

1 AN ACT concerning finance.

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 and
5 Insurance Verification Act is amended by changing Sections 1,
6 2, 3, 4, 7, 8, and 8.5 as follows:

7 (20 ILCS 4005/1) (from Ch. 95 1/2, par. 1301)

8 (Section scheduled to be repealed on January 1, 2025)

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

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

13 (20 ILCS 4005/2) (from Ch. 95 1/2, par. 1302)

14 (Section scheduled to be repealed on January 1, 2025)

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

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

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

3 (Section scheduled to be repealed on January 1, 2025)

4 Sec. 3. As used in this Act:

5 (a) (Blank).

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

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

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

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

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

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

18 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

19 (Section scheduled to be repealed on January 1, 2025)

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

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

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

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

15 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (20 ILCS 4005/8.5)

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

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

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

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

22 (30 ILCS 105/5) (from Ch. 127, par. 141)

23 Sec. 5. Special funds.

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

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

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

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

25 (d) (Blank).

26 (e) (Blank).

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

2 (30 ILCS 105/5.295) (from Ch. 127, par. 141.295)

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

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

6 (30 ILCS 105/6z-125)

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

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

20 (30 ILCS 105/6z-126)

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

1 90% of the revenue from increasing the insurance producer
2 license fees, as provided under subsection (a-5) of Section
3 500-135 of the Illinois Insurance Code; and (ii) 90% of the
4 moneys collected from auto insurance policy fees under Section
5 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft
6 Prevention and Insurance Verification Act. This Fund shall be
7 used by the Illinois Law Enforcement Training and Standards
8 Board to fund law enforcement certification compliance and the
9 development and provision of basic courses by Board-approved
10 academics, and in-service courses by approved academies.
11 (Source: P.A. 102-16, eff. 6-17-21.)

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

14 (625 ILCS 5/4-109)

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

20 (a) Voluntary program participation.

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

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

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

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

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

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

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

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

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