

AN ACT concerning finance.

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

Section 5. The Illinois Motor Vehicle Theft Prevention and Insurance Verification Act is amended by changing Sections 1, 2, 3, 4, 7, 8, and 8.5 as follows:

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

(Section scheduled to be repealed on January 1, 2025)

Sec. 1. This Act shall be known as the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act.

(Source: P.A. 100-373, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2025)

Sec. 2. The purpose of this Act is to prevent, combat and reduce vehicle hijacking and related violent crime as well as motor vehicle theft in Illinois; to improve and support vehicle hijacking and motor vehicle theft law enforcement, prosecution and administration of vehicle hijacking and motor vehicle theft and insurance verification laws by establishing statewide planning capabilities for and coordination of financial resources.

(Source: P.A. 100-373, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2025)

Sec. 3. As used in this Act:

(a) (Blank).

(b) "Council" means the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Council.

(b-2) "Director" means the Director of the Secretary of State Department of Police.

(b-5) "Police" means the Secretary of State Department of Police.

(b-7) "Secretary" means the Secretary of State.

(c) "Trust Fund" means the Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Trust Fund.

(Source: P.A. 100-373, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2025)

Sec. 4. There is hereby created an Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Council, which shall exercise its powers, duties and responsibilities. There shall be 11 members of the Council consisting of the Secretary of State or his designee, the

Director of the Illinois State Police, the State's Attorney of Cook County, the Superintendent of the Chicago Police Department, and the following 7 additional members, each of whom shall be appointed by the Secretary of State: a state's attorney of a county other than Cook, a chief executive law enforcement official from a jurisdiction other than the City of Chicago, 5 representatives of insurers authorized to write motor vehicle insurance in this State, all of whom shall be domiciled in this State.

The Director shall be the Chairman of the Council. All members of the Council appointed by the Secretary shall serve at the discretion of the Secretary for a term not to exceed 4 years. The Council shall meet at least quarterly.

(Source: P.A. 102-538, eff. 8-20-21.)

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

(Section scheduled to be repealed on January 1, 2025)

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

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

(b) To make grants and to provide financial support for federal and State agencies, units of local government, corporations, and neighborhood, community and business

organizations to effectuate the purposes of this Act, to deter, ~~and~~ investigate, and prosecute recyclable metal theft, and for ~~to~~ law enforcement agencies to assist in the identification, apprehension, and prosecution of vehicle hijackers and the recovery of stolen motor vehicles ~~recyclable metal theft~~.

(c) To assess the scope of the problem of vehicle hijacking and motor vehicle theft, including particular areas of the State where the problem is greatest and to conduct impact analyses of State and local criminal justice policies, programs, plans and methods for combating the problem.

(d) To develop and sponsor the implementation of statewide plans and strategies to combat vehicle hijacking and motor vehicle theft and to improve the administration of vehicle hijacking and ~~the~~ motor vehicle theft laws and provide an effective forum for identification of critical problems associated with vehicle hijacking and motor vehicle theft.

(e) To coordinate the development, adoption and implementation of plans and strategies relating to interagency or intergovernmental cooperation with respect to vehicle hijacking and motor vehicle theft law enforcement.

(f) To adopt rules or regulations necessary to ensure that appropriate agencies, units of government, private

organizations and combinations thereof are included in the development and implementation of strategies or plans adopted pursuant to this Act and to adopt rules or regulations as may otherwise be necessary to effectuate the purposes of this Act.

(g) To report annually, on or before January 1, 2019 to the Governor, General Assembly, and, upon request, to members of the general public on the Council's activities in the preceding year.

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

(i) To provide funding to the Secretary for the creation, implementation, and maintenance of an electronic motor vehicle liability insurance policy verification program.

(Source: P.A. 100-373, eff. 1-1-18.)

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

(Section scheduled to be repealed on January 1, 2025)

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

known as the Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Trust Fund, which shall be administered by the Secretary at the direction of the Council. All interest earned from the investment or deposit of monies accumulated in the Trust Fund shall, pursuant to Section 4.1 of the State Finance Act, be deposited in the Trust Fund.

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

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

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

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

(1) To pay the Secretary's costs to administer the Council and the Trust Fund, but for this purpose in an amount not to exceed 10% in any one fiscal year of the amount collected pursuant to paragraph (d) of this Section in that same fiscal year.

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

(A) To provide financial support to law enforcement and correctional agencies, prosecutors, and the judiciary for programs designed to reduce vehicle hijacking and motor vehicle theft and to improve the administration of motor vehicle theft laws.

(B) To provide financial support for federal and State agencies, units of local government, corporations and neighborhood, community or business organizations for programs designed to reduce motor vehicle theft and to improve the administration of vehicle hijacking and motor vehicle theft laws.

(C) To provide financial support to conduct programs designed to inform owners of motor vehicles about the financial and social costs of vehicle hijacking, interstate shootings, and motor vehicle theft and to suggest to those owners methods for preventing motor vehicle theft.

(D) To provide financial support for plans, programs and projects designed to achieve the purposes of this Act.

(3) To provide funding to the Secretary's Vehicle Services Department for the creation, implementation, and maintenance of an electronic motor vehicle liability insurance policy verification program by allocating no more than 75% of each dollar collected for the first calendar year after the effective date of this amendatory Act of the 100th General Assembly and no more than 10% ~~50%~~ of each dollar collected for every ~~other year after the first~~ calendar year after the effective date of this amendatory Act of the 102nd General Assembly. The Secretary shall distribute the funds to the Vehicle Services Department at the beginning of each calendar year.

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

(g) In the event the Trust Fund were to be discontinued or the Council were to be dissolved by act of the General Assembly or by operation of law, then, notwithstanding the provisions of Section 5 of the State Finance Act, any balance remaining therein shall be returned to the insurers writing private passenger motor vehicle insurance in proportion to their

financial contributions to the Trust Fund and any assets of the Council shall be liquidated and returned in the same manner after deduction of administrative costs.

(Source: P.A. 100-373, eff. 1-1-18.)

(20 ILCS 4005/8.5)

(Section scheduled to be repealed on January 1, 2025)

Sec. 8.5. State Police Vehicle Hijacking and Motor Vehicle Theft Prevention Trust Fund. The State Police Vehicle Hijacking and Motor Vehicle Theft Prevention Trust Fund is created as a trust fund in the State treasury. The State Treasurer shall be the custodian of the Trust Fund. The Trust Fund is established to receive funds from the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Council. All interest earned from the investment or deposit of moneys accumulated in the Trust Fund shall be deposited into the Trust Fund. Moneys in the Trust Fund shall be used by the Illinois State Police for motor vehicle theft prevention purposes.

(Source: P.A. 102-538, eff. 8-20-21.)

Section 10. The State Finance Act is amended by changing Sections 5, 5.295, 6z-125, and 6z-126 as follows:

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

Sec. 5. Special funds.

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

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

(c) When any special fund in the State Treasury has been inactive for 18 months or longer, the fund is automatically terminated by operation of law and the balance remaining in such fund shall be transferred by the Comptroller to the General Revenue Fund. When a special fund has been terminated by operation of law as provided in this Section, the General Assembly shall repeal or amend all Sections of the statutes creating or otherwise referring to that fund.

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

(d) (Blank).

(e) (Blank).

(Source: P.A. 100-373, eff. 1-1-18.)

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

Sec. 5.295. The Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Trust Fund.

(Source: P.A. 100-373, eff. 1-1-18.)

(30 ILCS 105/6z-125)

Sec. 6z-125. State Police Training and Academy Fund. The State Police Training and Academy Fund is hereby created as a special fund in the State treasury. Moneys in the Fund shall consist of: (i) 10% of the revenue from increasing the insurance producer license fees, as provided under subsection (a-5) of Section 500-135 of the Illinois Insurance Code; and (ii) 10% of the moneys collected from auto insurance policy fees under Section 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act. This Fund shall be used by the Illinois State Police to fund training and other State Police institutions, including, but not limited to, forensic laboratories.

(Source: P.A. 102-16, eff. 6-17-21.)

(30 ILCS 105/6z-126)

Sec. 6z-126. Law Enforcement Training Fund. The Law Enforcement Training Fund is hereby created as a special fund in the State treasury. Moneys in the Fund shall consist of: (i)

90% of the revenue from increasing the insurance producer license fees, as provided under subsection (a-5) of Section 500-135 of the Illinois Insurance Code; and (ii) 90% of the moneys collected from auto insurance policy fees under Section 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act. This Fund shall be used by the Illinois Law Enforcement Training and Standards Board to fund law enforcement certification compliance and the development and provision of basic courses by Board-approved academics, and in-service courses by approved academies.

(Source: P.A. 102-16, eff. 6-17-21.)

Section 15. The Illinois Vehicle Code is amended by changing Section 4-109 as follows:

(625 ILCS 5/4-109)

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

(a) Voluntary program participation.

(b) The registered owner of a motor vehicle interested in participating in the program shall sign an informed consent agreement designed by the Secretary of State under subsection (e) of this Section indicating that the motor vehicle

registered to him is not normally operated between the hours of 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be submitted to the Secretary of State for processing.

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

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

(e) The Secretary of State, in consultation with the Director of the Illinois State Police and Motor Vehicle Theft Prevention and Insurance Verification Council, shall design the manner and form of the informed consent agreement required under subsection (b) of this Section and the decal required under subsection (c) of this Section.

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

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

(h) The Secretary of State, in consultation with the Director of the Illinois State Police and the Motor Vehicle Theft Prevention and Insurance Verification Council shall promulgate rules and regulations to effectuate the purposes of this Section.

(Source: P.A. 102-538, eff. 8-20-21.)