



Rep. John C. D'Amico

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10100HB2856ham002

LRB101 09229 TAE 59479 a

1 AMENDMENT TO HOUSE BILL 2856

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

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

7 (625 ILCS 5/3-100.1)

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

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

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

16 (2) Signatures required under this Chapter may be made

1 as electronic signatures or may be waived.

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

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

9 (a-5) No later than July 1, 2021, the Secretary of State
10 shall implement, manage, and administer an electronic lien and
11 title system that will permit a lienholder to perfect, assign,
12 and release a lien under this Code. The system may include the
13 points in subsection (a) as to the identified objectives of the
14 program. The Secretary shall establish by administrative rule
15 the standards and procedures relating to the management and
16 implementation of the mandatory electronic lien and title
17 system established under this subsection. The Secretary may
18 charge a reasonable fee for performing the services and
19 functions relating to the management and administration of the
20 system. The fee shall be set by administrative rule adopted by
21 the Secretary.

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

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

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

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

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

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

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

25 (625 ILCS 5/3-100.2)

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

3 (a) No later than July 1, 2021, the ~~The~~ Secretary of State
4 shall ~~may~~ require a licensee under Chapter 3 or 5 of this Code
5 to submit any record required to be submitted to the Secretary
6 of State by using electronic media deemed feasible by the
7 Secretary of State. ~~, in addition to requiring the actual~~
8 ~~submittal of~~ The Secretary of State may also require the
9 licensee to submit the original paper record. The Secretary of
10 State shall ~~may~~ also require ~~allow~~ a person or licensee to
11 receive any record to be provided by the Secretary of State by
12 using electronic media deemed feasible by the Secretary of
13 State, instead of providing the original paper record.

14 (b) No later than July 1, 2021, electronic ~~Electronic~~
15 submittal, receipt, and delivery of records and electronic
16 signatures shall ~~may~~ be ~~authorized or accepted by the Secretary~~
17 ~~of State, when~~ supported by a signed agreement between the
18 Secretary of State and the submitter. The agreement shall
19 require, at a minimum, each record to include all information
20 necessary to complete a transaction, certification by the
21 submitter upon its best knowledge as to the truthfulness of the
22 data to be submitted to the Secretary of State, and retention
23 by the submitter of supporting records.

24 (c) No later than July 1, 2021, the ~~The~~ Secretary of State
25 shall ~~may~~ establish minimum transaction volume levels, audit
26 and security standards, technological requirements, and other

1 terms and conditions he or she deems necessary for approval of
2 the electronic delivery process.

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

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

1 (f) The Secretary may contract with a private contractor to
2 carry out the Secretary's duties under this Section.
3 (Source: P.A. 97-838, eff. 7-20-12.)".