

SB0941



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB0941

Introduced 2/6/2009, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-107

from Ch. 95 1/2, par. 4-107

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning stolen, converted, recovered, and unclaimed vehicles.

LRB096 07050 AJT 17136 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 4-107 as follows:

6 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

7 Sec. 4-107. Stolen, converted, recovered and unclaimed
8 vehicles.

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

1 through the State Police District in which such agency is
2 located.

3 (b) A registered owner or a lienholder may report the theft
4 by conversion of a vehicle, to the State Police, or any other
5 police department or Sheriff's office. Such report will be
6 accepted as a report of theft and processed only if a formal
7 complaint is on file and a warrant issued.

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

19 (1) removed to a place of storage by a law enforcement
20 agency having jurisdiction, in accordance with Sections
21 4-201 and 4-203 of this Act; or

22 (2) left under a garaging, repairing, parking, or
23 storage order signed by the owner, lessor, or other legally
24 entitled person.

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

1 (d) The State Police shall keep a complete record of all
2 reports filed under this Section of the Act. Upon receipt of
3 such report, a careful search shall be made of the records of
4 the office of the State Police, and where it is found that a
5 vehicle reported recovered was stolen in a County, City,
6 Village or Town other than the County, City, Village or Town in
7 which it is recovered, the State Police shall immediately
8 notify the Sheriff, Superintendent of police, Chief of police,
9 or other police officer in command of the Sheriff's office or
10 Police department of the County, City, Village or Town in which
11 the vehicle was originally reported stolen, giving complete
12 data as to the time and place of recovery.

13 (e) Notification of the theft or conversion of a vehicle
14 will be furnished to the Secretary of State by the State
15 Police. The Secretary of State shall place the proper
16 information in the license registration and title registration
17 files to indicate the theft or conversion of a motor vehicle or
18 other vehicle. Notification of the recovery of a vehicle
19 previously reported as a theft or a conversion will be
20 furnished to the Secretary of State by the State Police. The
21 Secretary of State shall remove the proper information from the
22 license registration and title registration files that has
23 previously indicated the theft or conversion of a vehicle. The
24 Secretary of State shall suspend the registration of a vehicle
25 upon receipt of a report from the State Police that such
26 vehicle was stolen or converted.

1 (f) When the Secretary of State receives an application for
2 a certificate of title or an application for registration of a
3 vehicle and it is determined from the records of the office of
4 the Secretary of State that such vehicle has been reported
5 stolen or converted, the Secretary of State shall immediately
6 notify the State Police and shall give the State Police the
7 name and address of the person or firm titling or registering
8 the vehicle, together with all other information contained in
9 the application submitted by such person or firm.

10 (g) During the usual course of business the manufacturer of
11 any vehicle shall place an original manufacturer's vehicle
12 identification number on all such vehicles manufactured and on
13 any part of such vehicles requiring an identification number.

14 (h) Except provided in subsection (h-1), if a
15 manufacturer's vehicle identification number is missing or has
16 been removed, changed or mutilated on any vehicle, or any part
17 of such vehicle requiring an identification number, the State
18 Police shall restore, restamp or reaffix the vehicle
19 identification number plate, or affix a new plate bearing the
20 original manufacturer's vehicle identification number on each
21 such vehicle and on all necessary parts of the vehicles. A
22 vehicle identification number so affixed, restored, restamped,
23 reaffixed or replaced is not falsified, altered or forged
24 within the meaning of this Act.

25 (h-1) A person engaged in the repair or servicing of
26 vehicles may reaffix a manufacturer's identification number

1 plate on the same damaged vehicle from which it was originally
2 removed, if the person reaffixes the original manufacturer's
3 identification number plate in place of the identification
4 number plate affixed on a new dashboard that has been 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 record
8 indicating that the identification number plate affixed on the
9 new dashboard has been removed and has been replaced by the
10 manufacturer's identification number plate originally affixed
11 on the vehicle. The person also must keep a record regarding
12 the status and location of the identification number plate
13 removed from the replacement dashboard. The Secretary shall
14 adopt rules for implementing this subsection (h-1).

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

21 (i) If a vehicle or part of any vehicle is found to have
22 the manufacturer's identification number removed, altered,
23 defaced or destroyed, the vehicle or part shall be seized by
24 any law enforcement agency having jurisdiction and held for the
25 purpose of identification. In the event that the manufacturer's
26 identification number of a vehicle or part cannot be

1 identified, the vehicle or part shall be considered contraband,
2 and no right of property shall exist in any person owning,
3 leasing or possessing such property, unless the person owning,
4 leasing or possessing the vehicle or part acquired such without
5 knowledge that the manufacturer's vehicle identification
6 number has been removed, altered, defaced, falsified or
7 destroyed.

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

20 (1) retain the forfeited property for official use; or
21 (2) sell the forfeited property and distribute the
22 proceeds in accordance with Section 4-211 of this Code, or
23 dispose of the forfeited property in such manner as the law
24 enforcement agency deems appropriate.

25 (i-1) If a motorcycle is seized under subsection (i), the
26 motorcycle must be returned within 45 days of the date of

1 seizure to the person from whom it was seized, unless (i)
2 criminal charges are pending against that person or (ii) an
3 application for an order of forfeiture has been submitted to
4 the circuit in the county of seizure or (iii) the circuit court
5 in the county of seizure has received from the seizing law
6 enforcement agency and has granted a petition to extend, for a
7 single 30 day period, the 45 days allowed for return of the
8 motorcycle. Except as provided in subsection (i-2), a
9 motorcycle returned to the person from whom it was seized must
10 be returned in essentially the same condition it was in at the
11 time of seizure.

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

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

23 (k) Any vessel, vehicle or aircraft used with knowledge and
24 consent of the owner in the commission of, or in the attempt to
25 commit as defined in Section 8-4 of the Criminal Code of 1961,
26 an offense prohibited by Section 4-103 of this Chapter,

1 including transporting of a stolen vehicle or stolen vehicle
2 parts, shall be seized by any law enforcement agency. The
3 seizing law enforcement agency may:

4 (1) return the vehicle to its owner if such vehicle is
5 stolen; or

6 (2) confiscate the vehicle and retain it for any
7 purpose which the law enforcement agency deems
8 appropriate; or

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

12 If the vehicle is sold at public sale, the proceeds of the
13 sale shall be paid to the law enforcement agency.

14 The law enforcement agency shall not retain, sell or
15 dispose of a vehicle under paragraphs (2) or (3) of this
16 subsection (k) except upon an order of forfeiture issued by the
17 circuit court. The circuit court may issue such order of
18 forfeiture upon application of the law enforcement agency or
19 State's Attorney of the county where the law enforcement agency
20 has jurisdiction, or in the case of the Department of State
21 Police or the Secretary of State, upon application of the
22 Attorney General.

23 The court shall issue the order if the owner of the vehicle
24 has been convicted of transporting stolen vehicles or stolen
25 vehicle parts and the evidence establishes that the owner's
26 vehicle has been used in the commission of such offense.

1 The provisions of subsection (k) of this Section shall not
2 apply to any vessel, vehicle or aircraft, which has been
3 leased, rented or loaned by its owner, if the owner did not
4 have knowledge of and consent to the use of the vessel, vehicle
5 or aircraft in the commission of, or in an attempt to commit,
6 an offense prohibited by Section 4-103 of this Chapter.
7 (Source: P.A. 92-443, eff. 1-1-02; 93-456, eff. 8-8-03.)