



Rep. Patricia R. Bellock

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LRB097 14610 HEP 67619 a

1 AMENDMENT TO HOUSE BILL 3890

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3890 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing 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 State, shall, by  
12 the fastest means of communications available to his law  
13 enforcement agency, immediately report to the State Police, in  
14 Springfield, Illinois, the theft or recovery of any stolen or  
15 converted vehicle within his district or jurisdiction. The  
16 report shall give the date of theft, description of the vehicle

1 including color, year of manufacture, manufacturer's trade  
2 name, manufacturer's series name, body style, vehicle  
3 identification number and license registration number,  
4 including the state in which the license was issued and the  
5 year of issuance, together with the name, residence address,  
6 business address, and telephone number of the owner. The report  
7 shall be routed by the originating law enforcement agency  
8 through the State Police District in which such agency is  
9 located.

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

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

26 (1) removed to a place of storage by a law enforcement

1 agency having jurisdiction, in accordance with Sections  
2 4-201 and 4-203 of this Act; or

3 (2) left under a garaging, repairing, parking, or  
4 storage order signed by the owner, lessor, or other legally  
5 entitled person.

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

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

20 (e) Notification of the theft or conversion of a vehicle  
21 will be furnished to the Secretary of State by the State  
22 Police. The Secretary of State shall place the proper  
23 information in the license registration and title registration  
24 files to indicate the theft or conversion of a motor vehicle or  
25 other vehicle. Notification of the recovery of a vehicle  
26 previously reported as a theft or a conversion will be

1 furnished to the Secretary of State by the State Police. The  
2 Secretary of State shall remove the proper information from the  
3 license registration and title registration files that has  
4 previously indicated the theft or conversion of a vehicle. The  
5 Secretary of State shall suspend the registration of a vehicle  
6 upon receipt of a report from the State Police that such  
7 vehicle was stolen or converted.

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

17 (g) During the usual course of business the manufacturer of  
18 any vehicle shall place an original manufacturer's vehicle  
19 identification number on all such vehicles manufactured and on  
20 any part of such vehicles requiring an identification number.  
21 Beginning January 1, 2013, a vehicle subject to registration  
22 under this Code that has not been fitted with an original  
23 manufacturer's vehicle identification number shall be affixed  
24 with a visible metal identification tag.

25 (h) Except provided in subsection (h-1), if a  
26 manufacturer's vehicle identification number is missing or has

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

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

26 (h-2) The owner of a vehicle repaired under subsection

1 (h-1) must, within 90 days of the date of the repairs, contact  
2 an officer of the Illinois State Police Vehicle Inspection  
3 Bureau and arrange for an inspection of the vehicle, by the  
4 officer or the officer's designee, at a mutually agreed upon  
5 date and location.

6 (i) If a vehicle or part of any vehicle is found to have  
7 the manufacturer's identification number removed, altered,  
8 defaced or destroyed, the vehicle or part shall be seized by  
9 any law enforcement agency having jurisdiction and held for the  
10 purpose of identification. In the event that the manufacturer's  
11 identification number of a vehicle or part cannot be  
12 identified, the vehicle or part shall be considered contraband,  
13 and no right of property shall exist in any person owning,  
14 leasing or possessing such property, unless the person owning,  
15 leasing or possessing the vehicle or part acquired such without  
16 knowledge that the manufacturer's vehicle identification  
17 number has been removed, altered, defaced, falsified or  
18 destroyed.

19 Either the seizing law enforcement agency or the State's  
20 Attorney of the county where the seizure occurred may make an  
21 application for an order of forfeiture to the circuit court in  
22 the county of seizure. The application for forfeiture shall be  
23 independent from any prosecution arising out of the seizure and  
24 is not subject to any final determination of such prosecution.  
25 The circuit court shall issue an order forfeiting the property  
26 to the seizing law enforcement agency if the court finds that

1 the property did not at the time of seizure possess a valid  
2 manufacturer's identification number and that the original  
3 manufacturer's identification number cannot be ascertained.  
4 The seizing law enforcement agency may:

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

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

10 (i-1) If a motorcycle is seized under subsection (i), the  
11 motorcycle must be returned within 45 days of the date of  
12 seizure to the person from whom it was seized, unless (i)  
13 criminal charges are pending against that person or (ii) an  
14 application for an order of forfeiture has been submitted to  
15 the circuit in the county of seizure or (iii) the circuit court  
16 in the county of seizure has received from the seizing law  
17 enforcement agency and has granted a petition to extend, for a  
18 single 30 day period, the 45 days allowed for return of the  
19 motorcycle. Except as provided in subsection (i-2), a  
20 motorcycle returned to the person from whom it was seized must  
21 be returned in essentially the same condition it was in at the  
22 time of seizure.

23 (i-2) If any part or parts of a motorcycle seized under  
24 subsection (i) are found to be stolen and are removed, the  
25 seizing law enforcement agency is not required to replace the  
26 part or parts before returning the motorcycle to the person

1 from whom it was seized.

2 (j) The State Police shall notify the Secretary of State  
3 each time a manufacturer's vehicle identification number is  
4 affixed, reaffixed, restored or restamped on any vehicle. The  
5 Secretary of State shall make the necessary changes or  
6 corrections in his records, after the proper applications and  
7 fees have been submitted, if applicable.

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

15 (1) return the vehicle to its owner if such vehicle is  
16 stolen; or

17 (2) confiscate the vehicle and retain it for any  
18 purpose which the law enforcement agency deems  
19 appropriate; or

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

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

25 The law enforcement agency shall not retain, sell or  
26 dispose of a vehicle under paragraphs (2) or (3) of this



1 subsection (k) except upon an order of forfeiture issued by the  
2 circuit court. The circuit court may issue such order of  
3 forfeiture upon application of the law enforcement agency or  
4 State's Attorney of the county where the law enforcement agency  
5 has jurisdiction, or in the case of the Department of State  
6 Police or the Secretary of State, upon application of the  
7 Attorney General.

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

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

18 (Source: P.A. 92-443, eff. 1-1-02; 93-456, eff. 8-8-03.)".