

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 adding
5 Section 3-117.5 and changing Section 11-506 as follows:

6 (625 ILCS 5/3-117.5 new)

7 Sec. 3-117.5. Automatic processing of applications for
8 salvage or junking certificates; salvage dealer; bond.

9 (a) Notwithstanding any other provision of law to the
10 contrary and subject to the requirements of this Section, if a
11 salvage dealer as defined under Section 3-117.3 posts annually
12 a bond in the amount of \$100,000, up to a maximum aggregate
13 amount of \$100,000, with the Secretary of State, the Secretary
14 of State shall automatically process any properly submitted
15 application by the salvage dealer for a salvage certificate or
16 junking certificate pursuant to Section 3-117.1 and issue the
17 appropriate salvage certificate or junking certificate.

18 The Secretary of State Vehicle Services Department may
19 conduct random samplings of automatically processed
20 applications submitted by a salvage dealer under this Section
21 to ensure that the salvage dealer's applications for salvage
22 certificates or junking certificates are accurate.

23 Applications for salvage certificates or junking

1 certificates submitted by a salvage dealer that are not
2 accompanied by the most current certificate of title are not
3 eligible for automatic processing, including, but not limited
4 to, applications accompanied by an affidavit or a uniform
5 invoice or certificate of purchase under Section 3-117.1.

6 (b) If a salvage dealer fails to properly submit
7 applications for salvage certificates or junking certificates
8 at an 85% rate of accuracy or greater, then the Secretary of
9 State Vehicle Services Department may suspend that salvage
10 dealer's right to automatic processing of applications for
11 salvage certificates or junking certificates for a period of
12 not less than 90 days. Prior to the initial suspension of a
13 salvage dealer's right to automatic processing of applications
14 for salvage certificates or junking certificates, the
15 Secretary of State Vehicle Services Department shall provide
16 notice to the salvage dealer of the processing errors or
17 defects and provide the salvage dealer with an opportunity to
18 cure the processing errors or defects within a reasonable
19 period, which shall not be less than 14 days.

20 If the same processing errors or defects that are
21 contained in the initial notice to the salvage dealer are
22 repeated a second time by a salvage dealer within a 12-month
23 period from the date of the initial notice, then the Secretary
24 of State Vehicle Services Department shall suspend that
25 salvage dealer's right to automatic processing of applications
26 for salvage certificates or junking certificates for a period

1 of not less than 90 days.

2 If the same processing errors or defects that are
3 contained in the initial notice to a salvage dealer are
4 repeated a third time by the salvage dealer within a 12-month
5 period from the date of the initial notice, then the Secretary
6 of State Vehicle Services Department shall suspend that
7 salvage dealer's right to automatic processing of applications
8 for salvage certificates or junking certificates for a period
9 of not less than 180 days.

10 (c) After a salvage dealer's right to automatic processing
11 of applications for salvage certificates or junking
12 certificates has been suspended and the applicable suspension
13 period has been served, the salvage dealer may request
14 reinstatement of the right to automatic processing of
15 applications for salvage certificates or junking certificates
16 by demonstrating to the Secretary of State Vehicle Services
17 Department that the salvage dealer has corrected the
18 processing errors or defects that resulted in the suspension.
19 The Secretary of State Vehicle Services Department, after
20 meeting and conferring with the salvage dealer, shall have the
21 sole discretion, subject to the appeal rights in subsection
22 (d), to determine whether to grant the salvage dealer's
23 request for reinstatement.

24 (d) A salvage dealer may appeal a suspension or a denial of
25 a request for reinstatement of the right to automatic
26 processing of applications for salvage certificates or junking

1 certificates directly to the Secretary of State.

2 (e) The annual bond posted as required by this Section
3 shall be held by the Secretary of State to secure compensation
4 for an owner of a vehicle if it is determined that the salvage
5 dealer caused the improper transfer of ownership of the
6 vehicle without performing the required procedures set forth
7 in this Chapter. After providing the salvage dealer with a
8 reasonable opportunity to provide proof of its due diligence
9 relating to the disputed transaction and after meeting and
10 conferring with the salvage dealer, the Secretary of State
11 Vehicle Services Department shall determine whether the
12 certificate of title of the vehicle was improperly transferred
13 out of the owner's name by the salvage dealer. This
14 determination shall create a rebuttable presumption that the
15 vehicle was improperly transferred out of the owner's name by
16 the salvage dealer. Upon such a determination by the Secretary
17 of State Vehicle Services Department, if the salvage dealer
18 does not compensate the vehicle owner for the value of the
19 improperly transferred certificate of title, the owner of the
20 vehicle shall have the right to seek reimbursement from the
21 posted bond for the loss of the vehicle under a Court of Claims
22 proceeding.

23 (f) The security deposited as an annual bond pursuant to
24 this Section shall be placed by the Secretary of State in the
25 custody of the State Treasurer. Thereafter, any person with a
26 claim against the bond may enforce the claim through an

1 appropriate proceeding in the Court of Claims, subject to the
2 limitations prescribed for the Court of Claims.

3 (625 ILCS 5/11-506)

4 Sec. 11-506. Street racing; aggravated street racing;
5 street sideshows.

6 (a) No person shall engage in street racing on any street
7 or highway of this State.

8 (a-5) No person shall engage in a street sideshow on any
9 street or highway of this State.

10 (b) No owner of any vehicle shall acquiesce in or permit
11 his or her vehicle to be used by another for the purpose of
12 street racing or a street sideshow.

13 (b-5) A person may not knowingly interfere with or cause
14 the movement of traffic to slow or stop for the purpose of
15 facilitating street racing or a street sideshow.

16 (c) For the purposes of this Section, ~~the following words~~
17 ~~shall have the meanings ascribed to them:~~

18 "Acquiesce" or "permit" means actual knowledge that the
19 motor vehicle was to be used for the purpose of street racing.

20 "Motor vehicle stunt" includes, but is not limited to,
21 operating a vehicle in a manner that causes the vehicle to
22 slide or spin, driving within the proximity of a gathering of
23 persons, performing maneuvers to demonstrate the performance
24 capability of the motor vehicle, or maneuvering the vehicle in
25 an attempt to elicit a reaction from a gathering of persons.

1 "Street racing" means:

2 (1) The operation of 2 or more vehicles from a point
3 side by side at accelerating speeds in a competitive
4 attempt to outdistance each other; or

5 (2) The operation of one or more vehicles over a
6 common selected course, each starting at the same point,
7 for the purpose of comparing the relative speeds or power
8 of acceleration of such vehicle or vehicles within a
9 certain distance or time limit; or

10 (3) The use of one or more vehicles in an attempt to
11 outgain or outdistance another vehicle; or

12 (4) The use of one or more vehicles to prevent another
13 vehicle from passing; or

14 (5) The use of one or more vehicles to arrive at a
15 given destination ahead of another vehicle or vehicles; or

16 (6) The use of one or more vehicles to test the
17 physical stamina or endurance of drivers over
18 long-distance driving routes.

19 "Street sideshow" means an event in which one or more
20 vehicles block or impede traffic on a street or highway, for
21 the purpose of performing unauthorized motor vehicle stunts,
22 motor vehicle speed contests, or motor vehicle exhibitions of
23 speed.

24 (d) Penalties.

25 (1) Any person who is convicted of a violation of
26 subsection (a), (a-5), or (b-5) shall be guilty of a Class

1 A misdemeanor for the first offense and shall be subject
2 to a minimum fine of \$250. Any person convicted of a
3 violation of subsection (a), (a-5), or (b-5) a second or
4 subsequent time shall be guilty of a Class 4 felony and
5 shall be subject to a minimum fine of \$500. The driver's
6 license of any person convicted of subsection (a) shall be
7 revoked in the manner provided by Section 6-205 of this
8 Code.

9 (2) Any person who is convicted of a violation of
10 subsection (b) shall be guilty of a Class B misdemeanor.
11 Any person who is convicted of subsection (b) for a second
12 or subsequent time shall be guilty of a Class A
13 misdemeanor.

14 (3) Every person convicted of committing a violation
15 of subsection (a) of this Section shall be guilty of
16 aggravated street racing if the person, in committing a
17 violation of subsection (a) was involved in a motor
18 vehicle accident that resulted in great bodily harm or
19 permanent disability or disfigurement to another, where
20 the violation was a proximate cause of the injury.
21 Aggravated street racing is a Class 4 felony for which the
22 defendant, if sentenced to a term of imprisonment shall be
23 sentenced to not less than one year nor more than 12 years.

24 (Source: P.A. 95-310, eff. 1-1-08.)