



Sen. William R. Haine

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1 AMENDMENT TO HOUSE BILL 3382

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3382 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Motor Vehicle Theft Prevention Act  
5 is amended by changing Sections 2, 3, 4, 7, 8, 8.5, and 12 as  
6 follows:

7 (20 ILCS 4005/2) (from Ch. 95 1/2, par. 1302)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 2. The purpose of this Act is to prevent, combat and  
10 reduce motor vehicle theft and motor vehicle fraud in Illinois;  
11 to improve and support motor vehicle theft law enforcement,  
12 prosecution and administration of motor vehicle theft laws by  
13 establishing statewide planning capabilities for and  
14 coordination of financial resources, including  
15 intergovernmental programs to support motor vehicle law  
16 enforcement.

1 (Source: P.A. 86-1408.)

2 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 3. As used in this Act:

5 (a) (Blank) ~~"Authority" means the Illinois Criminal~~  
6 ~~Justice Information Authority.~~

7 (b) "Council" means the Illinois Motor Vehicle Theft  
8 Prevention Council, established ~~within the Authority~~ by this  
9 Act.

10 (c) "Trust Fund" means the Motor Vehicle Theft Prevention  
11 Trust Fund.

12 (d) "Fund Administrator" means the private entity  
13 appointed by the Council that administers the Trust Fund.

14 (Source: P.A. 86-1408.)

15 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 4. There is hereby created ~~within the Authority~~ an  
18 Illinois Motor Vehicle Theft Prevention Council, ~~which shall~~  
19 ~~exercise its powers, duties and responsibilities independently~~  
20 ~~of the Authority.~~ There shall be 11 members of the Council  
21 consisting of the Secretary of State or his designee, the  
22 Director of the Department of State Police or his or her  
23 designee, the State's Attorney of Cook County or his or her  
24 designee, the Superintendent of the Chicago Police Department

1 or his or her designee, and the following 7 additional members,  
2 each of whom shall be appointed by the Governor: a state's  
3 attorney of a county other than Cook, a chief executive law  
4 enforcement official from a jurisdiction other than the City of  
5 Chicago, 5 representatives of insurers authorized to write  
6 motor vehicle insurance in this State, all of whom shall be  
7 domiciled in this State.

8 The Governor from time to time shall designate the Chairman  
9 of the Council from the membership. All members of the Council  
10 appointed by the Governor shall serve at the discretion of the  
11 Governor for a term not to exceed 4 years. The initial  
12 appointed members of the Council shall serve from January 1,  
13 1991 until the third Monday in January, 1995 or until their  
14 successors are appointed. The Council shall meet at least  
15 quarterly.

16 (Source: P.A. 89-277, eff. 8-10-95.)

17 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 7. The Council shall have the following powers, duties  
20 and responsibilities:

21 (a) To apply for, solicit, receive, establish  
22 priorities for, allocate, disburse, contract for, and  
23 spend funds that are made available to the Council from any  
24 source to effectuate the purposes of this Act.

25 (b) To make grants and to provide financial support for

1 federal and State agencies, units of local government,  
2 corporations, and neighborhood, community and business  
3 organizations to effectuate the purposes of this Act.

4 (c) To assess the scope of the problem of motor vehicle  
5 theft and motor vehicle fraud, including particular areas  
6 of the State where the problem is greatest and to conduct  
7 impact analyses of State and local criminal justice  
8 policies, programs, plans and methods for combating the  
9 problem.

10 (d) To develop and sponsor the implementation of  
11 statewide plans and strategies to combat motor vehicle  
12 theft and motor vehicle fraud and to improve the  
13 administration of the motor vehicle theft laws and provide  
14 an effective forum for identification of critical problems  
15 associated with motor vehicle theft.

16 (e) To coordinate the development, adoption and  
17 implementation of plans and strategies relating to  
18 interagency or intergovernmental cooperation with respect  
19 to motor vehicle theft law enforcement.

20 (f) To promulgate rules or regulations necessary to  
21 ensure that appropriate agencies, units of government,  
22 private organizations and combinations thereof are  
23 included in the development and implementation of  
24 strategies or plans adopted pursuant to this Act and to  
25 promulgate rules or regulations as may otherwise be  
26 necessary to effectuate the purposes of this Act.

1 (g) To report annually, on or before April 1, 1992 to  
2 the Governor, General Assembly, and, upon request, to  
3 members of the general public on the Council's activities  
4 in the preceding year.

5 (h) To exercise any other powers that are reasonable,  
6 necessary or convenient to fulfill its responsibilities,  
7 to carry out and to effectuate the objectives and purposes  
8 of the Council and the provisions of this Act, and to  
9 comply with the requirements of applicable federal or State  
10 laws or regulations; provided, however, that such powers  
11 shall not include the power to subpoena or arrest.

12 (i) To appoint a private statewide association  
13 representing property and casualty insurance companies to  
14 administer the Trust Fund.

15 (Source: P.A. 86-1408.)

16 (20 ILCS 4005/8) (from Ch. 95 1/2, par. 1308)

17 (Section scheduled to be repealed on January 1, 2016)

18 Sec. 8. (a) Beginning on the effective date of this  
19 amendatory Act of the 99th General Assembly, a ~~A~~ special fund  
20 is created ~~in the State Treasury~~ known as the Motor Vehicle  
21 Theft Prevention Trust Fund, a trust fund outside of the State  
22 treasury, which shall be administered by a statewide  
23 association representing property and casualty insurance  
24 companies that pay into the Trust Fund under the provisions of  
25 this Section ~~the Executive Director of the Authority~~ at the

1 direction of the Council. All interest earned from the  
2 investment or deposit of monies accumulated in the Trust Fund  
3 shall, ~~pursuant to Section 4.1 of the State Finance Act,~~ be  
4 deposited in the Trust Fund.

5 (b) Money deposited in this Trust Fund shall not be  
6 considered general revenue of the State of Illinois.

7 (c) Money deposited in the Trust Fund shall be used only to  
8 enhance efforts to effectuate the purposes of this Act as  
9 determined by the Council and shall not be appropriated, loaned  
10 or in any manner transferred to the General Revenue Fund of the  
11 State of Illinois.

12 (d) Prior to April 1, 1991, and prior to April 1 of each  
13 year thereafter, each insurer engaged in writing private  
14 passenger motor vehicle insurance coverages which are included  
15 in Class 2 and Class 3 of Section 4 of the Illinois Insurance  
16 Code, as a condition of its authority to transact business in  
17 this State, may collect and shall pay into the Trust Fund an  
18 amount equal to \$1.00, or a lesser amount determined by the  
19 Council, multiplied by the insurer's total earned car years of  
20 private passenger motor vehicle insurance policies providing  
21 physical damage insurance coverage written in this State during  
22 the preceding calendar year.

23 (e) Money in the Trust Fund shall be expended as follows:

24 (1) To pay the administrative costs to support the  
25 Council, not to exceed 10% in any one fiscal year of the  
26 amount collected pursuant to subsection (d) of this Section

1 in that same fiscal year. ~~To pay the Authority's costs to~~  
2 ~~administer the Council and the Trust Fund, but for this~~  
3 ~~purpose in an amount not to exceed ten percent in any one~~  
4 ~~fiscal year of the amount collected pursuant to paragraph~~  
5 ~~(d) of this Section in that same fiscal year.~~

6 (2) To achieve the purposes and objectives of this Act,  
7 which may include, but not be limited to, the following:

8 (A) To provide financial support to law  
9 enforcement and correctional agencies, prosecutors,  
10 and the judiciary for programs designed to reduce motor  
11 vehicle theft and motor vehicle-related fraud and to  
12 improve the administration of related ~~motor vehicle~~  
13 ~~theft~~ laws.

14 (B) To provide financial support for federal and  
15 State agencies, units of local government,  
16 corporations and neighborhood, community or business  
17 organizations for programs designed to reduce motor  
18 vehicle theft and motor vehicle-related fraud and to  
19 improve the administration of related ~~motor vehicle~~  
20 ~~theft~~ laws.

21 (C) To provide financial support to conduct  
22 programs designed to inform owners of motor vehicles  
23 about the financial and social costs of motor vehicle  
24 theft and to suggest to those owners methods for  
25 preventing motor vehicle theft.

26 (D) To provide financial support for plans,

1 programs and projects designed to achieve the purposes  
2 of this Act.

3 (E) To provide financial support for the  
4 enforcement and prosecution of Chapters 3, 4, and 5 of  
5 the Illinois Vehicle Code.

6 (f) Insurers contributing to the Trust Fund shall have a  
7 property interest in the unexpended money in the Trust Fund,  
8 which property interest shall not be retroactively changed or  
9 extinguished by the General Assembly.

10 (g) In the event the Trust Fund were to be discontinued or  
11 the Council were to be dissolved by act of the General Assembly  
12 or by operation of law, then, ~~notwithstanding the provisions of~~  
13 ~~Section 5 of the State Finance Act,~~ any balance remaining  
14 therein shall be returned to the insurers writing private  
15 passenger motor vehicle insurance in proportion to their  
16 financial contributions to the Trust Fund and any assets of the  
17 Council shall be liquidated and returned in the same manner  
18 after deduction of administrative costs.

19 (h) The Trust Fund shall be audited annually by an  
20 independent auditor who is a certified public accountant and  
21 who has been selected by the Council. The independent auditor  
22 shall compile an annual report, which shall be filed with the  
23 Council and shall be a public record. The auditor shall be paid  
24 by the Trust Fund, pursuant to an order of the Council.

25 (i) The Trust Fund shall be maintained by the Fund  
26 Administrator, who shall keep current records of the amounts

1 deposited into the Trust Fund and the amounts paid out of the  
2 Trust Fund pursuant to an order of the Council. These records  
3 shall be made available to all members of the Council upon  
4 reasonable request during normal business hours. The Fund  
5 Administrator shall report the balance in the Trust Fund to the  
6 Council by the 15th day of each month. For purposes of  
7 determining the amount available to make payments under this  
8 Section at any meeting of the Council, the Council shall use  
9 the Fund Administrator's most recent monthly report. The Fund  
10 Administrator shall purchase liability insurance to cover  
11 management of the Trust Fund at a cost not to exceed 2% of the  
12 balance in the Trust Fund as of January 15th of that year.

13 (j) Moneys in the Trust Fund may be paid from the Trust  
14 Fund only as directed by a written order of the Council for  
15 purposes set forth in subsection (e) of this Section.

16 (Source: P.A. 88-452; 89-277, eff. 8-10-95.)

17 (20 ILCS 4005/8.5)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 8.5. State Police Motor Vehicle Theft Prevention Trust  
20 Fund. The State Police Motor Vehicle Theft Prevention Trust  
21 Fund is created as a trust fund in the State treasury. The  
22 State Treasurer shall be the custodian of the Trust Fund. The  
23 Trust Fund is established to receive funds from the Illinois  
24 Motor Vehicle Theft Prevention Council. All interest earned  
25 from the investment or deposit of moneys accumulated in the

1 Trust Fund shall be deposited into the Trust Fund. Moneys in  
2 the Trust Fund shall be used by the Department of State Police  
3 for motor vehicle theft and fraud prevention purposes.

4 (Source: P.A. 97-116, eff. 1-1-12.)

5 (20 ILCS 4005/12)

6 Sec. 12. Repeal. Sections 1 through 9 and Section 11 are  
7 repealed January 1, 2020 ~~2016~~.

8 (Source: P.A. 97-141, eff. 7-14-11.)

9 (20 ILCS 4005/6 rep.)

10 Section 10. The Illinois Motor Vehicle Theft Prevention Act  
11 is amended by repealing Section 6.

12 Section 15. The State Finance Act is amended by changing  
13 Section 5 as follows:

14 (30 ILCS 105/5) (from Ch. 127, par. 141)

15 Sec. 5. Special funds.

16 (a) There are special funds in the State Treasury  
17 designated as specified in the Sections which succeed this  
18 Section 5 and precede Section 6.

19 (b) When ~~Except as provided in the Illinois Motor Vehicle~~  
20 ~~Theft Prevention Act, when~~ any special fund in the State  
21 Treasury is discontinued by an Act of the General Assembly, any  
22 balance remaining therein on the effective date of such Act

1 shall be transferred to the General Revenue Fund, or to such  
2 other fund as such Act shall provide. Warrants outstanding  
3 against such discontinued fund at the time of the transfer of  
4 any such balance therein shall be paid out of the fund to which  
5 the transfer was made.

6 (c) When any special fund in the State Treasury has been  
7 inactive for 18 months or longer, the fund is automatically  
8 terminated by operation of law and the balance remaining in  
9 such fund shall be transferred by the Comptroller to the  
10 General Revenue Fund. When a special fund has been terminated  
11 by operation of law as provided in this Section, the General  
12 Assembly shall repeal or amend all Sections of the statutes  
13 creating or otherwise referring to that fund.

14 The Comptroller shall be allowed the discretion to maintain  
15 or dissolve any federal trust fund which has been inactive for  
16 18 months or longer.

17 (d) (Blank).

18 (e) (Blank).

19 (Source: P.A. 90-372, eff. 7-1-98.)

20 (30 ILCS 105/5.295 rep.)

21 Section 20. The State Finance Act is amended by repealing  
22 Section 5.295."