



Sen. Antonio Muñoz

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1 AMENDMENT TO SENATE BILL 467

2 AMENDMENT NO. _____. Amend Senate Bill 467 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 7-604, 7-607 and by adding Section 7-604.5 as
6 follows:

7 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

8 (Section scheduled to be repealed on December 31, 2016)

9 Sec. 7-604. Verification of liability insurance policy.

10 (a) The Secretary of State may select random samples of
11 registrations of motor vehicles subject to Section 7-601 of
12 this Code, or owners thereof, for the purpose of verifying
13 whether or not the motor vehicles are insured.

14 In addition to such general random samples of motor vehicle
15 registrations, the Secretary may select for verification other
16 random samples, including, but not limited to registrations of

1 motor vehicles owned by persons:

2 (1) whose motor vehicle registrations during the
3 preceding 4 years have been suspended pursuant to Section
4 7-606 or 7-607 of this Code;

5 (2) who during the preceding 4 years have been
6 convicted of violating Section 3-707, 3-708 or 3-710 of
7 this Code while operating vehicles owned by other persons;

8 (3) whose driving privileges have been suspended
9 during the preceding 4 years;

10 (4) who during the preceding 4 years acquired ownership
11 of motor vehicles while the registrations of such vehicles
12 under the previous owners were suspended pursuant to
13 Section 7-606 or 7-607 of this Code; or

14 (5) who during the preceding 4 years have received a
15 disposition of supervision under subsection (c) of Section
16 5-6-1 of the Unified Code of Corrections for a violation of
17 Section 3-707, 3-708, or 3-710 of this Code.

18 (b) Upon receiving certification from the Department of
19 Transportation under Section 7-201.2 of this Code of the name
20 of an owner or operator of any motor vehicle involved in an
21 accident, the Secretary may verify whether or not at the time
22 of the accident such motor vehicle was covered by a liability
23 insurance policy in accordance with Section 7-601 of this Code.

24 (c) In preparation for selection of random samples and
25 their verification, the Secretary may send to owners of
26 randomly selected motor vehicles, or to randomly selected motor

1 vehicle owners, requests for information about their motor
2 vehicles and liability insurance coverage. The request shall
3 require the owner to state whether or not the motor vehicle was
4 insured on the verification date stated in the Secretary's
5 request and the request may require, but is not limited to, a
6 statement by the owner of the names and addresses of insurers,
7 policy numbers, and expiration dates of insurance coverage.

8 (d) Within 30 days after the Secretary mails a request, the
9 owner to whom it is sent shall furnish the requested
10 information to the Secretary above the owner's signed
11 affirmation that such information is true and correct. Proof of
12 insurance in effect on the verification date, as prescribed by
13 the Secretary, may be considered by the Secretary to be a
14 satisfactory response to the request for information.

15 Any owner whose response indicates that his or her vehicle
16 was not covered by a liability insurance policy in accordance
17 with Section 7-601 of this Code shall be deemed to have
18 registered or maintained registration of a motor vehicle in
19 violation of that Section. Any owner who fails to respond to
20 such a request shall be deemed to have registered or maintained
21 registration of a motor vehicle in violation of Section 7-601
22 of this Code.

23 (e) If the owner responds to the request for information by
24 asserting that his or her vehicle was covered by a liability
25 insurance policy on the verification date stated in the
26 Secretary's request, the Secretary may conduct a verification

1 of the response by furnishing necessary information to the
2 insurer named in the response. The insurer shall within 45 days
3 inform the Secretary whether or not on the verification date
4 stated the motor vehicle was insured by the insurer in
5 accordance with Section 7-601 of this Code. The Secretary may
6 by rule and regulation prescribe the procedures for
7 verification.

8 (f) No random sample selected under this Section shall be
9 categorized on the basis of race, color, religion, sex,
10 national origin, ancestry, age, marital status, physical or
11 mental disability, economic status or geography.

12 (f-5) This Section shall be inoperative upon the effective
13 date of the rules adopted by the Secretary to implement Section
14 7-604.5 of this Code.

15 (g) This Section is repealed on December 31, 2016.

16 (Source: P.A. 98-787, eff. 7-25-14; 99-333, eff. 12-30-15 (see
17 Section 15 of P.A. 99-483 for the effective date of changes
18 made by P.A. 99-333).)

19 (625 ILCS 5/7-604.5 new)

20 Sec. 7-604.5. Electronic verification of a liability
21 insurance policy.

22 (a) The Secretary may implement a program of electronic
23 motor vehicle liability insurance policy verification for
24 motor vehicles subject to Section 7-601 of this Code for the
25 purpose of verifying whether or not the motor vehicle is

1 insured. The program shall include, but is not limited to:

2 (1) a requirement that an insurance company authorized
3 to sell motor vehicle liability insurance in this State
4 shall make available, in a format designated by the
5 Secretary, to the Secretary for each motor vehicle
6 liability insurance policy issued by the company the
7 following information:

8 (A) the name of the policy holder;

9 (B) the make, model, year, and vehicle
10 identification number of the covered motor vehicle;

11 (C) the policy number;

12 (D) the policy effective date;

13 (E) the insurance company's National Association
14 of Insurance Commissioners number; and

15 (F) any other information the Secretary deems
16 necessary;

17 (2) a method for searching motor vehicle liability
18 insurance policies issued and in effect in this State by
19 using the information under subparagraphs (A), (B), or (C)
20 of paragraph (1) of this subsection (a);

21 (3) a requirement that at least twice per calendar
22 year, the Secretary shall verify the existence of a
23 liability insurance policy for every registered motor
24 vehicle subject to Section 7-601 of this Code; and if the
25 Secretary is unable to verify the existence of a liability
26 insurance policy, the Secretary shall send the vehicle

1 owner a written notice allowing the vehicle owner 30
2 calendar days to provide proof of insurance on the date of
3 the attempted verification, or to provide proof that the
4 vehicle is no longer operable;

5 (4) a requirement that a vehicle owner who does not
6 provide proof of insurance or proof of an inoperable
7 vehicle under paragraph (3) of this subsection (a) shall be
8 in violation of Section 7-601 of this Code and the
9 Secretary shall suspend the vehicle's registration and the
10 owner of the vehicle shall pay any applicable reinstatement
11 fees under Section 7-606 of this Code; and

12 (5) a requirement that if a vehicle owner provides
13 proof of insurance on the date of the attempted
14 verification under paragraph (3) of this subsection (a),
15 the Secretary shall verify the vehicle owner's response by
16 furnishing necessary information to the insurance company.
17 Within 7 calendar days of receiving the information, the
18 insurance company shall confirm and notify the Secretary
19 the dates of the motor vehicle's insurance coverage. If the
20 insurance company does not confirm coverage for the date of
21 the attempted verification, the Secretary shall suspend
22 the vehicle's registration and the owner of the vehicle
23 shall pay any applicable reinstatement fees under Section
24 7-606 of this Code.

25 (b) In addition to the semi-annual verification of
26 liability insurance under subsection (a) of this Section, the

1 Secretary may select monthly verification for a motor vehicle,
2 including, but not limited to, a motor vehicle owned or
3 operated by a person:

4 (1) whose motor vehicle registration during the
5 preceding 4 years has been suspended under Section 7-606 or
6 7-607 of this Code;

7 (2) who, during the preceding 4 years, has been
8 convicted of violating Section 3-707, 3-708, or 3-710 of
9 this Code while operating a vehicle owned by another
10 person;

11 (3) whose driving privileges have been suspended
12 during the preceding 4 years;

13 (4) who, during the preceding 4 years, acquired
14 ownership of a motor vehicle while the registration of the
15 vehicle under the previous owner was suspended under
16 Section 7-606 or 7-607 of this Code; or

17 (5) who, during the preceding 4 years, has received a
18 disposition of supervision under subsection (c) of Section
19 5-6-1 of the Unified Code of Corrections for a violation of
20 Section 3-707, 3-708, or 3-710 of this Code.

21 (c) The Secretary may contract with a private contractor to
22 carry out the Secretary's duties under this Section.

23 (d) Nothing in this Section provides the Secretary with
24 regulatory authority over insurance companies.

25 (e) The Secretary may adopt any rules necessary to
26 implement this Section.

1 (625 ILCS 5/7-607) (from Ch. 95 1/2, par. 7-607)

2 Sec. 7-607. Submission of false proof - penalty. If the
3 Secretary determines that the proof of insurance submitted by a
4 motor vehicle owner under Section 7-604, 7-604.5, 7-605 or
5 7-606 of this Code is false, the Secretary shall suspend the
6 owner's vehicle registration. The Secretary shall terminate
7 the suspension 6 months after its effective date upon payment
8 by the owner of a reinstatement fee of \$200 and submission of
9 proof of insurance as prescribed by the Secretary.

10 All fees collected under this Section shall be disbursed
11 under subsection (g) of Section 2-119 of this Code.

12 (Source: P.A. 99-127, eff. 1-1-16.)

13 Section 96. No revival or extension. This Act does not
14 revive or extend any Section or Act otherwise repealed.".