

AN ACT concerning civil law.

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

Section 5. The Registered Titles (Torrens) Act is amended by changing Section 102.1 as follows:

(765 ILCS 35/102.1)

Sec. 102.1. Excess funds.

(a) The county board may determine that monies in excess of the funds necessary to satisfy judgments obtained or claims allowed against the indemnity fund exist in the indemnity fund. In determining whether an excess of monies exists, the county shall seek such input and gather such information as is necessary to assist the county in making the determination. The input and information shall include an actuarial study, or such other studies, input, or data the county deems appropriate, whether undertaken at the direction of the county or by third parties in connection with the bidding for or offering of insurance to cover the county's obligations under this Act. If the county incurs any expense in gathering the information, including the actuarial study, the costs shall be paid from the indemnity fund.

(b) The county may purchase private insurance to meet the county's obligations under this Act. If the county does

purchase such insurance, the cost of the insurance shall be paid out of the indemnity fund.

(c) If the county determines that an excess of monies exists in the indemnity fund, the county may transfer the excess monies to a lead poisoning prevention fund, and may expend the monies in accordance with the provisions of Section 102.2 of this Act. ~~The county may also transfer and expend excess indemnity fund monies for the benefit of owners of real property in the county as the county deems appropriate, provided that at least 50% of the aggregate of monies that have been deemed to be excess monies have been transferred to the lead poisoning prevention fund. The county may not expend any excess indemnity fund monies for any purpose other than lead poisoning prevention until it has first designed, implemented, and started making loan or grant payments under the lead poisoning prevention program as provided in Section 102.2.~~

(d) Upon the statutory expiration of all potential indemnity fund claims, any monies remaining in the indemnity fund shall be deemed to be excess monies and shall be expended in accordance with the provisions of this Section.

(e) This amendatory Act of the 96th General Assembly does not preempt, rescind, modify, or revise any local, State, or federal laws or rules governing lead paint mitigation or abatement or lead poisoning prevention.

(Source: P.A. 90-778, eff. 8-14-98.)

Section 99. Effective date. This Act takes effect upon

Public Act 096-0274

HB2351 Enrolled

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becoming law.