



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5113

Introduced 2/8/2012, by Rep. Daniel V. Beiser

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Motor Vehicle Theft Prevention Act. Changes the short title of the Act to the Illinois Motor Vehicle Insurance Fraud and Theft Prevention Act. Changes the name of the Illinois Motor Vehicle Theft Prevention Council to the Illinois Motor Vehicle Insurance Fraud and Theft Prevention Council. Changes the name of the Motor Vehicle Theft Prevention Trust Fund to the Motor Vehicle Insurance Fraud and Theft Prevention Trust Fund. Makes conforming changes concerning the changes of the names of the Act, the Council, and the Trust Fund. Amends the Illinois Vehicle Code. Changes the name of the Motor Vehicle Theft Prevention Program to the Motor Vehicle Insurance Fraud and Theft Prevention Program. Makes conforming changes concerning change of the name of the Program. Amends the Illinois Criminal Justice Information Act and the State Finance Act to make conforming changes concerning the changes of the names of the Illinois Motor Vehicle Theft Prevention Act and the Motor Vehicle Theft Prevention Trust Fund. Effective January 1, 2013.

LRB097 19997 PJG 65297 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Criminal Justice Information Act is  
5 amended by changing Section 7 as follows:

6 (20 ILCS 3930/7) (from Ch. 38, par. 210-7)

7 Sec. 7. Powers and Duties. The Authority shall have the  
8 following powers, duties and responsibilities:

9 (a) To develop and operate comprehensive information  
10 systems for the improvement and coordination of all aspects  
11 of law enforcement, prosecution and corrections;

12 (b) To define, develop, evaluate and correlate State  
13 and local programs and projects associated with the  
14 improvement of law enforcement and the administration of  
15 criminal justice;

16 (c) To act as a central repository and clearing house  
17 for federal, state and local research studies, plans,  
18 projects, proposals and other information relating to all  
19 aspects of criminal justice system improvement and to  
20 encourage educational programs for citizen support of  
21 State and local efforts to make such improvements;

22 (d) To undertake research studies to aid in  
23 accomplishing its purposes;

1           (e) To monitor the operation of existing criminal  
2 justice information systems in order to protect the  
3 constitutional rights and privacy of individuals about  
4 whom criminal history record information has been  
5 collected;

6           (f) To provide an effective administrative forum for  
7 the protection of the rights of individuals concerning  
8 criminal history record information;

9           (g) To issue regulations, guidelines and procedures  
10 which ensure the privacy and security of criminal history  
11 record information consistent with State and federal laws;

12           (h) To act as the sole administrative appeal body in  
13 the State of Illinois to conduct hearings and make final  
14 determinations concerning individual challenges to the  
15 completeness and accuracy of criminal history record  
16 information;

17           (i) To act as the sole, official, criminal justice body  
18 in the State of Illinois to conduct annual and periodic  
19 audits of the procedures, policies, and practices of the  
20 State central repositories for criminal history record  
21 information to verify compliance with federal and state  
22 laws and regulations governing such information;

23           (j) To advise the Authority's Statistical Analysis  
24 Center;

25           (k) To apply for, receive, establish priorities for,  
26 allocate, disburse and spend grants of funds that are made

1 available by and received on or after January 1, 1983 from  
2 private sources or from the United States pursuant to the  
3 federal Crime Control Act of 1973, as amended, and similar  
4 federal legislation, and to enter into agreements with the  
5 United States government to further the purposes of this  
6 Act, or as may be required as a condition of obtaining  
7 federal funds;

8 (l) To receive, expend and account for such funds of  
9 the State of Illinois as may be made available to further  
10 the purposes of this Act;

11 (m) To enter into contracts and to cooperate with units  
12 of general local government or combinations of such units,  
13 State agencies, and criminal justice system agencies of  
14 other states for the purpose of carrying out the duties of  
15 the Authority imposed by this Act or by the federal Crime  
16 Control Act of 1973, as amended;

17 (n) To enter into contracts and cooperate with units of  
18 general local government outside of Illinois, other  
19 states' agencies, and private organizations outside of  
20 Illinois to provide computer software or design that has  
21 been developed for the Illinois criminal justice system, or  
22 to participate in the cooperative development or design of  
23 new software or systems to be used by the Illinois criminal  
24 justice system. Revenues received as a result of such  
25 arrangements shall be deposited in the Criminal Justice  
26 Information Systems Trust Fund.

1           (o) To establish general policies concerning criminal  
2 justice information systems and to promulgate such rules,  
3 regulations and procedures as are necessary to the  
4 operation of the Authority and to the uniform consideration  
5 of appeals and audits;

6           (p) To advise and to make recommendations to the  
7 Governor and the General Assembly on policies relating to  
8 criminal justice information systems;

9           (q) To direct all other agencies under the jurisdiction  
10 of the Governor to provide whatever assistance and  
11 information the Authority may lawfully require to carry out  
12 its functions;

13           (r) To exercise any other powers that are reasonable  
14 and necessary to fulfill the responsibilities of the  
15 Authority under this Act and to comply with the  
16 requirements of applicable federal law or regulation;

17           (s) To exercise the rights, powers and duties which  
18 have been vested in the Authority by the "Illinois Uniform  
19 Conviction Information Act", enacted by the 85th General  
20 Assembly, as hereafter amended;

21           (t) To exercise the rights, powers and duties which  
22 have been vested in the Authority by the Illinois Motor  
23 Vehicle Insurance Fraud and Theft Prevention Act;

24           (u) To exercise the rights, powers, and duties vested  
25 in the Authority by the Illinois Public Safety Agency  
26 Network Act; and

1 (v) To provide technical assistance in the form of  
2 training to local governmental entities within Illinois  
3 requesting such assistance for the purposes of procuring  
4 grants for gang intervention and gang prevention programs  
5 or other criminal justice programs from the United States  
6 Department of Justice.

7 The requirement for reporting to the General Assembly shall  
8 be satisfied by filing copies of the report with the Speaker,  
9 the Minority Leader and the Clerk of the House of  
10 Representatives and the President, the Minority Leader and the  
11 Secretary of the Senate and the Legislative Research Unit, as  
12 required by Section 3.1 of "An Act to revise the law in  
13 relation to the General Assembly", approved February 25, 1874,  
14 as amended, and filing such additional copies with the State  
15 Government Report Distribution Center for the General Assembly  
16 as is required under paragraph (t) of Section 7 of the State  
17 Library Act.

18 (Source: P.A. 97-435, eff. 1-1-12.)

19 Section 10. The Illinois Motor Vehicle Theft Prevention Act  
20 is amended by changing Sections 1, 2, 3, 4, 7, 8, and 8.5 as  
21 follows:

22 (20 ILCS 4005/1) (from Ch. 95 1/2, par. 1301)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 1. This Act shall be known as the Illinois Motor

1 Vehicle Insurance Fraud and Theft Prevention Act.

2 (Source: P.A. 86-1408.)

3 (20 ILCS 4005/2) (from Ch. 95 1/2, par. 1302)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 2. The purpose of this Act is to prevent, combat and  
6 reduce motor vehicle insurance fraud and theft in Illinois; to  
7 improve and support motor vehicle insurance fraud and theft law  
8 enforcement, prosecution and administration of motor vehicle  
9 insurance fraud and theft laws by establishing statewide  
10 planning capabilities for and coordination of financial  
11 resources.

12 (Source: P.A. 86-1408.)

13 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 3. As used in this Act:

16 (a) "Authority" means the Illinois Criminal Justice  
17 Information Authority.

18 (b) "Council" means the Illinois Motor Vehicle Insurance  
19 Fraud and Theft Prevention Council, established within the  
20 Authority by this Act.

21 (c) "Trust Fund" means the Motor Vehicle Insurance Fraud  
22 and Theft Prevention Trust Fund.

23 (Source: P.A. 86-1408.)

1 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 4. There is hereby created within the Authority an  
4 Illinois Motor Vehicle Insurance Fraud and Theft Prevention  
5 Council, which shall exercise its powers, duties and  
6 responsibilities independently of the Authority. There shall  
7 be 11 members of the Council consisting of the Secretary of  
8 State or his designee, the Director of the Department of State  
9 Police, the State's Attorney of Cook County, the Superintendent  
10 of the Chicago Police Department, and the following 7  
11 additional members, each of whom shall be appointed by the  
12 Governor: a state's attorney of a county other than Cook, a  
13 chief executive law enforcement official from a jurisdiction  
14 other than the City of Chicago, 5 representatives of insurers  
15 authorized to write motor vehicle insurance in this State, all  
16 of whom shall be domiciled in this State.

17 The Governor from time to time shall designate the Chairman  
18 of the Council from the membership. All members of the Council  
19 appointed by the Governor shall serve at the discretion of the  
20 Governor for a term not to exceed 4 years. The initial  
21 appointed members of the Council shall serve from January 1,  
22 1991 until the third Monday in January, 1995 or until their  
23 successors are appointed. The Council shall meet at least  
24 quarterly.

25 (Source: P.A. 89-277, eff. 8-10-95.)



1 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 7. The Council shall have the following powers, duties  
4 and responsibilities:

5 (a) To apply for, solicit, receive, establish  
6 priorities for, allocate, disburse, contract for, and  
7 spend funds that are made available to the Council from any  
8 source to effectuate the purposes of this Act.

9 (b) To make grants and to provide financial support for  
10 federal and State agencies, units of local government,  
11 corporations, and neighborhood, community and business  
12 organizations to effectuate the purposes of this Act.

13 (c) To assess the scope of the problem of motor vehicle  
14 insurance fraud and theft, including particular areas of  
15 the State where the problem is greatest and to conduct  
16 impact analyses of State and local criminal justice  
17 policies, programs, plans and methods for combating the  
18 problem.

19 (d) To develop and sponsor the implementation of  
20 statewide plans and strategies to combat motor vehicle  
21 insurance fraud and theft and to improve the administration  
22 of the motor vehicle insurance fraud and theft laws and  
23 provide an effective forum for identification of critical  
24 problems associated with motor vehicle insurance fraud and  
25 theft.

26 (e) To coordinate the development, adoption and

1 implementation of plans and strategies relating to  
2 interagency or intergovernmental cooperation with respect  
3 to motor vehicle insurance fraud and theft law enforcement.

4 (f) To promulgate rules or regulations necessary to  
5 ensure that appropriate agencies, units of government,  
6 private organizations and combinations thereof are  
7 included in the development and implementation of  
8 strategies or plans adopted pursuant to this Act and to  
9 promulgate rules or regulations as may otherwise be  
10 necessary to effectuate the purposes of this Act.

11 (g) To report annually, on or before April 1, 1992 to  
12 the Governor, General Assembly, and, upon request, to  
13 members of the general public on the Council's activities  
14 in the preceding year.

15 (h) To exercise any other powers that are reasonable,  
16 necessary or convenient to fulfill its responsibilities,  
17 to carry out and to effectuate the objectives and purposes  
18 of the Council and the provisions of this Act, and to  
19 comply with the requirements of applicable federal or State  
20 laws or regulations; provided, however, that such powers  
21 shall not include the power to subpoena or arrest.

22 (Source: P.A. 86-1408.)

23 (20 ILCS 4005/8) (from Ch. 95 1/2, par. 1308)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 8. (a) A special fund is created in the State Treasury

1 known as the Motor Vehicle Insurance Fraud and Theft Prevention  
2 Trust Fund, which shall be administered by the Executive  
3 Director of the Authority at the direction of the Council. All  
4 interest earned from the investment or deposit of monies  
5 accumulated in the Trust Fund shall, pursuant to Section 4.1 of  
6 the State Finance Act, be deposited in the Trust Fund.

7 (b) Money deposited in this Trust Fund shall not be  
8 considered general revenue of the State of Illinois.

9 (c) Money deposited in the Trust Fund shall be used only to  
10 enhance efforts to effectuate the purposes of this Act as  
11 determined by the Council and shall not be appropriated, loaned  
12 or in any manner transferred to the General Revenue Fund of the  
13 State of Illinois.

14 (d) Prior to April 1, 1991, and prior to April 1 of each  
15 year thereafter, each insurer engaged in writing private  
16 passenger motor vehicle insurance coverages which are included  
17 in Class 2 and Class 3 of Section 4 of the Illinois Insurance  
18 Code, as a condition of its authority to transact business in  
19 this State, may collect and shall pay into the Trust Fund an  
20 amount equal to \$1.00, or a lesser amount determined by the  
21 Council, multiplied by the insurer's total earned car years of  
22 private passenger motor vehicle insurance policies providing  
23 physical damage insurance coverage written in this State during  
24 the preceding calendar year.

25 (e) Money in the Trust Fund shall be expended as follows:

26 (1) To pay the Authority's costs to administer the

1 Council and the Trust Fund, but for this purpose in an  
2 amount not to exceed ten percent in any one fiscal year of  
3 the amount collected pursuant to paragraph (d) of this  
4 Section in that same fiscal year.

5 (2) To achieve the purposes and objectives of this Act,  
6 which may include, but not be limited to, the following:

7 (A) To provide financial support to law  
8 enforcement and correctional agencies, prosecutors,  
9 and the judiciary for programs designed to reduce motor  
10 vehicle insurance fraud and theft and to improve the  
11 administration of motor vehicle insurance fraud and  
12 theft laws.

13 (B) To provide financial support for federal and  
14 State agencies, units of local government,  
15 corporations and neighborhood, community or business  
16 organizations for programs designed to reduce motor  
17 vehicle insurance fraud and theft and to improve the  
18 administration of motor vehicle insurance fraud and  
19 theft laws.

20 (C) To provide financial support to conduct  
21 programs designed to inform owners of motor vehicles  
22 about the financial and social costs of motor vehicle  
23 insurance fraud and theft and to suggest to those  
24 owners methods for preventing motor vehicle insurance  
25 fraud and theft.

26 (D) To provide financial support for plans,

1 programs and projects designed to achieve the purposes  
2 of this Act.

3 (f) Insurers contributing to the Trust Fund shall have a  
4 property interest in the unexpended money in the Trust Fund,  
5 which property interest shall not be retroactively changed or  
6 extinguished by the General Assembly.

7 (g) In the event the Trust Fund were to be discontinued or  
8 the Council were to be dissolved by act of the General Assembly  
9 or by operation of law, then, notwithstanding the provisions of  
10 Section 5 of the State Finance Act, any balance remaining  
11 therein shall be returned to the insurers writing private  
12 passenger motor vehicle insurance in proportion to their  
13 financial contributions to the Trust Fund and any assets of the  
14 Council shall be liquidated and returned in the same manner  
15 after deduction of administrative costs.

16 (Source: P.A. 88-452; 89-277, eff. 8-10-95.)

17 (20 ILCS 4005/8.5)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 8.5. State Police Motor Vehicle Insurance Fraud and  
20 Theft Prevention Trust Fund. The State Police Motor Vehicle  
21 Insurance Fraud and Theft Prevention Trust Fund is created as a  
22 trust fund in the State treasury. The State Treasurer shall be  
23 the custodian of the Trust Fund. The Trust Fund is established  
24 to receive funds from the Illinois Motor Vehicle Insurance  
25 Fraud and Theft Prevention Council. All interest earned from

1 the investment or deposit of moneys accumulated in the Trust  
2 Fund shall be deposited into the Trust Fund. Moneys in the  
3 Trust Fund shall be used by the Department of State Police for  
4 motor vehicle insurance fraud and theft prevention purposes.

5 (Source: P.A. 97-116, eff. 1-1-12.)

6 Section 15. The State Finance Act is amended by changing  
7 Sections 5 and 5.295 as follows:

8 (30 ILCS 105/5) (from Ch. 127, par. 141)

9 Sec. 5. Special funds.

10 (a) There are special funds in the State Treasury  
11 designated as specified in the Sections which succeed this  
12 Section 5 and precede Section 6.

13 (b) Except as provided in the Illinois Motor Vehicle  
14 Insurance Fraud and Theft Prevention Act, when any special fund  
15 in the State Treasury is discontinued by an Act of the General  
16 Assembly, any balance remaining therein on the effective date  
17 of such Act shall be transferred to the General Revenue Fund,  
18 or to such other fund as such Act shall provide. Warrants  
19 outstanding against such discontinued fund at the time of the  
20 transfer of any such balance therein shall be paid out of the  
21 fund to which the transfer was made.

22 (c) When any special fund in the State Treasury has been  
23 inactive for 18 months or longer, the fund is automatically  
24 terminated by operation of law and the balance remaining in

1 such fund shall be transferred by the Comptroller to the  
2 General Revenue Fund. When a special fund has been terminated  
3 by operation of law as provided in this Section, the General  
4 Assembly shall repeal or amend all Sections of the statutes  
5 creating or otherwise referring to that fund.

6 The Comptroller shall be allowed the discretion to maintain  
7 or dissolve any federal trust fund which has been inactive for  
8 18 months or longer.

9 (d) (Blank).

10 (e) (Blank).

11 (Source: P.A. 90-372, eff. 7-1-98.)

12 (30 ILCS 105/5.295) (from Ch. 127, par. 141.295)

13 Sec. 5.295. The Motor Vehicle Insurance Fraud and Theft  
14 Prevention Trust Fund.

15 (Source: P.A. 86-1408; 86-1475.)

16 Section 20. The Illinois Vehicle Code is amended by  
17 changing Section 4-109 as follows:

18 (625 ILCS 5/4-109)

19 Sec. 4-109. Motor Vehicle Insurance Fraud and Theft  
20 Prevention Program. The Secretary of State, in conjunction with  
21 the Motor Vehicle Insurance Fraud and Theft Prevention Council,  
22 is hereby authorized to establish and operate a Motor Vehicle  
23 Insurance Fraud and Theft Prevention Program as follows:

1 (a) Voluntary program participation.

2 (b) The registered owner of a motor vehicle interested in  
3 participating in the program shall sign an informed consent  
4 agreement designed by the Secretary of State under subsection  
5 (e) of this Section indicating that the motor vehicle  
6 registered to him is not normally operated between the hours of  
7 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be  
8 submitted to the Secretary of State for processing.

9 (c) Upon processing the form, the Secretary of State shall  
10 issue to the registered owner a decal. The registered owner  
11 shall affix the decal in a conspicuous place on his motor  
12 vehicle as prescribed by the Secretary of State.

13 (d) Whenever any law enforcement officer shall see a motor  
14 vehicle displaying a decal issued under the provisions of  
15 subsection (c) of this Section being operated upon the public  
16 highways of this State between the hours of 1:00 a.m. and 5:00  
17 a.m., the officer is authorized to stop that motor vehicle and  
18 to request the driver to produce a valid driver's license and  
19 motor vehicle registration card if required to be carried in  
20 the vehicle. Whenever the operator of a motor vehicle  
21 displaying a decal is unable to produce the documentation set  
22 forth in this Section, the police officer shall investigate  
23 further to determine if the person operating the motor vehicle  
24 is the registered owner or has the authorization of the owner  
25 to operate the vehicle.

26 (e) The Secretary of State, in consultation with the



1 Director of the Department of State Police and Motor Vehicle  
2 Insurance Fraud and Theft Prevention Council, shall design the  
3 manner and form of the informed consent agreement required  
4 under subsection (b) of this Section and the decal required  
5 under subsection (c) of this Section.

6 (f) The Secretary of State shall provide for the recording  
7 of registered owners of motor vehicles who participate in the  
8 program. The records shall be available to all law enforcement  
9 departments, agencies, and forces. The Secretary of State shall  
10 cooperate with and assist all law enforcement officers and  
11 other agencies in tracing or examining any questionable motor  
12 vehicles in order to determine the ownership of the motor  
13 vehicles.

14 (g) A fee not to exceed \$10 may be charged for the informed  
15 consent form and decal provided under this Section. The fee, if  
16 any, shall be set by the Motor Vehicle Insurance Fraud and  
17 Theft Prevention Council and shall be collected by the  
18 Secretary of State and deposited into the Motor Vehicle  
19 Insurance Fraud and Theft Prevention Trust Fund.

20 (h) The Secretary of State, in consultation with the  
21 Director of the Department of State Police and the Motor  
22 Vehicle Insurance Fraud and Theft Prevention Council shall  
23 promulgate rules and regulations to effectuate the purposes of  
24 this Section.

25 (Source: P.A. 88-128; 88-684, eff. 1-24-95.)

26 Section 99. Effective date. This Act takes effect January

1 1, 2013.

1

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2

Statutes amended in order of appearance

3

20 ILCS 3930/7

from Ch. 38, par. 210-7

4

20 ILCS 4005/1

from Ch. 95 1/2, par. 1301

5

20 ILCS 4005/2

from Ch. 95 1/2, par. 1302

6

20 ILCS 4005/3

from Ch. 95 1/2, par. 1303

7

20 ILCS 4005/4

from Ch. 95 1/2, par. 1304

8

20 ILCS 4005/7

from Ch. 95 1/2, par. 1307

9

20 ILCS 4005/8

from Ch. 95 1/2, par. 1308

10

20 ILCS 4005/8.5

11

30 ILCS 105/5

from Ch. 127, par. 141

12

30 ILCS 105/5.295

from Ch. 127, par. 141.295

13

625 ILCS 5/4-109