

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Sections 1-115.08, 12-614, and 12-615 as follows:

6 (625 ILCS 5/1-115.08 new)

7 Sec. 1-115.08. Disablement technology. Any instrument,
8 device, machine, or equipment, whether software or hardware,
9 that can be used to disable the starter of a motor vehicle,
10 prevent fuel from flowing to the engine, prevent electricity
11 from flowing to the engine, or otherwise prevent the vehicle
12 from being started or driven by a person.

13 (625 ILCS 5/12-614 new)

14 Sec. 12-614. Disablement technology, prohibited uses.

15 (a) Disablement technology shall not be used as an aid to
16 the physical retrieval of a vehicle as part of repossession or
17 as a consequence for nonpayment under a retail installment
18 contract or other instrument.

19 (b) A motor vehicle dealer or retail seller as defined by
20 the Motor Vehicle Retail Installment Sales Act, or an
21 individual or entity that offers loans to finance the purchase
22 of motor vehicles, or an assignee or successor in interest,

1 shall not:

2 (1) Condition the sale or any term of sale of a motor
3 vehicle on a consumer's agreement to allow the dealer or
4 seller to install or use disablement technology, or impose
5 the installation or use of disablement technology as a
6 consequence for nonpayment of a retail installment
7 contract or other instrument.

8 (2) Install or use disablement technology in a motor
9 vehicle except as provided in Section 12-615.

10 (c) Knowingly installing or using disablement technology
11 in a motor violation of this Section is an unlawful practice
12 within the meaning of the Consumer Fraud and Deceptive
13 Business Practices Act. An assignee or successor in interest
14 to a retail installment contract or other instrument who did
15 not install, authorize, or ratify the installation of the
16 disablement technology in a consumer's vehicle may not be held
17 liable for the prior contract holder's installation of
18 disablement technology unless the technology is activated or
19 the consumer is threatened with activation by the assignee or
20 successor in interest.

21 (d) Unless otherwise authorized by this Code, the
22 activation of disablement technology in a motor vehicle for
23 any length of time by any motor vehicle dealer or holder of a
24 retail installment contract or other similar instrument is
25 prohibited. Any consumer whose vehicle is subject to the
26 activation of disablement technology may bring an action

1 against an activating person or entity for damages of \$1,000
2 per month per violation plus actual damages and attorney's
3 fees. In addition, such activation constitutes a form of
4 repossession of the motor vehicle under Section 9-601 of the
5 Uniform Commercial Code, and all rights, requirements,
6 protections, and remedies provided under the Uniform
7 Commercial Code for the repossession of collateral apply.

8 (625 ILCS 5/12-615 new)

9 Sec. 12-615. Disablement technology, antitheft.

10 (a) Disablement technology may be offered for sale or sold
11 only for antitheft purposes, either on its own or for an
12 additional fee in connection with the purchase of a motor
13 vehicle. Any motor vehicle dealer that sells a motor vehicle
14 containing disablement technology shall:

15 (1) identify through a clear and conspicuous written
16 and oral disclosure provided separately to the consumer in
17 advance of any sale or execution of any loan agreement for
18 a motor vehicle:

19 (i) the existence of the disablement technology in
20 the motor vehicle, or the intent to install it, or have
21 it installed by a third party;

22 (ii) the brand name and model of the disablement
23 technology installed or to be installed in the
24 vehicle;

25 (iii) a statement that the disablement technology

1 will not be used or activated by the motor vehicle
2 dealer, lender, or any other party as part of a
3 repossession or as a consequence for nonpayment of a
4 retail installment contract or other instrument; and

5 (iv) the type or types of data related to the
6 consumer or the consumer's use of the motor vehicle
7 generated, stored by, or transmitted through the
8 disablement technology;

9 (2) provide clear and conspicuous written instructions
10 to the consumer about the operation of the disablement
11 technology, including how to activate and deactivate the
12 technology, as well as any global positioning system or
13 other tracking features the particular type of disablement
14 technology may support;

15 (3) take reasonable steps to ensure, prior to sale,
16 that the consumer has sufficient technological means of
17 operating the disablement technology, such as routine
18 access to a computer with Internet access, if necessary;
19 and

20 (4) take no steps that would prevent or limit a
21 consumer's ability to operate the disablement technology,
22 including any global positioning system or other tracking
23 features.

24 (b) The consumer must provide express, written consent
25 before the installation, activation, or use of the disablement
26 technology.

1 (c) A motor vehicle dealer shall not rescind an offer to
2 sell a vehicle to a consumer solely because the consumer
3 refuses to purchase disablement technology or otherwise allow
4 disablement technology to be installed on the vehicle.

5 (d) Any motor vehicle dealer that sells a motor vehicle
6 with disablement technology shall provide customer support via
7 telephone and email for the disablement technology. At least
8 one staff person must be available during the dealer's regular
9 business hours to answer questions and troubleshoot the
10 operation of the technology with the consumer.

11 (e) Data generated or stored by disablement technology as
12 the result of a consumer's vehicle usage is the personal
13 property of the consumer, and the consumer is entitled to all
14 profits and other benefits flowing from the sharing or sale of
15 this data.

16 (f) Data generated or stored by disablement technology
17 that is installed in a consumer's vehicle, and data
18 transmitted by or through the disablement technology that
19 relates to the consumer or the consumer's use of a motor
20 vehicle, may not be sold or otherwise shared with any third
21 parties except as required by federal, State, or local law, or
22 required by court order. An entity required to make a
23 disclosure to a third party under federal, State, or local
24 law, or by court order, shall make a reasonable effort to
25 provide the consumer with timely, written notice of the
26 required disclosure prior to making such a third-party

1 disclosure.

2 Section 10. The Consumer Fraud and Deceptive Business
3 Practices Act is amended by changing Section 2Z as follows:

4 (815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

5 Sec. 2Z. Violations of other Acts. Any person who
6 knowingly violates the Automotive Repair Act, the Automotive
7 Collision Repair Act, the Home Repair and Remodeling Act, the
8 Dance Studio Act, the Physical Fitness Services Act, the
9 Hearing Instrument Consumer Protection Act, the Illinois Union
10 Label Act, the Installment Sales Contract Act, the Job
11 Referral and Job Listing Services Consumer Protection Act, the
12 Travel Promotion Consumer Protection Act, the Credit Services
13 Organizations Act, the Automatic Telephone Dialers Act, the
14 Pay-Per-Call Services Consumer Protection Act, the Telephone
15 Solicitations Act, the Illinois Funeral or Burial Funds Act,
16 the Cemetery Oversight Act, the Cemetery Care Act, the Safe
17 and Hygienic Bed Act, the Illinois Pre-Need Cemetery Sales
18 Act, the High Risk Home Loan Act, the Payday Loan Reform Act,
19 the Predatory Loan Prevention Act, the Mortgage Rescue Fraud
20 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax
21 Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use
22 Tax Act, the Electronic Mail Act, the Internet Caller
23 Identification Act, paragraph (6) of subsection (k) of Section
24 6-305 of the Illinois Vehicle Code, Section 11-1431, 12-614,

1 18d-115, 18d-120, 18d-125, 18d-135, 18d-150, or 18d-153 of the
2 Illinois Vehicle Code, Article 3 of the Residential Real
3 Property Disclosure Act, the Automatic Contract Renewal Act,
4 the Reverse Mortgage Act, Section 25 of the Youth Mental
5 Health Protection Act, the Personal Information Protection
6 Act, or the Student Online Personal Protection Act commits an
7 unlawful practice within the meaning of this Act.

8 (Source: P.A. 100-315, eff. 8-24-17; 100-416, eff. 1-1-18;
9 100-863, eff. 8-14-18; 101-658, eff. 3-23-21.)