

HB2432



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB2432

Introduced 2/19/2021, by Rep. John C. D'Amico

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-100.1
625 ILCS 5/3-100.2

Amends the Illinois Vehicle Code. Changes certain deadlines for the Secretary of State to implement provisions regarding electronic records from July 1, 2021 to July 1, 2022. Effective immediately.

LRB102 15161 RAM 20516 b

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-100.1 and 3-100.2 as follows:

6 (625 ILCS 5/3-100.1)

7 Sec. 3-100.1. Use of electronic records.

8 (a) To the extent authorized by the Secretary of State and
9 in accordance with standards and procedures prescribed by the
10 Secretary of State:

11 (1) Certificates, certifications, affidavits,
12 applications, assignments, statements, notices,
13 documents, and other records required under this Chapter
14 may be created, distributed, and received in electronic
15 form.

16 (2) Signatures required under this Chapter may be made
17 as electronic signatures or may be waived.

18 (3) Delivery of records required under this Chapter
19 may be made by any means, including electronic delivery.

20 (4) Fees and taxes required to be paid under this
21 Chapter may be made by electronic means; provided that any
22 forms, records, electronic records, and methods of
23 electronic payment relating to the filing and payment of

1 taxes shall be prescribed by the Department of Revenue.

2 (a-5) No later than July 1, 2022 ~~2021~~, the Secretary of
3 State shall implement, manage, and administer an electronic
4 lien and title system that will permit a lienholder to
5 perfect, assign, and release a lien under this Code. The
6 system may include the points in subsection (a) as to the
7 identified objectives of the program. The Secretary shall
8 establish by administrative rule the standards and procedures
9 relating to the management and implementation of the mandatory
10 electronic lien and title system established under this
11 subsection. The Secretary may charge a reasonable fee for
12 performing the services and functions relating to the
13 management and administration of the system. The fee shall be
14 set by administrative rule adopted by the Secretary.

15 (b) Electronic records accepted by the Secretary of State
16 have the same force and effect as records created on paper by
17 writing, typing, printing, or similar means. The procedures
18 established by the Secretary of State concerning the
19 acceptance of electronic filings and electronic records shall
20 ensure that the electronic filings and electronic records are
21 received and stored accurately and that they are readily
22 available to satisfy any statutory requirements that call for
23 a written record.

24 (c) Electronic signatures accepted by the Secretary of
25 State shall have the same force and effect as manual
26 signatures.

1 (d) Electronic delivery of records accepted by the
2 Secretary of State shall have the same force and effect as
3 physical delivery of records.

4 (e) Electronic records and electronic signatures accepted
5 by the Secretary of State shall be admissible in all
6 administrative, quasi-judicial, and judicial proceedings. In
7 any such proceeding, nothing in the application of the rules
8 of evidence shall apply so as to deny the admissibility of an
9 electronic record or electronic signature into evidence on the
10 sole ground that it is an electronic record or electronic
11 signature, or on the grounds that it is not in its original
12 form or is not an original. Information in the form of an
13 electronic record shall be given due evidentiary weight by the
14 trier of fact.

15 (f) The Secretary may contract with a private contractor
16 to carry out the Secretary's duties under this Section.

17 (Source: P.A. 101-490, eff. 1-1-20.)

18 (625 ILCS 5/3-100.2)

19 Sec. 3-100.2. Electronic access; agreements with
20 submitters.

21 (a) No later than July 1, 2022 ~~2021~~, the Secretary of State
22 shall require a licensee under Chapter 3 or 5 of this Code to
23 submit any record required to be submitted to the Secretary of
24 State by using electronic media deemed feasible by the
25 Secretary of State. The Secretary of State may also require

1 the licensee to submit the original paper record. The
2 Secretary of State shall also require a person or licensee to
3 receive any record to be provided by the Secretary of State by
4 using electronic media deemed feasible by the Secretary of
5 State, instead of providing the original paper record.

6 (b) No later than July 1, 2022 ~~2021~~, electronic submittal,
7 receipt, and delivery of records and electronic signatures
8 shall be supported by a signed agreement between the Secretary
9 of State and the submitter. The agreement shall require, at a
10 minimum, each record to include all information necessary to
11 complete a transaction, certification by the submitter upon
12 its best knowledge as to the truthfulness of the data to be
13 submitted to the Secretary of State, and retention by the
14 submitter of supporting records.

15 (c) No later than July 1, 2022 ~~2021~~, the Secretary of State
16 shall establish minimum transaction volume levels, audit and
17 security standards, technological requirements, and other
18 terms and conditions he or she deems necessary for approval of
19 the electronic delivery process.

20 (d) When an agreement is made to accept electronic
21 records, the Secretary of State shall not be required to
22 produce a written record for the submitter with whom the
23 Secretary of State has the agreement until requested to do so
24 by the submitter.

25 (e) No later than July 1, 2022 ~~2021~~, the Secretary of State
26 shall provide electronic notification to the lienholder

1 submitter to verify the notation and perfection of the
2 lienholder's security interest in a vehicle on the certificate
3 of title required to be created as an electronic record under
4 Section 3-100.1. Upon receipt of an electronic message from a
5 lienholder submitter with a security interest in a vehicle for
6 which the certificate of title is an electronic record that
7 the lien should be released, the Secretary of State shall
8 enter the appropriate electronic record of the release of lien
9 and print and mail a paper certificate of title to the owner or
10 lienholder at no expense. The Secretary of State may also mail
11 the certificate to any other person that delivers to the
12 Secretary of State an authorization from the owner to receive
13 the certificate. If another lienholder holds a properly
14 perfected security interest in the vehicle as reflected in the
15 records of the Secretary of State, the certificate shall be
16 delivered to that lienholder instead of the owner.

17 (f) The Secretary may contract with a private contractor
18 to carry out the Secretary's duties under this Section.

19 (Source: P.A. 101-490, eff. 1-1-20.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.