

1 AN ACT in relation to vehicles.

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  
5 changing Sections 4-103, 4-103.2, and 4-107 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,  
13 possess, conceal, sell, dispose, or transfer it, knowing  
14 it to have been stolen or converted; additionally the  
15 General Assembly finds that the acquisition and  
16 disposition of vehicles and their essential parts are  
17 strictly controlled by law and that such acquisitions and  
18 dispositions are reflected by documents of title, uniform  
19 invoices, rental contracts, leasing agreements and bills  
20 of sale. It may be inferred, therefore that a person  
21 exercising exclusive unexplained possession over a stolen  
22 or converted vehicle or an essential part of a stolen or  
23 converted vehicle has knowledge that such vehicle or  
24 essential part is stolen or converted, regardless of  
25 whether the date on which such vehicle or essential part  
26 was stolen is recent or remote;

27 (2) A person to knowingly remove, alter, deface,  
28 destroy, falsify, or forge a manufacturer's  
29 identification number of a vehicle or an engine number of  
30 a motor vehicle or any essential part thereof having an  
31 identification number;

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

3           (4) A person to buy, receive, possess, sell or  
4 dispose of a vehicle, or any essential part thereof, with  
5 knowledge that the identification number of the vehicle  
6 or any essential part thereof having an identification  
7 number has been removed or falsified;

8           (5) A person to knowingly possess, buy, sell,  
9 exchange, give away, or offer to buy, sell, exchange or  
10 give away, any manufacturer's identification number  
11 plate, mylar sticker, federal certificate label, State  
12 police reassignment plate, Secretary of State assigned  
13 plate, rosette rivet, or facsimile of such which has not  
14 yet been attached to or has been removed from the  
15 original or assigned vehicle. It is an affirmative  
16 defense to subsection (a) of this Section that the person  
17 possessing, buying, selling or exchanging a plate mylar  
18 sticker or label described in this paragraph is a police  
19 officer doing so as part of his official duties, or is a  
20 manufacturer's authorized representative who is replacing  
21 any manufacturer's identification number plate, mylar  
22 sticker or Federal certificate label originally placed on  
23 the vehicle by the manufacturer of the vehicle or any  
24 essential part thereof;

25           (6) A person to knowingly make a false report of  
26 the theft or conversion of a vehicle to any police  
27 officer of this State or any employee of a law  
28 enforcement agency of this State designated by the law  
29 enforcement agency to take, receive, process, or record  
30 reports of vehicle theft or conversion.

31           (a-1) A person engaged in the repair or servicing of  
32 vehicles does not violate this Chapter by knowingly  
33 possessing a manufacturer's identification number plate for  
34 the purpose of reaffixing it on the same damaged vehicle from

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

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

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

24 (c) The offenses set forth in subsection (a) of this  
25 Section shall not include the offense set forth in Section  
26 4-103.2 of this Code.

27 (Source: P.A. 90-89, eff. 1-1-98; 91-450, eff. 1-1-00.)

28 (625 ILCS 5/4-103.2) (from Ch. 95 1/2, par. 4-103.2)

29 Sec. 4-103.2. Aggravated offenses relating to motor  
30 vehicles and other vehicles-Felonies.

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

33 (1) a person not entitled to the possession of 3 or

1 more vehicles, 3 or more essential parts of different  
2 vehicles, or a combination thereof, to receive, possess,  
3 conceal, sell, dispose of or transfer, those vehicles or  
4 parts of vehicles at the same time or within a one year  
5 period knowing that these vehicles or parts of vehicles  
6 are stolen or converted;

7 (2) a person to buy, receive, possess, sell or  
8 dispose of 3 or more vehicles, 3 or more essential parts  
9 of different vehicles, or a combination thereof, at the  
10 same time or within a one year period, knowing that the  
11 identification numbers of the vehicles or the essential  
12 parts with an identification number have been removed or  
13 falsified;

14 (3) a person not entitled to the possession of a  
15 vehicle having a value of \$25,000 or greater to receive,  
16 possess, conceal, sell, dispose or transfer the vehicle,  
17 knowing that the vehicle has been stolen or converted;

18 (4) a person to knowingly possess, buy, sell,  
19 exchange or give away, at the same time or within a one  
20 year period, 3 or more manufacturer's identification  
21 number plates, mylar stickers, federal certificate  
22 labels, State Police reassignment plates, Secretary of  
23 State assigned plates or a facsimile of those items, or a  
24 combination thereof, which have not yet been attached to  
25 or have been removed from an original or assigned vehicle  
26 or essential part of a vehicle. It is an affirmative  
27 defense that the person possessing, buying, selling or  
28 exchanging a plate, mylar sticker or label is a police  
29 officer doing so as part of his official duties, or is a  
30 manufacturer's authorized representative who is replacing  
31 any manufacturer's identification number plate, mylar  
32 sticker or federal certificate label originally placed on  
33 a vehicle by the manufacturer of a vehicle or any  
34 essential part of a vehicle;

1           (5) a person not entitled to the possession of any  
2 second division vehicle, semitrailer, farm tractor, tow  
3 truck, rescue squad vehicle, medical transport vehicle,  
4 fire engine, special mobile equipment, dump truck, truck  
5 mounted transit mixer, crane or the engine, transmission,  
6 cab, cab clip or vehicle cowl of any of the above  
7 vehicles, to receive, possess, conceal, sell, dispose of  
8 or transfer the vehicle or vehicle part described in this  
9 paragraph knowing it is stolen or converted;

10           (6) a person not entitled to the possession of a  
11 vehicle which is owned or operated by a law enforcement  
12 agency to receive, possess, conceal, sell, or dispose of  
13 or transfer such vehicle knowing it is the property of a  
14 law enforcement agency and knowing it to be stolen or  
15 converted;

16           (7) a person:

17           (A) who is the driver or operator of a vehicle  
18 and is not entitled to the possession of that  
19 vehicle and who knows the vehicle is stolen or  
20 converted, or

21           (B) who is the driver or operator of a vehicle  
22 being used to transport or haul a vehicle or  
23 essential part of a vehicle and is not entitled to  
24 the possession of that vehicle or essential part  
25 being transported or hauled and who knows the  
26 transported or hauled vehicle or essential part is  
27 stolen or converted,

28 who has been given a signal by a peace officer directing  
29 him to bring the vehicle to a stop, to willfully fail or  
30 refuse to obey such direction, increase his speed,  
31 extinguish his lights or otherwise flee or attempt to  
32 elude the officer. The signal given by the peace officer  
33 may be by hand, voice, siren, or red or blue light. The  
34 officer giving the signal, if driving a vehicle, shall

1 display the vehicle's illuminated, oscillating, rotating  
2 or flashing red or blue lights, which when used in  
3 conjunction with an audible horn or siren would indicate  
4 that the vehicle is an official police vehicle. Such  
5 requirement shall not preclude the use of amber or white  
6 oscillating, rotating or flashing lights in conjunction  
7 with red or blue oscillating, rotating or flashing lights  
8 as required in Section 12-215 of this Code; or

9 (8) a person, at the same time or within a one year  
10 period, to make a false report of the theft or conversion  
11 of 3 or more vehicles to any police officer or police  
12 officers of this State.

13 (a-1) A person engaged in the repair or servicing of  
14 vehicles does not violate this Chapter by knowingly  
15 possessing a manufacturer's identification number plate for  
16 the purpose of reaffixing it on the same damaged vehicle from  
17 which it was originally taken, if the person reaffixes or  
18 intends to reaffix the original manufacturer's identification  
19 number plate in place of the identification number plate  
20 affixed on a new dashboard that has been or will be installed  
21 in the vehicle. The person must notify the Secretary of State  
22 each time the original manufacturer's identification number  
23 plate is reaffixed on a vehicle. The person must keep a  
24 record indicating that the identification number plate  
25 affixed on the new dashboard has been removed and has been  
26 replaced by the manufacturer's identification number plate  
27 originally affixed on the vehicle. The person also must keep  
28 a record regarding the status and location of the  
29 identification number plate removed from the replacement  
30 dashboard. The Secretary shall adopt rules for implementing  
31 this subsection (a-1).

32 (a-2) The owner of a vehicle repaired under subsection  
33 (a-1) must, within 90 days of the date of the repairs,  
34 contact an officer of the Illinois State Police Vehicle

1 Inspection Bureau and arrange for an inspection of the  
2 vehicle, by the officer or the officer's designee, at a  
3 mutually agreed upon date and location.

4 (b) The inference contained in paragraph (1) of  
5 subsection (a) of Section 4-103 of this Code shall apply to  
6 subsection (a) of this Section.

7 (c) A person convicted of violating this Section shall  
8 be guilty of a Class 1 felony.

9 (d) The offenses set forth in subsection (a) of this  
10 Section shall not include the offenses set forth in Section  
11 4-103 of this Code.

12 (Source: P.A. 86-1209.)

13 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

14 Sec. 4-107. Stolen, converted, recovered and unclaimed  
15 vehicles.

16 (a) Every Sheriff, Superintendent of police, Chief of  
17 police or other police officer in command of any Police  
18 department in any City, Village or Town of the State, shall,  
19 by the fastest means of communications available to his law  
20 enforcement agency, immediately report to the State Police,  
21 in Springfield, Illinois, the theft or recovery of any stolen  
22 or converted vehicle within his district or jurisdiction.  
23 The report shall give the date of theft, description of the  
24 vehicle including color, year of manufacture, manufacturer's  
25 trade name, manufacturer's series name, body style, vehicle  
26 identification number and license registration number,  
27 including the state in which the license was issued and the  
28 year of issuance, together with the name, residence address,  
29 business address, and telephone number of the owner. The  
30 report shall be routed by the originating law enforcement  
31 agency through the State Police District in which such agency  
32 is located.

33 (b) A registered owner or a lienholder may report the

1 theft by conversion of a vehicle, to the State Police, or any  
2 other police department or Sheriff's office. Such report  
3 will be accepted as a report of theft and processed only if a  
4 formal complaint is on file and a warrant issued.

5 (c) An operator of a place of business for garaging,  
6 repairing, parking or storing vehicles for the public, in  
7 which a vehicle remains unclaimed, after being left for the  
8 purpose of garaging, repairing, parking or storage, for a  
9 period of 15 days, shall, within 5 days after the expiration  
10 of that period, report the vehicle as unclaimed to the  
11 municipal police when the vehicle is within the corporate  
12 limits of any City, Village or incorporated Town, or the  
13 County Sheriff, or State Police when the vehicle is outside  
14 the corporate limits of a City, Village or incorporated Town.  
15 This Section does not apply to any vehicle:

16 (1) removed to a place of storage by a law  
17 enforcement agency having jurisdiction, in accordance  
18 with Sections 4-201 and 4-203 of this Act; or

19 (2) left under a garaging, repairing, parking, or  
20 storage order signed by the owner, lessor, or other  
21 legally entitled person.

22 Failure to comply with this Section will result in the  
23 forfeiture of storage fees for that vehicle involved.

24 (d) The State Police shall keep a complete record of all  
25 reports filed under this Section of the Act. Upon receipt of  
26 such report, a careful search shall be made of the records  
27 of the office of the State Police, and where it is found that  
28 a vehicle reported recovered was stolen in a County, City,  
29 Village or Town other than the County, City, Village or Town  
30 in which it is recovered, the State Police shall immediately  
31 notify the Sheriff, Superintendent of police, Chief of  
32 police, or other police officer in command of the Sheriff's  
33 office or Police department of the County, City, Village or  
34 Town in which the vehicle was originally reported stolen,



1 giving complete data as to the time and place of recovery.

2 (e) Notification of the theft or conversion of a vehicle  
3 will be furnished to the Secretary of State by the State  
4 Police. The Secretary of State shall place the proper  
5 information in the license registration and title  
6 registration files to indicate the theft or conversion of a  
7 motor vehicle or other vehicle. Notification of the recovery  
8 of a vehicle previously reported as a theft or a conversion  
9 will be furnished to the Secretary of State by the State  
10 Police. The Secretary of State shall remove the proper  
11 information from the license registration and title  
12 registration files that has previously indicated the theft or  
13 conversion of a vehicle. The Secretary of State shall suspend  
14 the registration of a vehicle upon receipt of a report from  
15 the State Police that such vehicle was stolen or converted.

16 (f) When the Secretary of State receives an application  
17 for a certificate of title or an application for registration  
18 of a vehicle and it is determined from the records of the  
19 office of the Secretary of State that such vehicle has been  
20 reported stolen or converted, the Secretary of State shall  
21 immediately notify the State Police and shall give the State  
22 Police the name and address of the person or firm titling or  
23 registering the vehicle, together with all other information  
24 contained in the application submitted by such person or  
25 firm.

26 (g) During the usual course of business the manufacturer  
27 of any vehicle shall place an original manufacturer's vehicle  
28 identification number on all such vehicles manufactured and  
29 on any part of such vehicles requiring an identification  
30 number.

31 (h) Except provided in subsection (h-1), if a  
32 manufacturer's vehicle identification number is missing or  
33 has been removed, changed or mutilated on any vehicle, or any  
34 part of such vehicle requiring an identification number, the

1 State Police shall restore, restamp or reaffix the vehicle  
2 identification number plate, or affix a new plate bearing the  
3 original manufacturer's vehicle identification number on each  
4 such vehicle and on all necessary parts of the vehicles. A  
5 vehicle identification number so affixed, restored,  
6 restamped, reaffixed or replaced is not falsified, altered or  
7 forged within the meaning of this Act.

8 (h-1) A person engaged in the repair or servicing of  
9 vehicles may reaffix a manufacturer's identification number  
10 plate on the same damaged vehicle from which it was  
11 originally removed, if the person reaffixes the original  
12 manufacturer's identification number plate in place of the  
13 identification number plate affixed on a new dashboard that  
14 has been installed in the vehicle. The person must notify  
15 the Secretary of State each time the original manufacturer's  
16 identification number plate is reaffixed on a vehicle. The  
17 person must keep a record indicating that the identification  
18 number plate affixed on the new dashboard has been removed  
19 and has been replaced by the manufacturer's identification  
20 number plate originally affixed on the vehicle. The person  
21 also must keep a record regarding the status and location of  
22 the identification number plate removed from the replacement  
23 dashboard. The Secretary shall adopt rules for implementing  
24 this subsection (h-1).

25 (h-2) The owner of a vehicle repaired under subsection  
26 (h-1) must, within 90 days of the date of the repairs,  
27 contact an officer of the Illinois State Police Vehicle  
28 Inspection Bureau and arrange for an inspection of the  
29 vehicle, by the officer or the officer's designee, at a  
30 mutually agreed upon date and location.

31 (i) If a vehicle or part of any vehicle is found to have  
32 the manufacturer's identification number removed, altered,  
33 defaced or destroyed, the vehicle or part shall be seized by  
34 any law enforcement agency having jurisdiction and held for

1 the purpose of identification. In the event that the  
2 manufacturer's identification number of a vehicle or part  
3 cannot be identified, the vehicle or part shall be considered  
4 contraband, and no right of property shall exist in any  
5 person owning, leasing or possessing such property, unless  
6 the person owning, leasing or possessing the vehicle or part  
7 acquired such without knowledge that the manufacturer's  
8 vehicle identification number has been removed, altered,  
9 defaced, falsified or destroyed.

10 Either the seizing law enforcement agency or the State's  
11 Attorney of the county where the seizure occurred may make an  
12 application for an order of forfeiture to the circuit court  
13 in the county of seizure. The application for forfeiture  
14 shall be independent from any prosecution arising out of the  
15 seizure and is not subject to any final determination of such  
16 prosecution. The circuit court shall issue an order  
17 forfeiting the property to the seizing law enforcement agency  
18 if the court finds that the property did not at the time of  
19 seizure possess a valid manufacturer's identification number  
20 and that the original manufacturer's identification number  
21 cannot be ascertained. The seizing law enforcement agency  
22 may:

23 (1) retain the forfeited property for official use;  
24 or

25 (2) sell the forfeited property and distribute the  
26 proceeds in accordance with Section 4-211 of this Code,  
27 or dispose of the forfeited property in such manner as  
28 the law enforcement agency deems appropriate.

29 (i-1) If a motorcycle is seized under subsection (i),  
30 the motorcycle must be returned within 45 days of the date of  
31 seizure to the person from whom it was seized, unless (i)  
32 criminal charges are pending against that person or (ii) an  
33 application for an order of forfeiture has been submitted to  
34 the circuit in the county of seizure or (iii) the circuit

1 court in the county of seizure has received from the seizing  
2 law enforcement agency and has granted a petition to extend,  
3 for a single 30 day period, the 45 days allowed for return of  
4 the motorcycle. Except as provided in subsection (i-2), a  
5 motorcycle returned to the person from whom it was seized  
6 must be returned in essentially the same condition it was in  
7 at the time of seizure.

8 (i-2) If any part or parts of a motorcycle seized under  
9 subsection (i) are found to be stolen and are removed, the  
10 seizing law enforcement agency is not required to replace the  
11 part or parts before returning the motorcycle to the person  
12 from whom it was seized.

13 (j) The State Police shall notify the Secretary of State  
14 each time a manufacturer's vehicle identification number is  
15 affixed, reaffixed, restored or restamped on any vehicle.  
16 The Secretary of State shall make the necessary changes or  
17 corrections in his records, after the proper applications and  
18 fees have been submitted, if applicable.

19 (k) Any vessel, vehicle or aircraft used with knowledge  
20 and consent of the owner in the commission of, or in the  
21 attempt to commit as defined in Section 8-4 of the Criminal  
22 Code of 1961, an offense prohibited by Section 4-103 of this  
23 Chapter, including transporting of a stolen vehicle or stolen  
24 vehicle parts, shall be seized by any law enforcement agency.  
25 The seizing law enforcement agency may:

26 (1) return the vehicle to its owner if such vehicle  
27 is stolen; or

28 (2) confiscate the vehicle and retain it for any  
29 purpose which the law enforcement agency deems  
30 appropriate; or

31 (3) sell the vehicle at a public sale or dispose of  
32 the vehicle in such other manner as the law enforcement  
33 agency deems appropriate.

34 If the vehicle is sold at public sale, the proceeds of

1 the sale shall be paid to the law enforcement agency.

2 The law enforcement agency shall not retain, sell or  
3 dispose of a vehicle under paragraphs (2) or (3) of this  
4 subsection (k) except upon an order of forfeiture issued by  
5 the circuit court. The circuit court may issue such order of  
6 forfeiture upon application of the law enforcement agency or  
7 State's Attorney of the county where the law enforcement  
8 agency has jurisdiction, or in the case of the Department of  
9 State Police or the Secretary of State, upon application of  
10 the Attorney General.

11 The court shall issue the order if the owner of the  
12 vehicle has been convicted of transporting stolen vehicles or  
13 stolen vehicle parts and the evidence establishes that the  
14 owner's vehicle has been used in the commission of such  
15 offense.

16 The provisions of subsection (k) of this Section shall  
17 not apply to any vessel, vehicle or aircraft, which has been  
18 leased, rented or loaned by its owner, if the owner did not  
19 have knowledge of and consent to the use of the vessel,  
20 vehicle or aircraft in the commission of, or in an attempt to  
21 commit, an offense prohibited by Section 4-103 of this  
22 Chapter.

23 (Source: P.A. 92-443, eff. 1-1-02.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.