



Sen. Steve Stadelman

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1 AMENDMENT TO SENATE BILL 2521

2 AMENDMENT NO. _____. Amend Senate Bill 2521 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Consumer Fraud and Deceptive Business
5 Practices Act is amended by adding Section 2VVV as follows:

6 (815 ILCS 505/2VVV new)

7 Sec. 2VVV. Use of starter interrupt technology.

8 (a) As used in this Section:

9 "Car rental company" means any company that rents
10 automobiles for a period of time.

11 "Creditor" means a person that engages in the business of
12 financing the purchase or lease of motor vehicles for personal
13 use or lending money secured by those motor vehicles, including
14 any person servicing such transactions.

15 "Dealer" means a motor vehicle dealer as defined in Chapter
16 5 of the Illinois Vehicle Code.

1 "Electronic tracking technology" means global positioning
2 satellite or similar technology used to obtain or record the
3 location of a motor vehicle.

4 "Motor vehicle" or "vehicle" means a motor vehicle as
5 defined in Chapter 5 of the Illinois Vehicle Code.

6 "Optional services" means services that are optional and
7 separate from the retail purchase or lease of a motor vehicle
8 or extension of credit, are not a condition of or incident to
9 the transaction or extension of credit, and may be canceled at
10 any time.

11 "Payment cycle" means a 30-day payment period.

12 "Person" means a natural person, partnership, corporation,
13 limited liability company, trust, estate, cooperative,
14 association, or other similar entity.

15 "Starter interrupt technology" means technology used to
16 remotely disable the starter of a motor vehicle.

17 "Transaction" means any credit sale, loan, or lease of a
18 motor vehicle made to a consumer by a dealer, car rental
19 company, or other creditor. "Transaction" includes any post
20 default redemption and reinstatement of the credit sale, loan,
21 or lease by the consumer.

22 (b) Any credit sale, loan, or lease of a motor vehicle made
23 after the effective date of this amendatory Act of the 100th
24 General Assembly to a consumer by a dealer, car rental company,
25 or other creditor is made subject to this Section. In
26 connection with the credit sale, loan, or lease of a motor

1 vehicle to a consumer, a dealer, car rental company, or other
2 creditor shall not use electronic tracking technology or
3 starter interrupt technology unless it is used solely to verify
4 and maintain the operational status of the tracking technology,
5 to locate for repossession, to repossess the vehicle, or to
6 locate the vehicle to service the account or keep the account
7 current and the following conditions are met:

8 (1) The dealer, car rental company, or other creditor
9 clearly and conspicuously notifies the consumer at the time
10 of the transaction that the vehicle is equipped with
11 electronic tracking technology or starter interrupt
12 technology and the technology may be used by the dealer,
13 car rental company, or creditor to locate or disable the
14 starter of the vehicle remotely.

15 (2) The dealer, car rental company, or other creditor
16 obtains written consent from the consumer that the vehicle
17 is equipped with electronic tracking technology or starter
18 interrupt technology and that the dealer, car rental
19 company, or other creditor may use the electronic tracking
20 technology or starter interrupt technology to locate or
21 disable the starter of the vehicle remotely.

22 (3) The dealer, car rental company, or creditor must
23 provide notice to the consumer upon default within the time
24 periods established in subsection (c).

25 (4) The dealer or creditor may not use starter
26 interrupt technology if the consumer tenders the amount

1 currently due on the loan to the dealer in an acceptable
2 form of payment before the due date on the payment contract
3 or provides proof of insurance as required under the
4 contract.

5 (5) The dealer, car rental company, or creditor shall
6 not use starter interrupt technology to locate or disable
7 the vehicle for any reason other than the consumer's
8 failure to tender timely payment or for failure to maintain
9 insurance as required under the contract.

10 (6) The dealer, car rental company, or creditor shall
11 not install or utilize any starter interrupt technology
12 that would disable a vehicle after the vehicle's engine has
13 been enabled and is running.

14 (7) The dealer, car rental company, or creditor shall
15 not separately charge the consumer for the installation or
16 use of the starter interrupt technology or electronic
17 tracking technology or for wireless airtime.

18 (8) The dealer, car rental company, or creditor shall
19 not separately charge the consumer for optional services
20 purchased by the consumer. However, the consumer may waive
21 this prohibition by clearly and conspicuously agreeing in a
22 written disclosure to pay for the installation or use of
23 the electronic tracking device for optional services.

24 (9) The dealer, car rental company, or creditor shall
25 not use electronic tracking technology or starter
26 interrupt technology with a non-English speaking consumer

1 unless the dealer, car rental company, creditor, person, or
2 company operating the electronic tracking technology or
3 starter interrupt technology complies with Section 2N of
4 this Act.

5 (10) The dealer or creditor shall provide the consumer
6 the ability to start a disabled vehicle for 24 hours after
7 the vehicle is initially disabled at least once per payment
8 cycle if the vehicle was disabled because the consumer
9 failed to tender timely payment or failed to maintain
10 insurance as required under the contract. Separate
11 instructions on how to restart a disabled vehicle must be
12 provided to consumer in a format that can be kept in the
13 glove compartment of the vehicle in addition to the
14 disclosures under this subsection. At a minimum, the dealer
15 or creditor must provide the consumer with a toll free
16 phone number to call to restart a disabled vehicle for 24
17 hours after the vehicle is initially disabled at least once
18 per payment cycle if the vehicle was disabled because the
19 consumer failed to tender timely payment or failed to
20 maintain insurance as required under the contract.
21 However, the one-time per payment cycle limitation does not
22 apply if the vehicle was disabled due to mistake,
23 malfunction or other event not attributable to the
24 consumer.

25 (c) A clear and conspicuous written disclosure shall be a
26 separate document in 12-point bold font and shall disclose all

1 of the following:

2 (1) Describe the electronic tracking and starter
3 interrupt devices installed on the vehicle and the data
4 that will be collected and stored.

5 (2) Inform the consumer that use of an electronic
6 tracking or starter interrupt device will allow a dealer,
7 car rental company, or creditor to track a vehicle's
8 location.

9 (3) Inform the consumer that warnings will be provided
10 no less than 48 hours before the vehicle is disabled
11 remotely. The warning must be transmitted through at least
12 2 modes of communication, such as e-mail, mail, telephone,
13 text message, or through the device itself.

14 (4) Inform the consumer that the dealer, car rental
15 company, or other creditor will locate or disable a vehicle
16 using electronic tracking or starter interrupt technology
17 following failure to tender timely payment or for failure
18 to maintain insurance as required under the contract.

19 (5) Include the name, address, email address, and
20 telephone number of the person or company operating the
21 electronic tracking or starter interrupt device.

22 (6) Include, if known, the name, address, email
23 address, and telephone number of the creditor associated
24 with the person or company operating the electronic
25 tracking or starter interrupt device. If not known at the
26 time of the contract, the dealer or car rental company must

1 notify the consumer within 7 business days of the contract
2 the creditor's name, address, email address, and telephone
3 number.

4 (7) Provide that, in the event of an emergency, the
5 consumer will be provided with the ability to start a
6 disabled vehicle for 24 hours after the vehicle is
7 initially disabled and the number of times during the
8 payment cycle the restarting may occur. Separate
9 instructions on how to restart a disabled vehicle must be
10 provided to the consumer in a format that can be kept in
11 the glove compartment of the vehicle in addition to the
12 disclosures under this subsection. At a minimum, the
13 dealer, car rental company, or creditor must provide the
14 consumer with a toll free phone number to call to restart a
15 disabled vehicle for 24 hours after the vehicle is
16 initially disabled at least once per payment cycle if the
17 vehicle was disabled because the consumer failed to tender
18 timely payment or failed to maintain insurance as required
19 under the contract. However, the one-time per payment cycle
20 limitation does not apply if the vehicle was disabled due
21 to a mistake, malfunction, or other event not attributable
22 to the consumer.

23 (d) A dealer, car rental company, or other creditor is not
24 in violation of this Section if law enforcement instructs the
25 dealer, car rental company, or other creditor to use the
26 electronic tracking or starter interrupt technology for a

1 lawful criminal investigation.

2 (e) A consumer damaged by a violation of this Section by a
3 dealer, car rental company, or other creditor is entitled to
4 recover from the violator actual damages and reasonable
5 attorney's fees and court costs. Nothing in this Section limits
6 a consumer's cause of action against any party if the consumer
7 is damaged by a malfunction of the electronic tracking or
8 starter interrupt technology.

9 (f) The electronic tracking technology or starter
10 interrupt technology identified in this Section may only be
11 used, applied, or associated with a credit sale, loan, or lease
12 of a motor vehicle.

13 (g) If a dealer, car rental company, or creditor uses
14 starter interrupt technology to disable a vehicle, the dealer,
15 car rental company, or creditor is responsible for all
16 liabilities associated with the vehicle from the time of the
17 use of starter interrupt technology to disable a vehicle. If
18 the consumer cures the default, the consumer shall have a
19 reasonable opportunity to retrieve the vehicle before again
20 becoming responsible for all liabilities. If a consumer cures
21 the default before the creditor takes physical possession of
22 the vehicle, this will not invoke the consumer's right to
23 reinstatement pursuant to Article 9 of the Uniform Commercial
24 Code. A consumer must be in default for a minimum of 5 days
25 before the process can begin.

26 (h) Privacy, storage, and destruction of data obtained by

1 manufacturers of electronic tracking technology or starter
2 interrupt technology.

3 (1) A manufacturer of an electronic tracking
4 technology or starter interrupt technology, or an
5 authorized recipient of such data, shall implement and
6 maintain reasonable security measures to protect the data
7 associated with a motor vehicle's electronic tracking
8 technology or starter interrupt technology from
9 unauthorized access, acquisition, destruction, use,
10 modification, or disclosure.

11 (2) A manufacturer of electronic tracking technology
12 or starter interrupt technology or an authorized recipient
13 of such data, shall destroy, utilizing the following
14 procedures, all data associated with a motor vehicle's
15 electronic tracking technology or starter interrupt
16 technology. Destruction shall occur no later than 2 years
17 after the termination of the device or termination of the
18 optional services as permitted under item (8) of subsection
19 (b).

20 (A) Paper documents containing data associated
21 with a motor vehicle's electronic tracking technology
22 or starter interrupt technology shall be either
23 permanently redacted, burned, pulverized, or shredded
24 so that all data associated with the motor vehicle's
25 electronic tracking technology or starter interrupt
26 technology cannot practicably be read or

1 reconstructed.

2 (B) Electronic media and other non-paper media
3 containing data associated with a motor vehicle's
4 electronic tracking technology or starter interrupt
5 technology shall be destroyed or erased so that all
6 data associated with the motor vehicle's electronic
7 tracking technology or starter interrupt technology
8 cannot practicably be read or reconstructed.

9 (3) A manufacturer of electronic tracking technology
10 or starter interrupt technology, its affiliates,
11 subsidiaries, agents, directors, successors and assigns,
12 officers and employees, as well as any recipient of
13 electronic tracking or starter interrupt device data, are
14 prohibited from selling any of the data associated with a
15 motor vehicle's electronic tracking technology or starter
16 interrupt technology except as necessary for the provision
17 of optional services as permitted under item (8) of
18 subsection (b), or, data aggregated in such a manner that
19 only non-identifying information can be obtained.

20 (i) A consumer's attempt to intentionally disable the
21 device shall be deemed a default and the consumer shall not be
22 granted the normal opportunity to restart the vehicle for 24
23 hours after the default.

24 (j) It is an unlawful practice within the meaning of this
25 Act for a dealer, car rental company, or creditor to fail to
26 remove electronic tracking technology or starter interrupt

1 technology in any of the following situations:

2 (1) Within 5 days after a consumer has fulfilled the
3 credit obligations associated with the credit sale, loan,
4 or lease of the motor vehicle purchase.

5 (2) Within 7 days after disabling the vehicle using
6 electronic tracking technology or starter interrupt
7 technology.

8 (3) Prior to sale or resale of a motor vehicle
9 originally equipped with electronic tracking technology or
10 starter interrupt technology to any seller, including but
11 not limited to, another consumer or dealer.

12 (k) It is an unlawful practice within the meaning of this
13 Act for a dealer, car rental company, or creditor to use or
14 activate starter interrupt technology prior to a consumer
15 defaulting for non-payment or failure to maintain insurance. In
16 the event that a consumer cures the default, redeems or
17 reinstates the vehicle, the dealer, car rental company, or
18 creditor shall, within 24 hours of redemption or reinstatement,
19 provide the consumer with the ability to restart the vehicle
20 and cease using electronic tracking technology or starter
21 interrupt technology. A dealer, car rental company, or creditor
22 continues to have the ability to use or activate electronic
23 tracking technology or starter interrupt technology if a
24 consumer subsequently defaults on a credit sale, loan, or lease
25 of a motor vehicle."