



Sen. Steve Stadelman

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LRB099 03414 KTG 33595 a

1 AMENDMENT TO SENATE BILL 141

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 141 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Uniform Commercial Code is amended by  
5 changing Section 9-609 as follows:

6 (810 ILCS 5/9-609)

7 Sec. 9-609. Secured party's right to take possession after  
8 default.

9 (a) Possession; rendering equipment unusable; disposition  
10 on debtor's premises. After default, a secured party:

11 (1) may take possession of the collateral; and

12 (2) without removal, may render equipment unusable and  
13 dispose of collateral on a debtor's premises under Section  
14 9-610.

15 A secured party may not disable or render unusable any  
16 computer program or other similar device embedded in the

1 collateral if immediate injury to any person or property is a  
2 reasonably foreseeable consequence of such action. A secured  
3 party who disables or renders unusable such a computer program  
4 or other similar device in such circumstances shall be liable  
5 in accordance with applicable rules of law to any person who  
6 sustains an injury to person or property as a reasonably  
7 foreseeable result of the secured party's action.

8 A secured party shall not disable a vehicle by using  
9 starter interrupt technology unless the secured party complies  
10 with all of the following:

11 (A) At the time of the sale, the secured party provides  
12 the buyer written notice of both of the following:

13 (i) That the vehicle is equipped with starter  
14 interrupt technology that the secured party can use to  
15 shut down the vehicle remotely.

16 (ii) That a warning will be provided no less than  
17 48 hours before the use of the starter interrupt  
18 technology to shut down the vehicle remotely and the  
19 manner and method in which that warning will occur. The  
20 secured party shall offer the buyer a choice of warning  
21 methods, including warning from the device, telephone  
22 call, e-mail, or text message, if available, provided  
23 that the warning method does not violate applicable  
24 State or federal law.

25 (B) At least 30 days prior to disabling the vehicle for  
26 the buyer's failure to tender timely loan repayments, the

1       secured party provides the buyer written notice of all of  
2       the following:

3               (i) That the loan is past due.

4               (ii) That the secured party may use starter  
5       interrupt technology to disable the vehicle within 30  
6       days after the mailing date of the notice.

7               (iii) The amount currently due on the loan.

8               (iv) The acceptable forms of payment of the amount  
9       currently due.

10              (v) That the vehicle will not be disabled if the  
11       buyer tenders the amount currently due on the loan to  
12       the secured party in an acceptable form of payment  
13       within 30 days after the mailing date of the notice.

14              (vi) That, if the loan is not paid, a warning will  
15       be provided using the warning method specified at the  
16       time of sale to the buyer no less than 48 hours before  
17       the use of the starter interrupt technology to shut  
18       down the vehicle remotely.

19       In the event of an emergency, the buyer will be provided  
20       with the ability to start a secured party-disabled vehicle for  
21       no less than 24 hours after the vehicle's initial disablement.

22              (b) Judicial and nonjudicial process. A secured party may  
23       proceed under subsection (a):

24                      (1) pursuant to judicial process; or

25                      (2) without judicial process, if it proceeds without  
26       breach of the peace.

1           (c) Assembly of collateral. If so agreed, and in any event  
2 after default, a secured party may require the debtor to  
3 assemble the collateral and make it available to the secured  
4 party at a place to be designated by the secured party which is  
5 reasonably convenient to both parties.  
6 (Source: P.A. 91-893, eff. 7-1-01.)".