



Sen. Robert F. Martwick

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1 AMENDMENT TO HOUSE BILL 3699

2 AMENDMENT NO. _____. Amend House Bill 3699 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Motor Vehicle Theft Prevention
5 and Insurance Verification Act is amended by changing Sections
6 1, 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8 (Section scheduled to be repealed on January 1, 2025)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14 (Section scheduled to be repealed on January 1, 2025)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

1 reduce vehicle hijacking and related violent crime as well as
2 motor vehicle theft in Illinois; to improve and support
3 vehicle hijacking and motor vehicle theft law enforcement,
4 prosecution and administration of vehicle hijacking and motor
5 vehicle theft and insurance verification laws by establishing
6 statewide planning capabilities for and coordination of
7 financial resources.

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

9 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

10 (Section scheduled to be repealed on January 1, 2025)

11 Sec. 3. As used in this Act:

12 (a) (Blank).

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

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

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

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

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

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

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

2 (Section scheduled to be repealed on January 1, 2025)

3 Sec. 4. There is hereby created an Illinois Vehicle
4 Hijacking and Motor Vehicle Theft Prevention and Insurance
5 Verification Council, which shall exercise its powers, duties
6 and responsibilities. There shall be 11 members of the Council
7 consisting of the Secretary of State or his designee, the
8 Director of the Illinois State Police, the State's Attorney of
9 Cook County, the Superintendent of the Chicago Police
10 Department, and the following 7 additional members, each of
11 whom shall be appointed by the Secretary of State: a state's
12 attorney of a county other than Cook, a chief executive law
13 enforcement official from a jurisdiction other than the City
14 of Chicago, 5 representatives of insurers authorized to write
15 motor vehicle insurance in this State, all of whom shall be
16 domiciled in this State.

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

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

22 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

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

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

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

5 (b) To make grants and to provide financial support
6 for federal and State agencies, units of local government,
7 corporations, and neighborhood, community and business
8 organizations to effectuate the purposes of this Act, to
9 deter, ~~and~~ investigate, and prosecute recyclable metal
10 theft, and for ~~to~~ law enforcement agencies to assist in
11 the identification, apprehension, and prosecution of
12 vehicle hijackers and the recovery of stolen motor
13 vehicles ~~recyclable metal theft~~.

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

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

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

6 (f) To adopt rules or regulations necessary to ensure
7 that appropriate agencies, units of government, private
8 organizations and combinations thereof are included in the
9 development and implementation of strategies or plans
10 adopted pursuant to this Act and to adopt rules or
11 regulations as may otherwise be necessary to effectuate
12 the purposes of this Act.

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

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

25 (i) To provide funding to the Secretary for the
26 creation, implementation, and maintenance of an electronic

1 motor vehicle liability insurance policy verification
2 program.

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

4 (20 ILCS 4005/8) (from Ch. 95 1/2, par. 1308)

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

6 Sec. 8. (a) A special fund is created in the State Treasury
7 known as the Vehicle Hijacking and Motor Vehicle Theft
8 Prevention and Insurance Verification Trust Fund, which shall
9 be administered by the Secretary at the direction of the
10 Council. All interest earned from the investment or deposit of
11 monies accumulated in the Trust Fund shall, pursuant to
12 Section 4.1 of the State Finance Act, be deposited in the Trust
13 Fund.

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

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

21 (d) Prior to April 1, 1991, and prior to April 1 of each
22 year thereafter, each insurer engaged in writing private
23 passenger motor vehicle insurance coverages which are included
24 in Class 2 and Class 3 of Section 4 of the Illinois Insurance
25 Code, as a condition of its authority to transact business in

1 this State, may collect and shall pay into the Trust Fund an
2 amount equal to \$1.00, or a lesser amount determined by the
3 Council, multiplied by the insurer's total earned car years of
4 private passenger motor vehicle insurance policies providing
5 physical damage insurance coverage written in this State
6 during the preceding calendar year.

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

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

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

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

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

1 vehicle hijacking and motor vehicle theft laws.

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

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

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

24 (f) Insurers contributing to the Trust Fund shall have a
25 property interest in the unexpended money in the Trust Fund,
26 which property interest shall not be retroactively changed or

1 extinguished by the General Assembly.

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

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

12 (20 ILCS 4005/8.5)

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

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

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

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

4 (30 ILCS 105/5) (from Ch. 127, par. 141)

5 Sec. 5. Special funds.

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

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

19 (c) When any special fund in the State Treasury has been
20 inactive for 18 months or longer, the fund is automatically
21 terminated by operation of law and the balance remaining in
22 such fund shall be transferred by the Comptroller to the
23 General Revenue Fund. When a special fund has been terminated
24 by operation of law as provided in this Section, the General

1 Assembly shall repeal or amend all Sections of the statutes
2 creating or otherwise referring to that fund.

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

6 (d) (Blank).

7 (e) (Blank).

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

9 (30 ILCS 105/5.295) (from Ch. 127, par. 141.295)

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

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

13 (30 ILCS 105/6z-125)

14 Sec. 6z-125. State Police Training and Academy Fund. The
15 State Police Training and Academy Fund is hereby created as a
16 special fund in the State treasury. Moneys in the Fund shall
17 consist of: (i) 10% of the revenue from increasing the
18 insurance producer license fees, as provided under subsection
19 (a-5) of Section 500-135 of the Illinois Insurance Code; and
20 (ii) 10% of the moneys collected from auto insurance policy
21 fees under Section 8.6 of the Illinois Vehicle Hijacking and
22 Motor Vehicle Theft Prevention and Insurance Verification Act.
23 This Fund shall be used by the Illinois State Police to fund
24 training and other State Police institutions, including, but

1 not limited to, forensic laboratories.

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

3 (30 ILCS 105/6z-126)

4 Sec. 6z-126. Law Enforcement Training Fund. The Law
5 Enforcement Training Fund is hereby created as a special fund
6 in the State treasury. Moneys in the Fund shall consist of: (i)
7 90% of the revenue from increasing the insurance producer
8 license fees, as provided under subsection (a-5) of Section
9 500-135 of the Illinois Insurance Code; and (ii) 90% of the
10 moneys collected from auto insurance policy fees under Section
11 8.6 of the Illinois Vehicle Hijacking and Motor Vehicle Theft
12 Prevention and Insurance Verification Act. This Fund shall be
13 used by the Illinois Law Enforcement Training and Standards
14 Board to fund law enforcement certification compliance and the
15 development and provision of basic courses by Board-approved
16 academics, and in-service courses by approved academies.

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

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

20 (625 ILCS 5/4-109)

21 Sec. 4-109. Motor Vehicle Theft Prevention Program. The
22 Secretary of State, in conjunction with the Motor Vehicle
23 Theft Prevention and Insurance Verification Council, is hereby

1 authorized to establish and operate a Motor Vehicle Theft
2 Prevention Program as follows:

3 (a) Voluntary program participation.

4 (b) The registered owner of a motor vehicle interested in
5 participating in the program shall sign an informed consent
6 agreement designed by the Secretary of State under subsection
7 (e) of this Section indicating that the motor vehicle
8 registered to him is not normally operated between the hours
9 of 1:00 a.m. and 5:00 a.m. The form and fee, if any, shall be
10 submitted to the Secretary of State for processing.

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

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

1 to operate the vehicle.

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

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

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

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

1 this Section.

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