



Rep. John C. D'Amico

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10100HB2856ham001

LRB101 09229 TAE 58210 a

1 AMENDMENT TO HOUSE BILL 2856

2 AMENDMENT NO. _____. Amend House Bill 2856 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-100.1 and 3-100.2 as follows:

6 (625 ILCS 5/3-100.1)

7 Sec. 3-100.1. Use of electronic records.

8 (a) To the extent authorized by the Secretary of State and
9 in accordance with standards and procedures prescribed by the
10 Secretary of State:

11 (1) Certificates, certifications, affidavits,
12 applications, assignments, statements, notices, documents,
13 and other records required under this Chapter may be
14 created, distributed, and received in electronic form.

15 (2) Signatures required under this Chapter may be made
16 as electronic signatures or may be waived.

1 (3) Delivery of records required under this Chapter may
2 be made by any means, including electronic delivery.

3 (4) Fees and taxes required to be paid under this
4 Chapter may be made by electronic means; provided that any
5 forms, records, electronic records, and methods of
6 electronic payment relating to the filing and payment of
7 taxes shall be prescribed by the Department of Revenue.

8 (a-5) Beginning on July 1, 2021, the (1) creation,
9 distribution, and receipt of certificates, certifications,
10 affidavits, applications, assignments, statements, notices,
11 documents, and other records; (2) use of signatures; (3)
12 delivery of records; and (4) payment of required fees as
13 identified in subsection (a) shall be created, distributed,
14 received, made, used, delivered, and paid in electronic form as
15 those functions relate to the implementation and ongoing
16 management and administration of an electronic lien and title
17 system to process the electronic notation and release of
18 security interests in motor vehicles under Section 3-100.2 of
19 this Code or as otherwise determined by the Secretary. The
20 Secretary may charge a fee for each electronic notation and
21 release of security interest. The fee shall be set by
22 administrative rule and shall not exceed \$1 per transaction.

23 (b) Electronic records accepted by the Secretary of State
24 have the same force and effect as records created on paper by
25 writing, typing, printing, or similar means. The procedures
26 established by the Secretary of State concerning the acceptance

1 of electronic filings and electronic records shall ensure that
2 the electronic filings and electronic records are received and
3 stored accurately and that they are readily available to
4 satisfy any statutory requirements that call for a written
5 record.

6 (c) Electronic signatures accepted by the Secretary of
7 State shall have the same force and effect as manual
8 signatures.

9 (d) Electronic delivery of records accepted by the
10 Secretary of State shall have the same force and effect as
11 physical delivery of records.

12 (e) Electronic records and electronic signatures accepted
13 by the Secretary of State shall be admissible in all
14 administrative, quasi-judicial, and judicial proceedings. In
15 any such proceeding, nothing in the application of the rules of
16 evidence shall apply so as to deny the admissibility of an
17 electronic record or electronic signature into evidence on the
18 sole ground that it is an electronic record or electronic
19 signature, or on the grounds that it is not in its original
20 form or is not an original. Information in the form of an
21 electronic record shall be given due evidentiary weight by the
22 trier of fact.

23 (f) The Secretary may contract with a private contractor to
24 carry out the Secretary's duties under this Section.

25 (Source: P.A. 91-772, eff. 1-1-01.)

1 (625 ILCS 5/3-100.2)

2 Sec. 3-100.2. Electronic access; agreements with
3 submitters.

4 (a) Beginning on July 1, 2021, the ~~The~~ Secretary of State
5 shall ~~may~~ require a licensee under Chapter 3 or 5 of this Code
6 to submit any record required to be submitted to the Secretary
7 of State by using electronic media deemed feasible by the
8 Secretary of State. The Secretary of State may also require the
9 licensee to submit ~~, in addition to requiring the actual~~
10 ~~submittal of~~ the original paper record. The Secretary of State
11 shall ~~may~~ also require ~~allow~~ a person or licensee to receive
12 any record to be provided by the Secretary of State by using
13 electronic media deemed feasible by the Secretary of State,
14 instead of providing the original paper record.

15 (b) Beginning on July 1, 2021, electronic ~~Electronic~~
16 submittal, receipt, and delivery of records and electronic
17 signatures shall ~~may~~ be ~~authorized or accepted by the Secretary~~
18 ~~of State, when~~ supported by a signed agreement between the
19 Secretary of State and the submitter. The agreement shall
20 require, at a minimum, each record to include all information
21 necessary to complete a transaction, certification by the
22 submitter upon its best knowledge as to the truthfulness of the
23 data to be submitted to the Secretary of State, and retention
24 by the submitter of supporting records.

25 (c) Beginning on July 1, 2021, the ~~The~~ Secretary of State
26 shall ~~may~~ establish minimum transaction volume levels, audit

1 and security standards, technological requirements, and other
2 terms and conditions he or she deems necessary for approval of
3 the electronic delivery process.

4 (d) When an agreement is made to accept electronic records,
5 the Secretary of State shall not be required to produce a
6 written record for the submitter with whom the Secretary of
7 State has the agreement until requested to do so by the
8 submitter.

9 (e) Beginning on July 1, 2021 ~~Upon the request of a~~
10 ~~lienholder submitter~~, the Secretary of State shall provide
11 electronic notification to the lienholder submitter to verify
12 the notation and perfection of the lienholder's security
13 interest in a vehicle on ~~for which~~ the certificate of title
14 required to be created as ~~is~~ an electronic record under Section
15 3-100.1. Upon receipt of an electronic message from a
16 lienholder submitter with a security interest in a vehicle for
17 which the certificate of title is an electronic record that the
18 lien should be released, the Secretary of State shall enter the
19 appropriate electronic record of the release of lien and print
20 and mail a paper certificate of title to the owner or
21 lienholder at no expense. The Secretary of State may also mail
22 the certificate to any other person that delivers to the
23 Secretary of State an authorization from the owner to receive
24 the certificate. If another lienholder holds a properly
25 perfected security interest in the vehicle as reflected in the
26 records of the Secretary of State, the certificate shall be

1 delivered to that lienholder instead of the owner.

2 (f) The Secretary may contract with a private contractor to
3 carry out the Secretary's duties under this Section.

4 (Source: P.A. 97-838, eff. 7-20-12.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".