



Sen. Kimberly A. Lightford

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10300SB0800sam002

LRB103 03257 BMS 60993 a

1 AMENDMENT TO SENATE BILL 800

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 800 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Section 4.37 and by adding Section 4.42 as follows:

6 (5 ILCS 80/4.37)

7 Sec. 4.37. Acts and Articles repealed on January 1, 2027.

8 The following are repealed on January 1, 2027:

9 The Clinical Psychologist Licensing Act.

10 The Illinois Optometric Practice Act of 1987.

11 Articles II, III, IV, V, VI, VIIA, VIIB, VIIC, XVII, XXXI,  
12 and XXXI 1/4 of the Illinois Insurance Code.

13 The Boiler and Pressure Vessel Repairer Regulation Act.

14 The Marriage and Family Therapy Licensing Act.

15 The Boxing and Full-contact Martial Arts Act.

16 The Cemetery Oversight Act.

1 The Community Association Manager Licensing and  
2 Disciplinary Act.

3 The Detection of Deception Examiners Act.

4 The Home Inspector License Act.

5 The Massage Licensing Act.

6 The Medical Practice Act of 1987.

7 The Petroleum Equipment Contractors Licensing Act.

8 The Radiation Protection Act of 1990.

9 The Real Estate Appraiser Licensing Act of 2002.

10 The Registered Interior Designers Act.

11 The Landscape Architecture Registration Act.

12 The Water Well and Pump Installation Contractor's License  
13 Act.

14 ~~The Collateral Recovery Act.~~

15 The Licensed Certified Professional Midwife Practice Act.

16 (Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21;  
17 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff.  
18 10-1-22; 102-813, eff. 5-13-22.)

19 (5 ILCS 80/4.42 new)

20 Sec. 4.42. Acts repealed on January 1, 2032. The following  
21 Acts are repealed on January 1, 2032:

22 The Collateral Recovery Act.

23 Section 10. The Collateral Recovery Act is amended by  
24 changing Sections 5, 10, and 110 as follows:

1 (225 ILCS 422/5)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 5. Findings; purpose.

4 (a) The General Assembly finds: (i) due to advancements in  
5 technology, personal information associated with consumers is  
6 increasingly collected and stored on motor vehicles that  
7 function as collateral in secured loans; (ii) the loss or  
8 breach of such personal information can cause consumers  
9 financial and personal harm and loss, including, but not  
10 limited to, harm and loss associated with identity theft and  
11 loss of privacy; (iii) when motor vehicles are repossessed, it  
12 is critical that consumers be protected from such harm and  
13 loss; and (iv) ~~that~~ collateral recovery practices affect  
14 public health, safety, and welfare. ~~and~~

15 (b) The General Assembly declares that the purpose of this  
16 Act is to: (i) regulate individuals and entities engaged in  
17 the business of collateral recovery for the protection of the  
18 public; and (ii) ensure that repossession agencies protect  
19 motor vehicle collateral consumers from potential harm and  
20 loss associated with personal information that is collected  
21 and stored on motor vehicles.

22 (Source: P.A. 97-576, eff. 7-1-12.)

23 (225 ILCS 422/10)

24 (Section scheduled to be repealed on January 1, 2027)

1           Sec. 10. Definitions. In this Act:

2           "Assignment" means a written authorization by a legal  
3 owner, lien holder, lessor, lessee, or licensed repossession  
4 agency authorized by a legal owner, lien holder, lessor or  
5 lessee to locate or repossess, involuntarily or voluntarily,  
6 any collateral, including, but not limited to, collateral  
7 registered under the Illinois Vehicle Code that is subject to  
8 a security agreement that contains a repossession clause or is  
9 the subject of a rental or lease agreement.

10          "Assignment" also means a written authorization by an  
11 employer to recover any collateral entrusted to an employee or  
12 former employee if the possessor is wrongfully in the  
13 possession of the collateral. A photocopy, facsimile copy, or  
14 electronic copy of an assignment shall have the same force and  
15 effect as an original written assignment.

16          "Automobile rental company" means a person or entity whose  
17 primary business is renting motor vehicles to the public for  
18 30 days or less.

19          "Branch office" means each additional office and secured  
20 storage facility location of a repossession agency (i) located  
21 in and conducting business within the State of Illinois and  
22 (ii) operating under the same name as the repossession agency  
23 where business is actively conducted or is engaged in the  
24 business authorized by the licensure. Each branch office must  
25 be individually licensed.

26          "Collateral" means any vehicle, boat, recreational

1 vehicle, motor home, motorcycle, or other property that is  
2 subject to a security, lease, or rental agreement.

3 "Commission" means the Illinois Commerce Commission.

4 "Debtor" means any person or entity obligated under a  
5 lease, rental, or security agreement.

6 "Financial institution" means a bank, a licensee under the  
7 Consumer Installment Loan Act, savings bank, savings and loan  
8 association, or credit union organized and operating under the  
9 laws of this or any other state or of the United States, and  
10 any subsidiary or affiliate thereof.

11 "Legal owner" means a person holding (i) a security  
12 interest in any collateral that is subject to a security  
13 agreement, (ii) a lien against any collateral, or (iii) an  
14 interest in any collateral that is subject to a lease or rental  
15 agreement.

16 "Licensure" means the approval of the required criteria  
17 that has been submitted for review in accordance with the  
18 provisions of this Act.

19 "Licensed recovery manager" means a person who possesses a  
20 valid license in accordance with the provisions of this Act  
21 and is in control or management of an Illinois repossession  
22 agency.

23 "Personal effects" means any property contained within or  
24 on repossessed collateral, or property that is not permanently  
25 affixed to the collateral, that is not the property of the  
26 legal owner.

1       "Personal information" means information that is  
2 associated with an owner, driver, or passenger of the  
3 collateral and that is collected and stored by electronic  
4 means or systems in or by the collateral during the course of  
5 its use, including, but not limited to: (i) biometric  
6 information, as defined by the Biometric Information Privacy  
7 Act, contacts, addresses, telephone numbers, garage door  
8 codes, map data, and digital subscriptions; (ii) information  
9 that is deemed "sensitive personal information" by the Federal  
10 Trade Commission, "personally identifiable information" under  
11 federal law or the Personal Information Protection Act, or  
12 "individually identifiable health information" under the  
13 federal Health Insurance Portability and Accountability Act;  
14 and (iii) information that a licensed repossession agency  
15 reasonably believes would be deemed confidential or private by  
16 the person who is associated with the information.

17       "Recovery permit" means a permit issued by the Commission  
18 to a repossession agency employee who has met all the  
19 requirements under this Act.

20       "Recovery ticket" means a serialized record obtained from  
21 the Commission for any repossessed vehicle or collateral  
22 evidencing that any person, business, financial institution,  
23 automotive dealership, or repossession agency who shows a  
24 recovery ticket has paid the recovery ticket fee to the  
25 Commission.

26       "Remote storage location" means a secured storage facility

1 of a licensed repossession agency designated for the storage  
2 of collateral that is a secure building or has a perimeter that  
3 is secured with a fencing construction that makes the area not  
4 accessible to the public. A remote storage location shall not  
5 transact business with the public and shall provide evidence  
6 of applicable insurance to the Commission that specifies the  
7 licensed repossession agency as the primary policy holder. A  
8 remote storage location shall be located in a commercially  
9 zoned area physically located in Illinois.

10 "Repossession agency" means any person or entity  
11 conducting business within the State of Illinois, that, for  
12 any type of consideration, engages in the business of, accepts  
13 employment to furnish, or agrees to provide or provides  
14 property locating services, property recovery, recovered  
15 property transportation, recovered property storage, or all  
16 services relevant to any of the following:

17 (1) The location, disposition, or recovery of property  
18 as authorized by the self-help provisions of the Uniform  
19 Commercial Code.

20 (2) The location, disposition, or recovery of lost or  
21 stolen property.

22 (3) Securing evidence concerning repossession and  
23 recovery to be used before any court, board, office, or  
24 investigating committee.

25 (4) Inventory of property contained in or on the  
26 collateral or recovered property.

1 (5) The possession of collateral.

2 (6) The prevention of the misappropriation or  
3 concealment of chattel, vehicles, goods, objects,  
4 documents, or papers.

5 "Repossession agency" does not include any of the  
6 following:

7 (1) An attorney at law who is performing his or her  
8 duties as an attorney at law.

9 (2) The legal owner of collateral that is subject to a  
10 security agreement.

11 (3) An officer or employee of the United States of  
12 America or of this State or a political subdivision of  
13 this State while the officer or employee is engaged in the  
14 performance of his or her official duties.

15 (4) A qualified license or recovery permit holder when  
16 performing services for, or on behalf of, a licensed  
17 repossession agency.

18 (5) A collection agency licensed under the Collection  
19 Agency Act when its activities are limited to assisting an  
20 owner in the recovery of property that is not collateral,  
21 as defined in this Act.

22 "Repossession agency employee" means any person or  
23 self-employed independent contractor who is hired by a  
24 repossession agency.

25 "Salvage auction" means a person or entity whose primary  
26 business is the sale of motor vehicles for which insurance



1 companies have made payment of damages on total loss claims.

2 "Secured storage facility" means an area located on the  
3 same premises as a repossession agency office or branch office  
4 that is designated for the storage of collateral and is a  
5 secure building or has a perimeter that is secured with a  
6 fencing construction that makes the area not accessible to the  
7 public. Each repossession agency office or branch office must  
8 maintain a secured storage facility.

9 "Security agreement" means an obligation, pledge,  
10 mortgage, chattel mortgage, lease agreement, rental agreement,  
11 deposit, or lien, given by a debtor as security for payment or  
12 performance of his or her debt by furnishing the creditor with  
13 a recourse to be used in case of failure in the principal  
14 obligation. "Security agreement" includes a bailment where an  
15 employer-employee relationship exists or existed between the  
16 bailor and the bailee.

17 (Source: P.A. 97-576, eff. 7-1-12; 97-708, eff. 7-1-12.)

18 (225 ILCS 422/110)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 110. Repossession of vehicles.

21 (a) With regard to collateral subject to a security  
22 agreement, repossession occurs when the licensed repossession  
23 agency employee gains entry into the collateral, the  
24 collateral becomes connected to a tow vehicle, or the licensed  
25 repossession agency employee has physical control, custody, or

1 possession of the collateral.

2 (b) The licensed repossession agency shall confirm with  
3 the legal owner of a recovered vehicle whether the legal owner  
4 holds a security interest in the personal effects or other  
5 property contained in or on the recovered vehicle.

6 (c) If personal effects or other property not covered by a  
7 security agreement are contained in or on a recovered vehicle  
8 at the time it is recovered, then the personal effects and  
9 other property not covered by a security agreement must be  
10 completely and accurately inventoried, and a record of the  
11 inventory shall be maintained on file with the licensed  
12 repossession agency for a period of 2 years following the date  
13 of repossession. The licensed repossession agency shall hold  
14 all personal effects and other property not covered by a  
15 security agreement until the licensed repossession agency  
16 either returns the personal effects and other property to the  
17 debtor or disposes of the personal effects and other property  
18 in accordance with this Section.

19 (d) Within 5 working days following the date of  
20 repossession, the licensed repossession agency shall give  
21 written notification to the debtor of the whereabouts of  
22 personal effects or other property inventoried. At least 45  
23 days prior to disposing of such personal effects or other  
24 property, the licensed repossession agency shall, by United  
25 States Postal Service certified mail, notify the debtor of the  
26 intent to dispose of the property. Should the debtor, or his or

1 her lawful designee, appear to retrieve the personal property  
2 prior to the date on which the licensed repossession agency is  
3 allowed to dispose of the property, the licensed repossession  
4 agency shall surrender the personal property to that  
5 individual upon payment of any reasonably incurred expenses  
6 for inventory and storage.

7 (e) If personal property is not claimed within 45 days of  
8 the notice of intent to dispose, then the licensed  
9 repossession agency may dispose of the personal property at  
10 its discretion, except that illegal items or contraband shall  
11 be surrendered to a law enforcement agency, and the licensed  
12 repossession agency shall retain a receipt or other proof of  
13 surrender as part of the inventory, ~~and~~ disposal records, and  
14 recordkeeping it maintains. The inventory of the personal  
15 property and the records regarding any disposal of personal  
16 property shall be maintained for a period of 2 years in the  
17 permanent records of the licensed repossession agency and  
18 shall be made available upon request to the Commission.

19 (f) If a licensed repossession agency has cause to believe  
20 that a vehicle that serves as collateral collects or stores  
21 personal information, as defined under Section 10, then, as  
22 soon as practicable upon repossession of the vehicle and prior  
23 to the release of the vehicle from the possession of the  
24 licensed repossession agency, the licensed repossession agency  
25 shall clear, erase, delete, or otherwise eliminate the  
26 personal information collected or stored in or by the vehicle

1 by utilizing a standardized electronic solution that has been  
2 approved by the American Recovery Association.  
3 (Source: P.A. 97-576, eff. 7-1-12.)"