



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB2812

Introduced 2/17/2016, by Sen. William R. Haine

SYNOPSIS AS INTRODUCED:

20 ILCS 4005/2	from Ch. 95 1/2, par. 1302
20 ILCS 4005/3	from Ch. 95 1/2, par. 1303
20 ILCS 4005/4	from Ch. 95 1/2, par. 1304
20 ILCS 4005/7	from Ch. 95 1/2, par. 1307
20 ILCS 4005/8	from Ch. 95 1/2, par. 1308
20 ILCS 4005/8.5	
20 ILCS 4005/6 rep.	

Amends the Illinois Motor Vehicle Theft Prevention Act. Eliminates references to the Illinois Criminal Justice Information Authority within the Act. Provides that money in the Motor Vehicle Theft Prevention Trust Fund shall be used to pay the administrative costs to support the Illinois Motor Vehicle Theft Prevention Council, not to exceed 10% in any one fiscal year of other amounts collected under the Act (currently, to pay the Authority's costs to administer the Council). Requires the Trust Fund to be administered by a statewide association representing property and casualty insurance companies that pay into the Trust Fund (instead of the Executive Director of the Authority). Makes changes to the purpose of the Act and to the powers of the Illinois Motor Vehicle Theft Prevention Council. Provides that moneys in the State Police Motor Vehicle Trust Fund shall be used by the Department of State Police for motor vehicle fraud prevention purposes in addition to motor vehicle theft prevention purposes. Makes conforming changes. Effective July 1, 2017.

LRB099 16802 RJF 41149 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 Motor Vehicle Theft Prevention Act
5 is amended by changing Sections 2, 3, 4, 7, 8, and 8.5 as
6 follows:

7 (20 ILCS 4005/2) (from Ch. 95 1/2, par. 1302)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 2. The purpose of this Act is to prevent, combat and
10 reduce motor vehicle theft and motor vehicle fraud in Illinois;
11 to improve and support motor vehicle theft law enforcement,
12 prosecution and administration of motor vehicle theft laws by
13 establishing statewide planning capabilities for and
14 coordination of financial resources, including
15 intergovernmental programs to support motor vehicle law
16 enforcement.

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

18 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

19 (Section scheduled to be repealed on January 1, 2020)

20 Sec. 3. As used in this Act:

21 (a) (Blank). ~~"Authority" means the Illinois Criminal~~
22 ~~Justice Information Authority.~~

1 (b) "Council" means the Illinois Motor Vehicle Theft
2 Prevention Council, established within the Authority by this
3 Act.

4 (c) "Trust Fund" means the Motor Vehicle Theft Prevention
5 Trust Fund.

6 (d) "Fund Administrator" means the private entity
7 appointed by the Council that administers the Trust Fund.

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

9 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

10 (Section scheduled to be repealed on January 1, 2020)

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

1 The Governor from time to time shall designate the Chairman
2 of the Council from the membership. All members of the Council
3 appointed by the Governor shall serve at the discretion of the
4 Governor for a term not to exceed 4 years. The initial
5 appointed members of the Council shall serve from January 1,
6 1991 until the third Monday in January, 1995 or until their
7 successors are appointed. The Council shall meet at least
8 quarterly.

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

10 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

11 (Section scheduled to be repealed on January 1, 2020)

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

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

18 (b) To make grants and to provide financial support for
19 federal and State agencies, units of local government,
20 corporations, and neighborhood, community and business
21 organizations to effectuate the purposes of this Act.

22 (c) To assess the scope of the problem of motor vehicle
23 theft and motor vehicle fraud, including particular areas
24 of the State where the problem is greatest and to conduct
25 impact analyses of State and local criminal justice

1 policies, programs, plans and methods for combating the
2 problem.

3 (d) To develop and sponsor the implementation of
4 statewide plans and strategies to combat motor vehicle
5 theft and motor vehicle fraud and to improve the
6 administration of the motor vehicle theft laws and provide
7 an effective forum for identification of critical problems
8 associated with motor vehicle theft.

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

13 (f) To promulgate rules or regulations necessary to
14 ensure that appropriate agencies, units of government,
15 private organizations and combinations thereof are
16 included in the development and implementation of
17 strategies or plans adopted pursuant to this Act and to
18 promulgate rules or regulations as may otherwise be
19 necessary to effectuate the purposes of this Act.

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

24 (h) To exercise any other powers that are reasonable,
25 necessary or convenient to fulfill its responsibilities,
26 to carry out and to effectuate the objectives and purposes

1 of the Council and the provisions of this Act, and to
2 comply with the requirements of applicable federal or State
3 laws or regulations; provided, however, that such powers
4 shall not include the power to subpoena or arrest.

5 (i) To appoint a private statewide association
6 representing property and casualty insurance companies to
7 administer the Trust Fund.

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

9 (20 ILCS 4005/8) (from Ch. 95 1/2, par. 1308)

10 (Section scheduled to be repealed on January 1, 2020)

11 Sec. 8. (a) A special fund is created in the State Treasury
12 known as the Motor Vehicle Theft Prevention Trust Fund, which
13 shall be administered by a statewide association representing
14 property and casualty insurance companies that pay into the
15 Trust Fund under the provisions of this Section ~~the Executive~~
16 ~~Director of the Authority~~ at the direction of the Council. All
17 interest earned from the investment or deposit of monies
18 accumulated in the Trust Fund shall, ~~pursuant to Section 4.1 of~~
19 ~~the State Finance Act,~~ be deposited in the Trust Fund.

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

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

1 State of Illinois.

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

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

14 (1) To pay the administrative costs to support the
15 Council, not to exceed 10% in any one fiscal year of the
16 amount collected pursuant to subsection (d) of this Section
17 in that same fiscal year. ~~To pay the Authority's costs to~~
18 ~~administer the Council and the Trust Fund, but for this~~
19 ~~purpose in an amount not to exceed ten percent in any one~~
20 ~~fiscal year of the amount collected pursuant to paragraph~~
21 ~~(d) of this Section in that same fiscal year.~~

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

24 (A) To provide financial support to law
25 enforcement and correctional agencies, prosecutors,
26 and the judiciary for programs designed to reduce motor

1 vehicle theft and motor vehicle-related fraud and to
2 improve the administration of related ~~motor vehicle~~
3 ~~theft~~ laws.

4 (B) To provide financial support for federal and
5 State agencies, units of local government,
6 corporations and neighborhood, community or business
7 organizations for programs designed to reduce motor
8 vehicle theft and motor vehicle-related fraud and to
9 improve the administration of related ~~motor vehicle~~
10 ~~theft~~ laws.

11 (C) To provide financial support to conduct
12 programs designed to inform owners of motor vehicles
13 about the financial and social costs of motor vehicle
14 theft and to suggest to those owners methods for
15 preventing motor vehicle theft.

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

19 (E) To provide financial support for the
20 enforcement and prosecution of Chapters 3, 4, and 5 of
21 the Illinois Vehicle Code.

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

26 (g) In the event the Trust Fund were to be discontinued or

1 the Council were to be dissolved by act of the General Assembly
2 or by operation of law, then, notwithstanding the provisions of
3 Section 5 of the State Finance Act, any balance remaining
4 therein shall be returned to the insurers writing private
5 passenger motor vehicle insurance in proportion to their
6 financial contributions to the Trust Fund and any assets of the
7 Council shall be liquidated and returned in the same manner
8 after deduction of administrative costs.

9 (h) The Trust Fund shall be audited annually by an
10 independent auditor who is a certified public accountant and
11 who has been selected by the Council. The independent auditor
12 shall compile an annual report, which shall be filed with the
13 Council and shall be a public record. The auditor shall be paid
14 by the Trust Fund, pursuant to an order of the Council.

15 (i) The Trust Fund shall be maintained by the Fund
16 Administrator, who shall keep current records of the amounts
17 deposited into the Trust Fund and the amounts paid out of the
18 Trust Fund pursuant to an order of the Council. These records
19 shall be made available to all members of the Council upon
20 reasonable request during normal business hours. The Fund
21 Administrator shall report the balance in the Trust Fund to the
22 Council by the 15th day of each month. For purposes of
23 determining the amount available to make payments under this
24 Section at any meeting of the Council, the Council shall use
25 the Fund Administrator's most recent monthly report. The Fund
26 Administrator shall purchase liability insurance to cover

1 management of the Trust Fund at a cost not to exceed 2% of the
2 balance in the Trust Fund as of January 15th of that year.

3 (j) Moneys in the Trust Fund may be paid from the Trust
4 Fund only as directed by a written order of the Council for
5 purposes set forth in subsection (e) of this Section.

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

7 (20 ILCS 4005/8.5)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 8.5. State Police Motor Vehicle Theft Prevention Trust
10 Fund. The State Police Motor Vehicle Theft Prevention Trust
11 Fund is created as a trust fund in the State treasury. The
12 State Treasurer shall be the custodian of the Trust Fund. The
13 Trust Fund is established to receive funds from the Illinois
14 Motor Vehicle Theft Prevention Council. All interest earned
15 from the investment or deposit of moneys accumulated in the
16 Trust Fund shall be deposited into the Trust Fund. Moneys in
17 the Trust Fund shall be used by the Department of State Police
18 for motor vehicle theft and fraud prevention purposes.

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

20 (20 ILCS 4005/6 rep.)

21 Section 10. The Illinois Motor Vehicle Theft Prevention Act
22 is amended by repealing Section 6.

23 Section 99. Effective date. This Act takes effect July 1,
24 2017.