9 interagency or intergovernmental cooperation with respect
10 to motor vehicle theft law enforcement.

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

18 (g) To report annually, on or before January 1, 2019
19 ~~April 1, 1992~~ to the Governor, General Assembly, and, upon
20 request, to members of the general public on the Council's
21 activities in the preceding year.

22 (h) To exercise any other powers that are reasonable,
23 necessary or convenient to fulfill its responsibilities,
24 to carry out and to effectuate the objectives and purposes
25 of the Council and the provisions of this Act, and to
26 comply with the requirements of applicable federal or State

1 laws, rules, or regulations; provided, however, that these
2 ~~such~~ powers shall not include the power to subpoena or
3 arrest.

4 (i) To provide funding to the Secretary for the
5 creation, implementation, and maintenance of an electronic
6 motor vehicle liability insurance policy verification
7 program.

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

9 (20 ILCS 4005/8) (from Ch. 95 1/2, par. 1308)

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

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

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

21 (c) Money deposited in the Trust Fund shall be used only to
22 enhance efforts to effectuate the purposes of this Act as
23 determined by the Council and shall not be appropriated, loaned
24 or in any manner transferred to the General Revenue Fund of the
25 State of Illinois.

1 (d) Prior to April 1, 1991, and prior to April 1 of each
2 year thereafter, each insurer engaged in writing private
3 passenger motor vehicle insurance coverages which are included
4 in Class 2 and Class 3 of Section 4 of the Illinois Insurance
5 Code, as a condition of its authority to transact business in
6 this State, may collect and shall pay into the Trust Fund an
7 amount equal to \$1.00, or a lesser amount determined by the
8 Council, multiplied by the insurer's total earned car years of
9 private passenger motor vehicle insurance policies providing
10 physical damage insurance coverage written in this State during
11 the preceding calendar year.

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

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

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

20 (A) To provide financial support to law
21 enforcement and correctional agencies, prosecutors,
22 and the judiciary for programs designed to reduce motor
23 vehicle theft and to improve the administration of
24 motor vehicle theft laws.

25 (B) To provide financial support for federal and
26 State agencies, units of local government,

1 corporations and neighborhood, community or business
2 organizations for programs designed to reduce motor
3 vehicle theft and to improve the administration of
4 motor vehicle theft laws.

5 (C) To provide financial support to conduct
6 programs designed to inform owners of motor vehicles
7 about the financial and social costs of motor vehicle
8 theft and to suggest to those owners methods for
9 preventing motor vehicle theft.

10 (D) To provide financial support for plans,
11 programs and projects designed to achieve the purposes
12 of this Act.

13 (3) To provide funding to the Secretary's Vehicle
14 Services Department for the creation, implementation, and
15 maintenance of an electronic motor vehicle liability
16 insurance policy verification program by allocating no
17 more than 75% of each dollar collected for the first
18 calendar year after the effective date of this amendatory
19 Act of the 100th General Assembly and no more than 50% of
20 each dollar collected for every other year after the first
21 calendar year. The Secretary shall distribute the funds to
22 the Vehicle Services Department at the beginning of each
23 calendar year.

24 (f) Insurers contributing to the Trust Fund shall have a
25 property interest in the unexpended money in the Trust Fund,
26 which property interest shall not be retroactively changed or

1 extinguished by the General Assembly.

2 (g) In the event the Trust Fund were to be discontinued or
3 the Council were to be dissolved by act of the General Assembly
4 or by operation of law, then, notwithstanding the provisions of
5 Section 5 of the State Finance Act, any balance remaining
6 therein shall be returned to the insurers writing private
7 passenger motor vehicle insurance in proportion to their
8 financial contributions to the Trust Fund and any assets of the
9 Council shall be liquidated and returned in the same manner
10 after deduction of administrative costs.

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

12 (20 ILCS 4005/8.5)

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

14 Sec. 8.5. State Police Motor Vehicle Theft Prevention Trust
15 Fund. The State Police Motor Vehicle Theft Prevention Trust
16 Fund is created as a trust fund in the State treasury. The
17 State Treasurer shall be the custodian of the Trust Fund. The
18 Trust Fund is established to receive funds from the Illinois
19 Motor Vehicle Theft Prevention and Insurance Verification
20 Council. All interest earned from the investment or deposit of
21 moneys accumulated in the Trust Fund shall be deposited into
22 the Trust Fund. Moneys in the Trust Fund shall be used by the
23 Department of State Police for motor vehicle theft prevention
24 purposes.

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

1 (20 ILCS 4005/12)

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

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

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

7 (30 ILCS 105/5) (from Ch. 127, par. 141)

8 Sec. 5. Special funds.

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

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

21 (c) When any special fund in the State Treasury has been
22 inactive for 18 months or longer, the fund is automatically
23 terminated by operation of law and the balance remaining in

1 such fund shall be transferred by the Comptroller to the
2 General Revenue Fund. When a special fund has been terminated
3 by operation of law as provided in this Section, the General
4 Assembly shall repeal or amend all Sections of the statutes
5 creating or otherwise referring to that fund.

6 The Comptroller shall be allowed the discretion to maintain
7 or dissolve any federal trust fund which has been inactive for
8 18 months or longer.

9 (d) (Blank).

10 (e) (Blank).

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

12 (30 ILCS 105/5.295) (from Ch. 127, par. 141.295)

13 Sec. 5.295. The Motor Vehicle Theft Prevention and
14 Insurance Verification Trust Fund.

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

16 Section 25. The Illinois Vehicle Code is amended by
17 changing Sections 4-109, 7-604, and 7-607 and by adding Section
18 7-603.5 as follows:

19 (625 ILCS 5/4-109)

20 Sec. 4-109. Motor Vehicle Theft Prevention Program. The
21 Secretary of State, in conjunction with the Motor Vehicle Theft
22 Prevention and Insurance Verification Council, is hereby
23 authorized to establish and operate a Motor Vehicle Theft

1 Prevention Program as follows:

2 (a) Voluntary program participation.

3 (b) The registered owner of a motor vehicle interested in
4 participating in the program shall sign an informed consent
5 agreement designed by the Secretary of State under subsection
6 (e) of this Section indicating that the motor vehicle
7 registered to him is not normally operated between the hours of
8 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be
9 submitted to the Secretary of State for processing.

10 (c) Upon processing the form, the Secretary of State shall
11 issue to the registered owner a decal. The registered owner
12 shall affix the decal in a conspicuous place on his motor
13 vehicle as prescribed by the Secretary of State.

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

1 (e) The Secretary of State, in consultation with the
2 Director of the Department of State Police and Motor Vehicle
3 Theft Prevention and Insurance Verification Council, shall
4 design the manner and form of the informed consent agreement
5 required under subsection (b) of this Section and the decal
6 required under subsection (c) of this Section.

7 (f) The Secretary of State shall provide for the recording
8 of registered owners of motor vehicles who participate in the
9 program. The records shall be available to all law enforcement
10 departments, agencies, and forces. The Secretary of State shall
11 cooperate with and assist all law enforcement officers and
12 other agencies in tracing or examining any questionable motor
13 vehicles in order to determine the ownership of the motor
14 vehicles.

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

21 (h) The Secretary of State, in consultation with the
22 Director of the Department of State Police and the Motor
23 Vehicle Theft Prevention and Insurance Verification Council
24 shall promulgate rules and regulations to effectuate the
25 purposes of this Section.

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

1 (625 ILCS 5/7-603.5 new)

2 Sec. 7-603.5. Electronic verification of a liability
3 insurance policy.

4 (a) The Secretary may implement a program of electronic
5 motor vehicle liability insurance policy verification for
6 motor vehicles subject to Section 7-601 of this Code for the
7 purpose of verifying whether or not the motor vehicle is
8 insured. The development and implementation of the program
9 shall be consistent with the standards and procedures of a
10 nationwide organization whose primary membership consists of
11 individual insurance companies and insurance trade
12 associations. The program shall include, but is not limited to:

13 (1) a requirement that an insurance company authorized
14 to sell motor vehicle liability insurance in this State
15 shall make available, in a format designated by the
16 Secretary that is consistent with a nationwide
17 organization whose primary membership consists of
18 individual insurance companies and insurance trade
19 organizations, to the Secretary for each motor vehicle
20 liability insurance policy issued by the company the
21 following information:

22 (A) the name of the policy holder;

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

25 (C) the policy number;

1 (D) the policy effective date;
2 (E) the insurance company's National Association
3 of Insurance Commissioner's number; and
4 (F) any other information the Secretary deems
5 necessary to match an eligible vehicle with an
6 insurance policy;
7 (2) a method for searching motor vehicle liability
8 insurance policies issued and in effect in this State by
9 using the information under paragraph (1) of this
10 subsection (a);
11 (3) a requirement that at least twice per calendar
12 year, the Secretary shall verify the existence of a
13 liability insurance policy for every registered motor
14 vehicle subject to Section 7-601 of this Code; and if the
15 Secretary is unable to verify the existence of a liability
16 insurance policy, the Secretary shall, by U.S. mail or
17 electronic mail, send the vehicle owner a written notice
18 allowing the vehicle owner 30 calendar days to provide
19 proof of insurance on the date of attempted verification,
20 or to provide proof that the vehicle is no longer operable;
21 (4) a requirement that a vehicle owner who does not
22 provide proof of insurance or proof of an inoperable
23 vehicle under paragraph (3) of this subsection (a) shall be
24 in violation of Section 7-601 of this Code and the
25 Secretary shall suspend the vehicle's registration and the
26 owner shall pay any applicable reinstatement fees and shall

1 provide proof of insurance before the Secretary may
2 reinstate the vehicle's registration under Section 7-606
3 of this Code;

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

18 (6) a requirement that the Secretary may consult with
19 members of the insurance industry during the
20 implementation of the program, including, but not limited
21 to, during the drafting process for adopting any rules that
22 may be necessary to implement or manage an electronic motor
23 vehicle liability insurance policy verification program;
24 and

25 (7) a requirement that commercial lines of automobile
26 insurance are excluded from the program, but may

1 voluntarily report insurance coverage to the State.

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

6 (1) whose motor vehicle registration during the
7 preceding 4 years has been suspended under Section 7-606 or
8 7-607 of this Code;

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

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

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

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

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

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

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

10 (f) An insurer identified by an electronic motor vehicle
11 liability insurance policy program as insuring less than 1,000
12 vehicles per year shall be exempt from the reporting
13 requirements under subsection (a) of this Section.

14 (g) The Secretary may adopt any rules necessary to
15 implement this Section.

16 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

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

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

22 In addition to such general random samples of motor vehicle
23 registrations, the Secretary may select for verification other
24 random samples, including, but not limited to registrations of
25 motor vehicles owned by persons:

1 (1) whose motor vehicle registrations during the
2 preceding 4 years have been suspended pursuant to Section
3 7-606 or 7-607 of this Code;

4 (2) who during the preceding 4 years have been
5 convicted of violating Section 3-707, 3-708 or 3-710 of
6 this Code while operating vehicles owned by other persons;

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

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

13 (5) who during the preceding 4 years have received a
14 disposition of supervision under subsection (c) of Section
15 5-6-1 of the Unified Code of Corrections for a violation of
16 Section 3-707, 3-708, or 3-710 of this Code.

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

23 (c) In preparation for selection of random samples and
24 their verification, the Secretary may send to owners of
25 randomly selected motor vehicles, or to randomly selected motor
26 vehicle owners, requests for information about their motor

1 vehicles and liability insurance coverage. The request shall
2 require the owner to state whether or not the motor vehicle was
3 insured on the verification date stated in the Secretary's
4 request and the request may require, but is not limited to, a
5 statement by the owner of the names and addresses of insurers,
6 policy numbers, and expiration dates of insurance coverage.

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

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

22 (e) If the owner responds to the request for information by
23 asserting that his or her vehicle was covered by a liability
24 insurance policy on the verification date stated in the
25 Secretary's request, the Secretary may conduct a verification
26 of the response by furnishing necessary information to the

1 insurer named in the response. The insurer shall within 45 days
2 inform the Secretary whether or not on the verification date
3 stated the motor vehicle was insured by the insurer in
4 accordance with Section 7-601 of this Code. The Secretary may
5 by rule and regulation prescribe the procedures for
6 verification.

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

11 (g) (Blank).

12 (h) This Section shall be inoperative upon of the effective
13 date of the rules adopted by the Secretary to implement Section
14 7-603.5 of this Code.

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

18 (625 ILCS 5/7-607) (from Ch. 95 1/2, par. 7-607)

19 Sec. 7-607. Submission of false proof - penalty. If the
20 Secretary determines that the proof of insurance submitted by a
21 motor vehicle owner under Section 7-603.5, 7-604, 7-605 or
22 7-606 of this Code is false, the Secretary shall suspend the
23 owner's vehicle registration. The Secretary shall terminate
24 the suspension 6 months after its effective date upon payment
25 by the owner of a reinstatement fee of \$200 and submission of

1 proof of insurance as prescribed by the Secretary.

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

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

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