

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 Sections 3-100.1 and 3-100.2 as follows:

6 (625 ILCS 5/3-100.1)

7 Sec. 3-100.1. Use of electronic records.

8 (a) To the extent authorized by the Secretary of State and
9 in accordance with standards and procedures prescribed by the
10 Secretary of State:

11 (1) Certificates, certifications, affidavits,
12 applications, assignments, statements, notices, documents,
13 and other records required under this Chapter may be
14 created, distributed, and received in electronic form.

15 (2) Signatures required under this Chapter may be made
16 as electronic signatures or may be waived.

17 (3) Delivery of records required under this Chapter may
18 be made by any means, including electronic delivery.

19 (4) Fees and taxes required to be paid under this
20 Chapter may be made by electronic means; provided that any
21 forms, records, electronic records, and methods of
22 electronic payment relating to the filing and payment of
23 taxes shall be prescribed by the Department of Revenue.

1 (a-5) No later than July 1, 2021, the Secretary of State
2 shall implement, manage, and administer an electronic lien and
3 title system that will permit a lienholder to perfect, assign,
4 and release a lien under this Code. The system may include the
5 points in subsection (a) as to the identified objectives of the
6 program. The Secretary shall establish by administrative rule
7 the standards and procedures relating to the management and
8 implementation of the mandatory electronic lien and title
9 system established under this subsection. The Secretary may
10 charge a reasonable fee for performing the services and
11 functions relating to the management and administration of the
12 system. The fee shall be set by administrative rule adopted by
13 the Secretary.

14 (b) Electronic records accepted by the Secretary of State
15 have the same force and effect as records created on paper by
16 writing, typing, printing, or similar means. The procedures
17 established by the Secretary of State concerning the acceptance
18 of electronic filings and electronic records shall ensure that
19 the electronic filings and electronic records are received and
20 stored accurately and that they are readily available to
21 satisfy any statutory requirements that call for a written
22 record.

23 (c) Electronic signatures accepted by the Secretary of
24 State shall have the same force and effect as manual
25 signatures.

26 (d) Electronic delivery of records accepted by the

1 Secretary of State shall have the same force and effect as
2 physical delivery of records.

3 (e) Electronic records and electronic signatures accepted
4 by the Secretary of State shall be admissible in all
5 administrative, quasi-judicial, and judicial proceedings. In
6 any such proceeding, nothing in the application of the rules of
7 evidence shall apply so as to deny the admissibility of an
8 electronic record or electronic signature into evidence on the
9 sole ground that it is an electronic record or electronic
10 signature, or on the grounds that it is not in its original
11 form or is not an original. Information in the form of an
12 electronic record shall be given due evidentiary weight by the
13 trier of fact.

14 (f) The Secretary may contract with a private contractor to
15 carry out the Secretary's duties under this Section.

16 (Source: P.A. 91-772, eff. 1-1-01.)

17 (625 ILCS 5/3-100.2)

18 Sec. 3-100.2. Electronic access; agreements with
19 submitters.

20 (a) No later than July 1, 2021, the ~~The~~ Secretary of State
21 shall ~~may~~ require a licensee under Chapter 3 or 5 of this Code
22 to submit any record required to be submitted to the Secretary
23 of State by using electronic media deemed feasible by the
24 Secretary of State. ~~, in addition to requiring the actual~~
25 ~~submittal of~~ The Secretary of State may also require the

1 licensee to submit the original paper record. The Secretary of
2 State shall ~~may~~ also require ~~allow~~ a person or licensee to
3 receive any record to be provided by the Secretary of State by
4 using electronic media deemed feasible by the Secretary of
5 State, instead of providing the original paper record.

6 (b) No later than July 1, 2021, electronic ~~Electronic~~
7 submittal, receipt, and delivery of records and electronic
8 signatures shall ~~may~~ be ~~authorized or accepted by the Secretary~~
9 ~~of State, when~~ supported by a signed agreement between the
10 Secretary of State and the submitter. The agreement shall
11 require, at a minimum, each record to include all information
12 necessary to complete a transaction, certification by the
13 submitter upon its best knowledge as to the truthfulness of the
14 data to be submitted to the Secretary of State, and retention
15 by the submitter of supporting records.

16 (c) No later than July 1, 2021, the ~~The~~ Secretary of State
17 shall ~~may~~ establish minimum transaction volume levels, audit
18 and security standards, technological requirements, and other
19 terms and conditions he or she deems necessary for approval of
20 the electronic delivery process.

21 (d) When an agreement is made to accept electronic records,
22 the Secretary of State shall not be required to produce a
23 written record for the submitter with whom the Secretary of
24 State has the agreement until requested to do so by the
25 submitter.

26 (e) No later than July 1, 2021 ~~Upon the request of a~~

1 ~~lienholder submitter~~, the Secretary of State shall provide
2 electronic notification to the lienholder submitter to verify
3 the notation and perfection of the lienholder's security
4 interest in a vehicle on ~~for which~~ the certificate of title
5 required to be created as ~~is~~ an electronic record under Section
6 3-100.1. Upon receipt of an electronic message from a
7 lienholder submitter with a security interest in a vehicle for
8 which the certificate of title is an electronic record that the
9 lien should be released, the Secretary of State shall enter the
10 appropriate electronic record of the release of lien and print
11 and mail a paper certificate of title to the owner or
12 lienholder at no expense. The Secretary of State may also mail
13 the certificate to any other person that delivers to the
14 Secretary of State an authorization from the owner to receive
15 the certificate. If another lienholder holds a properly
16 perfected security interest in the vehicle as reflected in the
17 records of the Secretary of State, the certificate shall be
18 delivered to that lienholder instead of the owner.

19 (f) The Secretary may contract with a private contractor to
20 carry out the Secretary's duties under this Section.

21 (Source: P.A. 97-838, eff. 7-20-12.)