



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5038

Introduced 2/8/2024, by Rep. Terra Costa Howard

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Records Act, the Secretary of State Merit Employment Code, the State Library Act, the Illinois Literacy Act, the Illinois Vehicle Hijacking and Motor Vehicle Theft Prevention and Insurance Verification Act, the Illinois Vehicle Code, the Uniform Real Property Electronic Recording Act, and the Motor Vehicle Franchise Act. Provides that an appointed Board, Foundation, or Council member who fails to attend in person 2 consecutive Board, Foundation, or Council meetings without an excused absence shall no longer serve as a member. Requires the Secretary of State to fill any vacancy by the appointment of a member for the unexpired term of the member in the same manner as in the making of original appointments. Requires the Boards to evenly divide its meetings between Chicago and Springfield unless good cause exists to meet in one location over the other. Provides that if no final action is required under the Open Meetings Act, a member may participate in the meeting by virtual presence. Amends the Court of Claims Act. Provides the court shall hold sessions at such places or remotely as it deems necessary to expedite the business of the court. Allows the court to adopt administrative rules to provide for remote participation and electronic filing in any proceeding and for the conduct of any business of the court. Allows the clerk of the court to administratively determine certain claims against the State if the claim possesses specified characteristics. Provides that one judge may decide on claims made with respect to lapsed appropriations or matters involving the award of emergency funds under the Crime Victims Compensation Act. Provides that all claims filed under the Crime Victims Compensation Act must be filed within 5 years (rather than one year) of the crime on which the claim is based. Makes other changes.

LRB103 37106 MXP 67225 b

1 AN ACT concerning government.

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

4 Section 5. The State Records Act is amended by changing
5 Sections 22a and 22b as follows:

6 (5 ILCS 160/22a) (from Ch. 116, par. 43.25a)

7 Sec. 22a. There is hereby created the State Archives
8 Advisory Board consisting of 12 voting members and 2 nonvoting
9 members.

10 The voting members shall be appointed by the Secretary of
11 State as follows: A member of the State Records Commission, a
12 member of a Local Records Commission, a member of a local
13 historical society or museum, a university archivist, a person
14 in the field of education specializing in either history or
15 political science, a genealogist, a research or reference
16 librarian, a person who is employed or engaged as an archivist
17 by a business establishment and 4 public members.

18 The nonvoting members shall be the Director of the State
19 Library and the Executive Director of the Abraham Lincoln
20 Presidential Library and Museum who shall serve ex-officio.

21 Four of the initial appointees shall serve a 1-year term;
22 four shall serve 2-year terms; and the remaining 4 shall serve
23 3-year terms. The terms of the initial appointees shall be

1 specified by the Secretary of State at the time of
2 appointments. Subsequent to the initial appointments all
3 members shall hold office for a period of 3 years. Vacancies
4 shall be filled by appointment of the Secretary of State for
5 the unexpired balance of the term. No person shall serve for
6 more than 2 consecutive 3-year terms.

7 The State Archives Advisory Board shall elect from its own
8 members one chairman and one vice chairman.

9 The members appointed to the Board shall serve without
10 compensation but shall be reimbursed for necessary expenses
11 incurred in the performance of their duties.

12 An appointed member who fails to attend in person 2
13 consecutive Board meetings without an excused absence shall no
14 longer serve as a member. If attendance by virtual attendance
15 at a meeting is permitted under Section 22b and an appointed
16 member fails to attend either in person or by virtual
17 presence, the member shall be deemed to have failed to attend
18 that meeting. If attendance by virtual attendance at a meeting
19 is not permitted and an appointed member fails to attend in
20 person, the member shall be deemed to have failed to attend
21 that meeting. The Secretary of State shall fill any vacancy by
22 the appointment of a member for the unexpired term of the
23 member in the same manner as in the making of original
24 appointments.

25 (Source: P.A. 102-985, eff. 1-1-23.)

1 (5 ILCS 160/22b) (from Ch. 116, par. 43.25b)

2 Sec. 22b. The State Archives Advisory Board shall meet at
3 the call of the chairman, but not less than 3 times in each
4 calendar year, and shall make recommendations to the State
5 Archivist on such matters as: general policies regarding the
6 operation of the State archives; budget policies relative to
7 annual appropriations by the General Assembly; and policies
8 for federal funded archives programs.

9 The Board shall evenly divide its meetings between Chicago
10 and Springfield unless good cause exists to meet in one
11 location over the other. If no final action is required under
12 Section 2.01 of the Open Meetings Act, a member may
13 participate in the meeting by virtual presence.

14 (Source: P.A. 83-523.)

15 Section 10. The Secretary of State Merit Employment Code
16 is amended by changing Section 8b as follows:

17 (15 ILCS 310/8b) (from Ch. 124, par. 108b)

18 Sec. 8b. Meetings. The Merit Commission shall meet
19 periodically in accordance with a schedule established by the
20 chairman and at such other times as necessary, upon a
21 three-day written notice. Three members shall constitute a
22 quorum.

23 An appointed member who fails to attend in person 2
24 consecutive Commission meetings without an excused absence

1 shall no longer serve as a member. If attendance by virtual
2 attendance at a meeting is permitted under this Section and an
3 appointed member fails to attend either in person or by
4 virtual presence, the member shall be deemed to have failed to
5 attend that meeting. If attendance by virtual attendance at a
6 meeting is not permitted and an appointed member fails to
7 attend in person, the member shall be deemed to have failed to
8 attend that meeting. The Secretary of State shall fill any
9 vacancy by the appointment of a member for the unexpired term
10 of the member in the same manner as in the making of original
11 appointments. The Commission shall evenly divide its meetings
12 between Chicago and Springfield unless good cause exists to
13 meet in one location over the other. If no final action is
14 required under Section 2.01 of the Open Meetings Act, a member
15 may participate in the meeting by virtual presence.

16 (Source: P.A. 89-375, eff. 8-18-95.)

17 Section 15. The State Library Act is amended by changing
18 Sections 5 and 7.2 as follows:

19 (15 ILCS 320/5) (from Ch. 128, par. 105)

20 Sec. 5. State Library Advisory Committee. There is hereby
21 created an Advisory Library Committee whose duty it shall be
22 to make recommendations concerning the policies, services, and
23 management of the State Library. The Advisory Committee shall
24 additionally advise the State Library in the development of

1 State and federal library plans; provide input in addressing
2 policies, issues, and activities for library development and
3 cooperation among different types of libraries; make
4 recommendations concerning the evaluation of statewide
5 services; and address the use of technology to expand access
6 to information for the State's citizens.

7 The Committee shall consist of 20 persons appointed by the
8 State Librarian. The appointments shall consist of the
9 following:

10 13 Library professionals broadly representative of
11 Illinois libraries (including academic, public, school, and
12 special libraries), library systems and other consortia; and
13 7 citizens.

14 Additional persons may be made ex officio members of the
15 Committee, but without voting powers.

16 The Director of the State Library shall serve as Secretary
17 of the Committee but may vote only to break tie votes.

18 The Advisory Committee shall elect its own chairman and
19 vice chairman and committee members shall serve without
20 compensation but may be reimbursed for expenses incurred as
21 members of the committee.

22 Each committee member shall serve for a term of 3 years, or
23 until his or her successor is appointed, and the State
24 Librarian may stagger the terms. No person shall serve for
25 more than 2 consecutive 3-year terms.

26 An appointed member who fails to attend in person 2

1 consecutive Committee meetings without an excused absence
2 shall no longer serve as a member. If attendance by virtual
3 attendance at a meeting is permitted under this Section and an
4 appointed member fails to attend either in person or by
5 virtual presence, the member shall be deemed to have failed to
6 attend that meeting. If attendance by virtual attendance at a
7 meeting is not permitted and an appointed member fails to
8 attend in person, the member shall be deemed to have failed to
9 attend that meeting. The State Librarian shall fill any
10 vacancy by the appointment of a member for the unexpired term
11 of the member in the same manner as in the making of original
12 appointments. The Committee shall evenly divide its meetings
13 between Chicago and Springfield unless good cause exists to
14 meet in one location over the other. If no final action is
15 required under Section 2.01 of the Open Meetings Act, a member
16 may participate in the meeting by virtual presence.

17 (Source: P.A. 91-507, eff. 8-13-99.)

18 (15 ILCS 320/7.2) (from Ch. 128, par. 107.2)

19 Sec. 7.2. Literacy Advisory Board. There is created a
20 Literacy Advisory Board, consisting of the Secretary of State
21 or his designee as chairperson, 2 members from the Illinois
22 State Library or their designees, 2 members from the Illinois
23 State Board of Education or their designees and 3 Illinois
24 citizens interested in the literacy issue, all appointed by
25 the Secretary of State. The Literacy Advisory Board shall

1 review community and workplace proposals for funding of
2 literacy programs in Illinois submitted through the Office of
3 the Secretary of State and recommend to the Secretary of State
4 those deserving of funding. The Illinois State Library may
5 promulgate rules and regulations to establish standards for
6 literacy program funding criteria.

7 An appointed member who fails to attend in person 2
8 consecutive Board meetings without an excused absence shall no
9 longer serve as a member. If attendance by virtual attendance
10 at a meeting is permitted under this Section and an appointed
11 member fails to attend either in person or by virtual
12 presence, the member shall be deemed to have failed to attend
13 that meeting. If attendance by virtual attendance at a meeting
14 is not permitted and an appointed member fails to attend in
15 person, the member shall be deemed to have failed to attend
16 that meeting. The Board shall evenly divide its meetings
17 between Chicago and Springfield unless good cause exists to
18 meet in one location over the other. If no final action is
19 required under Section 2.01 of the Open Meetings Act, a member
20 may participate in the meeting by virtual presence.

21 (Source: P.A. 91-507, eff. 8-13-99.)

22 Section 20. The Illinois Literacy Act is amended by
23 changing Section 40 as follows:

24 (15 ILCS 322/40) (from Ch. 128, par. 240)

1 Sec. 40. Illinois Literacy Foundation.

2 (a) The Secretary of State is authorized in accordance
3 with Section 10 of the State Agency Entity Creation Act to
4 create a not-for-profit foundation which shall be known as the
5 Illinois Literacy Foundation. The Secretary shall file
6 articles of incorporation and bylaws as required under the
7 General Not For Profit Corporation Act of 1986 to create the
8 Foundation. There shall be not less than 6 nor more than 11
9 Directors to the Foundation to be appointed by the Secretary
10 of State. The Secretary of State or his or her designee shall
11 serve as an ex officio ~~ex-officio~~ Director of the Foundation.
12 No Director may receive compensation for his or her services
13 to the Foundation. An appointed member who fails to attend in
14 person 2 consecutive Board meetings without an excused absence
15 shall no longer serve as a member. If attendance by virtual
16 attendance at a meeting is permitted under subsection (e) and
17 an appointed member fails to attend either in person or by
18 virtual presence, the member shall be deemed to have failed to
19 attend that meeting. If attendance by virtual attendance at a
20 meeting is not permitted and an appointed member fails to
21 attend in person, the member shall be deemed to have failed to
22 attend that meeting.

23 (b) The purposes of the Foundation are to promote literacy
24 among the residents of the State of Illinois by supporting
25 literacy programs and enhancing Statewide literacy awareness;
26 to make grants and gifts in aid and support of the goal; and to

1 engage generally in other lawful endeavors consistent with the
2 foregoing purposes. The Foundation shall not exceed the
3 provisions of the General Not For Profit Corporation Act of
4 1986.

5 (c) As soon as practicable after the Foundation is
6 created, the Directors shall meet, organize, and designate, by
7 majority vote, a Chairman, Secretary, and any additional
8 officers as may be needed to carry out the activities of the
9 Foundation. The Secretary of State may adopt rules and
10 regulations as deemed necessary to govern Foundation
11 procedures.

12 (d) The Foundation may accept gifts or grants from the
13 federal government, its agencies or officers, or from any
14 person, firm, or corporation; and may expend receipts on
15 activities that it considers suitable to the performance of
16 its duties under this Section. Funds collected by the
17 Foundation shall be considered private funds and shall be held
18 in an appropriate account outside of the State Treasury. The
19 treasurer of the Foundation shall be custodian of all
20 Foundation funds. The Foundation's accounts and books shall be
21 set up and maintained in a manner approved by the Auditor
22 General and the Foundation and its officers shall be
23 responsible for the approval of recording of receipts,
24 approval of payments, and the proper filing of required
25 reports. The Foundation may be assisted in carrying out its
26 functions by personnel of the Office of the Secretary of State

1 with respect to matters falling within their scope and
2 function. The Foundation shall cooperate fully with the
3 boards, commissions, agencies, departments and institutions of
4 the State. The funds held and made available by the Illinois
5 Literacy Foundation shall be subject to financial and
6 compliance audits by the Auditor General in compliance with
7 the Illinois State Auditing Act.

8 (e) The Foundation shall evenly divide its meetings
9 between Chicago and Springfield unless good cause exists to
10 meet in one location over the other. If no final action is
11 required under Section 2.01 of the Open Meetings Act, a member
12 may participate in the meeting by virtual presence.

13 (Source: P.A. 87-1249.)

14 Section 25. The Illinois Vehicle Hijacking and Motor
15 Vehicle Theft Prevention and Insurance Verification Act is
16 amended by changing Section 4 as follows:

17 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

18 (Section scheduled to be repealed on January 1, 2025)

19 Sec. 4. There is hereby created an Illinois Vehicle
20 Hijacking and Motor Vehicle Theft Prevention and Insurance
21 Verification Council, which shall exercise its powers, duties
22 and responsibilities. There shall be 11 members of the Council
23 consisting of the Secretary of State or his designee, the
24 Director of the Illinois State Police, the State's Attorney of

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

9 The Director shall be the Chairman of the Council. All
10 members of the Council appointed by the Secretary shall serve
11 at the discretion of the Secretary for a term not to exceed 4
12 years. The Council shall meet at least quarterly. An appointed
13 member who fails to attend in person 2 consecutive Council
14 meetings without an excused absence shall no longer serve as a
15 member. If attendance by virtual attendance at a meeting is
16 permitted under this Section and an appointed member fails to
17 attend either in person or by virtual presence, the member
18 shall be deemed to have failed to attend that meeting. If
19 attendance by virtual attendance at a meeting is not permitted
20 and an appointed member fails to attend in person, the member
21 shall be deemed to have failed to attend that meeting. The
22 Secretary of State shall fill any vacancy by the appointment
23 of a member for the unexpired term of the member in the same
24 manner as in the making of original appointments. The Council
25 shall evenly divide its meetings between Chicago and
26 Springfield unless good cause exists to meet in one location

1 over the other. If no final action is required under Section
2 2.01 of the Open Meetings Act, a member may participate in the
3 meeting by virtual presence.

4 (Source: P.A. 102-538, eff. 8-20-21; 102-904, eff. 1-1-23.)

5 Section 30. The Illinois Vehicle Code is amended by
6 changing Sections 5-102.7 and 6-902 as follows:

7 (625 ILCS 5/5-102.7)

8 Sec. 5-102.7. Dealer Recovery Trust Fund.

9 (a) The General Assembly finds that motor vehicle dealers
10 that go out of business without fulfilling agreements to pay
11 off the balance of their customers' liens on traded-in
12 vehicles cause financial harm to those customers by leaving
13 those customers liable for multiple vehicle loans and cause
14 harm to the integrity of the motor vehicle retailing industry.
15 It is the intent of the General Assembly to protect vehicle
16 purchasers by creating a Dealer Recovery Trust Fund to
17 reimburse these consumers.

18 (b) The Dealer Recovery Trust Fund shall be used solely
19 for the limited purpose of helping victims of dealership
20 closings. Any interest accrued by moneys in the Fund shall be
21 deposited and become part of the Dealer Recovery Trust Fund
22 and its purpose. The sole beneficiaries of the Dealer Recovery
23 Trust Fund are victims of dealership closings.

24 (c) Except where the context otherwise requires, the

1 following words and phrases, when used in this Section, have
2 the meanings ascribed to them in this subsection (c):

3 "Applicant" means a person who applies for reimbursement
4 from the Dealer Recovery Trust Fund Board.

5 "Board" means the Dealer Recovery Trust Fund Board created
6 under this Section.

7 "Dealer" means a new vehicle dealer licensed under Section
8 5-101, a used vehicle dealer licensed under Section 5-102, or
9 a Buy Here, Pay Here used vehicle dealer licensed under
10 5-102.8, excepting a dealer who primarily sells mobile homes,
11 recreational vehicles, or trailers.

12 "Fund" means the Dealer Recovery Trust Fund created under
13 this Section.

14 "Fund Administrator" means the private entity, which shall
15 be appointed by the Board, that administers the Dealer
16 Recovery Trust Fund.

17 (d) Beginning October 1, 2011, each application or renewal
18 for a new vehicle dealer's license and each application or
19 renewal for a Buy Here, Pay Here used vehicle dealer licensed
20 under 5-102.8 or a used vehicle dealer's license shall be
21 accompanied by the applicable Annual Dealer Recovery Fund Fee
22 under Section 5-101 or 5-102 of this Code. The fee shall be in
23 addition to any other fees imposed under this Article, shall
24 be submitted at the same time an application or renewal for a
25 new vehicle dealer's license, used vehicle dealer's license,
26 or Buy Here, Pay Here used vehicle dealer is submitted, and

1 shall be made payable to and remitted directly to the Dealer
2 Recovery Trust Fund, a trust fund outside of the State
3 Treasury which is hereby created. In addition, the Dealer
4 Recovery Trust Fund may accept any federal, State, or private
5 moneys for deposit into the Fund.

6 (e) The Fund Administrator shall maintain a list of all
7 dealers who have paid the fee under subsection (d) of this
8 Section for the current year, which shall be available to the
9 Secretary of State and the Board. The Secretary of State shall
10 revoke the dealer license of any dealer who does not pay the
11 fee imposed under subsection (d) of this Section. The
12 Secretary of State and the Fund Administrator may enter into
13 information sharing agreements as needed to implement this
14 Section.

15 (f) The Fund shall be audited annually by an independent
16 auditor who is a certified public accountant and who has been
17 selected by the Board. The independent auditor shall compile
18 an annual report, which shall be filed with the Board and shall
19 be a public record. The auditor shall be paid by the Fund,
20 pursuant to an order of the Board.

21 (g) The Fund shall be maintained by the Fund
22 Administrator, who shall keep current records of the amounts
23 deposited into the Fund and the amounts paid out of the Fund
24 pursuant to an order of the Board. These records shall be made
25 available to all members of the Board upon reasonable request
26 during normal business hours. The Fund Administrator shall

1 report the balance in the Fund to the Board monthly, by the
2 15th day of each month. For purposes of determining the amount
3 available to pay claims under this Section at any meeting of
4 the Board, the Board shall use the Fund Administrator's most
5 recent monthly report. The Fund Administrator shall purchase
6 liability insurance to cover management of the Fund at a cost
7 not to exceed 2% of the balance in the Fund as of January 15th
8 of that year.

9 (h) In any year for which the balance in the Fund as of
10 August 31st is greater than \$3,500,000, the Fund Administrator
11 shall notify the Secretary of State and the Secretary of State
12 shall suspend collection of the fee for the following year for
13 any dealer who has not had a claim paid from the Fund, has not
14 had his or her license suspended or revoked, and has not been
15 assessed any civil penalties under this Code during the 3
16 previous years.

17 (i) Moneys in the Dealer Recovery Trust Fund may be paid
18 from the Fund only as directed by a written order of the Board
19 and used only for the following purposes:

20 (i) to pay claims under a written order of the Board as
21 provided in this Section; or

22 (ii) to reimburse the Fund Administrator for its
23 expenses related to the administration of the Fund,
24 provided that the reimbursement to the Fund Administrator
25 in any year shall not exceed 2% of the balance in the Fund
26 as of January 15th of that year.

1 (j) The Dealer Recovery Trust Fund Board is hereby
2 created. The Board shall consist of the Secretary of State, or
3 his or her designee, who shall serve as chair, the Attorney
4 General, or his or her designee, who shall serve as secretary,
5 and one person alternatively representing new and independent
6 Illinois automobile dealers, selected collectively by the
7 Attorney General, or his or her designee, and the Secretary of
8 State, or his or her designee. The Secretary of State may
9 propose procedures and employ personnel as necessary to
10 implement this Section. The Board shall meet quarterly, and as
11 needed, as directed by the chair. An appointed member who
12 fails to attend in person 2 consecutive Board meetings without
13 an excused absence shall no longer serve as a member. If
14 attendance by virtual attendance at a meeting is permitted
15 under this Section and an appointed member fails to attend
16 either in person or by virtual presence, the member shall be
17 deemed to have failed to attend that meeting. If attendance by
18 virtual attendance at a meeting is not permitted and an
19 appointed member fails to attend in person, the member shall
20 be deemed to have failed to attend that meeting. The Attorney
21 General or the Secretary of State shall fill any vacancy by the
22 appointment of a member for the unexpired term of the member in
23 the same manner as in the making of original appointments. The
24 Board shall evenly divide its meetings between Chicago and
25 Springfield unless good cause exists to meet in one location
26 over the other. If no final action is required under Section

1 2.01 of the Open Meetings Act, a member may participate in the
2 meeting by virtual presence. The Board may not pay out any
3 claims before the balance deposited into the Fund exceeds
4 \$500,000. Board meetings shall be open to the public. The
5 Board has the authority to take any action by at least a
6 two-thirds majority vote.

7 (k) The following persons may apply to the Board for
8 reimbursement from the Dealer Recovery Trust Fund:

9 (i) A retail customer who, on or after October 1,
10 2011, purchases a vehicle from a dealer who subsequently
11 files for bankruptcy or whose vehicle dealer's license is
12 subsequently revoked by the Secretary of State or
13 otherwise terminated and, as part of the purchase
14 transaction, trades in a vehicle with an outstanding lien
15 to the dealer if lien satisfaction was a condition of the
16 purchase agreement and the retail customer determines that
17 the lien has not been satisfied;

18 (ii) A retail customer who, on or after October 1,
19 2011, purchases a vehicle with an undisclosed lien from a
20 dealer who subsequently files for bankruptcy or whose
21 vehicle dealer's license is subsequently revoked by the
22 Secretary of State or otherwise terminated;

23 (iii) A dealer who, on or after October 1, 2011,
24 purchases a vehicle with an undisclosed lien from another
25 dealer who subsequently files for bankruptcy or whose
26 vehicle dealer's license is subsequently revoked by the

1 Secretary of State or otherwise terminated.

2 (l) To be considered by the Board, an applicant must
3 submit his or her claim to the Board within 2 years after the
4 date of the transaction that gave rise to the claim.

5 (m) At each meeting of the Board, it shall consider all
6 claims that are properly submitted to it on forms prescribed
7 by the Secretary of State at least 30 days before the date of
8 the Board's meeting. Before the Board may consider a claim
9 against a dealer, it must make a written determination that
10 the dealer has filed for bankruptcy under the provisions of 11
11 U.S.C. Chapter 7; that the Secretary of State has revoked his
12 or her dealer's license; or that the license has been
13 otherwise terminated. Once the Board has made this
14 determination, it may consider the applicant's claim against
15 the dealer. If a two-thirds majority of the Board determines
16 that the dealer has committed a violation under subsection
17 (k), it shall grant the applicant's claim. Except as otherwise
18 provided in this Section, the maximum amount of any award for a
19 claim under paragraph (i) of subsection (k) of this Section
20 shall be equal to the amount of the unpaid balance of the lien
21 that the dealer agreed to pay off on behalf of the applicant as
22 shown on the bill of sale or the retail installment sales
23 contract. The maximum amount of any claim under paragraph (ii)
24 or (iii) of subsection (k) of this Section shall be equal to
25 the amount of the undisclosed lien. However, no award for a
26 claim under subsection (k) of this Section shall exceed

1 \$35,000.

2 (n) If the balance in the Fund at the time of any Board
3 meeting is less than the amount of the total amount of all
4 claims awarded at that meeting, then all awards made at that
5 meeting shall be reduced, pro rata, so that the amount of
6 claims does not exceed the balance in the Fund. Before it
7 reviews new claims, the Board shall issue written orders to
8 pay the remaining portion of any claims that were so reduced,
9 provided that the balance in the Fund is sufficient to pay
10 those claims.

11 (o) Whenever the balance of the Fund falls below \$500,000,
12 the Board may charge dealers an additional assessment of up to
13 \$50 to bring the balance to at least \$500,000. Not more than
14 one additional assessment may be made against a dealer in any
15 12-month period.

16 (p) If the total amount of claims awarded against any
17 dealer exceeds 33% of the balance in the Fund, the Board may
18 permanently reduce the amount of those claims, pro rata, so
19 that those claims do not exceed 33% of the balance in the Fund.

20 (q) The Board shall issue a written order directing the
21 Fund Administrator to pay an applicant's claim to a secured
22 party where the Board has received a signed agreement between
23 the applicant and the secured party holding the lien. The
24 agreement must (i) state that the applicant and the secured
25 party agree to accept payment from the Fund to the secured
26 party as settlement in full of all claims against the dealer;

1 and (ii) release the lien and the title, if applicable, to the
2 vehicle that was the subject of the claim. The written order
3 shall state the amount of the claim and the name and address of
4 the secured party to whom the claim shall be paid. The Fund
5 Administrator shall pay the claim within 30 days after it
6 receives the Board's order.

7 (r) No dealer or principal associated with a dealer's
8 license is eligible for licensure, renewal or relicensure
9 until the full amount of reimbursement for an unpaid claim,
10 plus interest as determined by the Board, is paid to the Fund.
11 Nothing in this Section shall limit the authority of the
12 Secretary of State to suspend, revoke, or levy civil penalties
13 against a dealer, nor shall full repayment of the amount owed
14 to the Fund nullify or modify the effect of any action by the
15 Secretary.

16 (s) Nothing in this Section shall limit the right of any
17 person to seek relief through civil action against any other
18 person as an alternative to seeking reimbursement from the
19 Fund.

20 (Source: P.A. 101-505, eff. 1-1-20.)

21 (625 ILCS 5/6-902) (from Ch. 95 1/2, par. 6-902)

22 Sec. 6-902. Driver's License Medical Advisory Board;
23 membership; terms; compensation; meetings.

24 (a) There is established within the Office of the
25 Secretary of State a Driver's License Medical Advisory Board

1 consisting of at least 9 members appointed by the Secretary.
2 Members' terms of service shall be set by the Secretary at his
3 or her discretion. The members of the Board shall receive
4 compensation from the Secretary at a rate per day designated
5 by the Secretary for each day required for transacting
6 business of the Board and shall be reimbursed for expenses
7 reasonably incurred in the performance of their duties. The
8 Secretary may also call in allied medical personnel to advise
9 and consult with the Board. The Secretary shall select one of
10 the members to act as Chairperson.

11 (b) The Board, or any of its subdivisions, shall evenly
12 divide its meetings between Chicago and Springfield unless
13 good cause exists to meet in one location over the other ~~may~~
14 ~~meet at any place within the State~~ and shall meet at the call
15 of the Secretary as frequently as he or she deems necessary in
16 order to properly discharge the functions prescribed by this
17 Act. If no final action is required under Section 2.01 of the
18 Open Meetings Act, a member may participate in the meeting by
19 virtual presence. A member who fails to attend in person 2
20 consecutive Board meetings without an excused absence shall no
21 longer serve as a member. The Secretary of State shall fill any
22 vacancy by the appointment of a member for the unexpired term
23 of the member in the same manner as in the making of original
24 appointments. If attendance by virtual attendance at a meeting
25 is permitted under this subsection and an appointed member
26 fails to attend either in person or by virtual presence, the

1 member shall be deemed to have failed to attend that meeting.
2 If attendance by virtual attendance at a meeting is not
3 permitted and an appointed member fails to attend in person,
4 the member shall be deemed to have failed to attend that
5 meeting.

6 (Source: P.A. 87-1249.)

7 Section 35. The Court of Claims Act is amended by changing
8 Sections 6, 10, 13, 16, 21, and 22 as follows:

9 (705 ILCS 505/6) (from Ch. 37, par. 439.6)

10 Sec. 6. The court shall hold sessions at such places or
11 remotely as it deems necessary to expedite the business of the
12 court. The court may adopt administrative rules to provide for
13 remote participation and electronic filing in any proceeding
14 and for the conduct of any business of the court.

15 (Source: P.A. 90-492, eff. 8-17-97.)

16 (705 ILCS 505/10) (from Ch. 37, par. 439.10)

17 Sec. 10. (a) The judges, commissioners and the clerk of
18 the court may administer oaths and affirmations, take
19 acknowledgments of instruments in writing, and give
20 certificates of them.

21 (b) The clerk of the court is authorized to
22 administratively determine certain claims against the State if
23 the claim possesses all of the following characteristics:

1 (1) The claim does not arise under an appropriation
2 for the current fiscal year.

3 (2) The State agency concerned concurs in the claim.

4 (3) The amount claimed does not exceed \$2,500.

5 (4) The claim has been approved by the Attorney
6 General as one that, in view of the purposes of this Act,
7 should be paid.

8 The State agency concerned shall prepare the record of the
9 claim consisting of all papers, stipulations, and evidential
10 documents required by the rules of the court and file the same
11 with the clerk. The clerk shall consider the claim informally
12 upon the record submitted. If the clerk determines that the
13 claim should be entered as an approved claim and an award made,
14 the clerk shall so order and shall file a statement with the
15 court. If the clerk finds that the record is inadequate, or
16 that the claim should not be paid, the clerk shall reject the
17 claim. The rejection of a claim under this Section does not bar
18 its resubmission under the regular procedure.

19 (c) The judges, commissioners, and the clerk of the court
20 may conduct any activity of the court remotely.

21 (d) The Court of Claims may adopt administrative rules to
22 implement this Section.

23 (Source: Laws 1945, p. 660.)

24 (705 ILCS 505/13) (from Ch. 37, par. 439.13)

25 Sec. 13. Evidence. Any judge or commissioner of the court

1 may sit at any place within the State to take evidence in any
2 case in the court. Any judge or commissioner may take evidence
3 remotely.

4 (Source: Laws 1945, p. 660.)

5 (705 ILCS 505/16) (from Ch. 37, par. 439.16)

6 Sec. 16. Concurrence of judges. Concurrence of 4 judges is
7 necessary to the decision of any case; provided, however, the
8 court in its discretion may assign any case to a commissioner
9 for hearing and final decision, subject to whatever right of
10 review the court by rule may choose to exercise. In matters
11 involving claims made with respect to lapsed appropriations or
12 the award of emergency funds under the Crime Victims
13 Compensation Act, the decision of only one judge is necessary
14 to award emergency funds.

15 (Source: P.A. 92-286, eff. 1-1-02.)

16 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

17 Sec. 21. The court is authorized to impose, by uniform
18 rules, a fee of \$15 for the filing of a petition in any case in
19 which the award sought is ~~more than \$50 and~~ less than \$1,000
20 and \$35 in any case in which the award sought is \$1,000 or
21 more; and to charge and collect for copies of opinions or other
22 documents filed in the Court of Claims such fees as may be
23 prescribed by the rules of the Court. All fees and charges so
24 collected shall be forthwith paid into the State Treasury.

1 The court may determine the form and manner of all filing
2 fees and other charges due the court by administrative rule.

3 A petitioner who is a prisoner in an Illinois Department
4 of Corrections facility who files a pleading, motion, or other
5 filing that purports to be a legal document against the State,
6 the Illinois Department of Corrections, the Prisoner Review
7 Board, or any of their officers or employees in which the court
8 makes a specific finding that it is frivolous shall pay all
9 filing fees and court costs in the manner provided in Article
10 XXII of the Code of Civil Procedure.

11 In claims based upon lapsed appropriations or lost warrant
12 or in claims filed under the Line of Duty Compensation Act, the
13 Illinois National Guardsman's Compensation Act, or the Crime
14 Victims Compensation Act or in claims filed by medical vendors
15 for medical services rendered by the claimant to persons
16 eligible for Medical Assistance under programs administered by
17 the Department of Healthcare and Family Services, no filing
18 fee shall be required.

19 (Source: P.A. 95-331, eff. 8-21-07.)

20 (705 ILCS 505/22) (from Ch. 37, par. 439.22)

21 Sec. 22. Every claim cognizable by the court and not
22 otherwise sooner barred by law shall be forever barred from
23 prosecution therein unless it is filed with the clerk of the
24 court within the time set forth as follows:

25 (a) All claims arising out of a contract must be filed

1 within 5 years after it first accrues, saving to minors,
2 and persons under legal disability at the time the claim
3 accrues, in which cases the claim must be filed within 5
4 years from the time the disability ceases.

5 (b) All claims cognizable against the State by vendors
6 of goods or services under the Illinois Public Aid Code
7 must be filed within one year after the accrual of the
8 cause of action, as provided in Section 11-13 of that
9 Code.

10 (c) All claims arising under paragraph (c) of Section
11 8 of this Act must be automatically heard by the court
12 within 120 days after the person asserting such claim is
13 either issued a certificate of innocence from the circuit
14 court as provided in Section 2-702 of the Code of Civil
15 Procedure, or is granted a pardon by the Governor,
16 whichever occurs later, without the person asserting the
17 claim being required to file a petition under Section 11
18 of this Act, except as otherwise provided by the Crime
19 Victims Compensation Act. Any claims filed by the claimant
20 under paragraph (c) of Section 8 of this Act must be filed
21 within 2 years after the person asserting such claim is
22 either issued a certificate of innocence as provided in
23 Section 2-702 of the Code of Civil Procedure, or is
24 granted a pardon by the Governor, whichever occurs later.

25 (d) All claims arising under paragraph (f) of Section
26 8 of this Act must be filed within the time set forth in

1 Section 3 of the Line of Duty Compensation Act.

2 (e) All claims arising under paragraph (h) of Section
3 8 of this Act must be filed within one year of the date of
4 the death of the guardsman or militiaman as provided in
5 Section 3 of the Illinois National Guardsman's
6 Compensation Act.

7 (f) All claims arising under paragraph (g) of Section
8 8 of this Act must be filed within 5 years ~~one year~~ of the
9 crime on which a claim is based as provided in Section 6.1
10 of the Crime Victims Compensation Act.

11 (g) All claims arising from the Comptroller's refusal
12 to issue a replacement warrant pursuant to Section 10.10
13 of the State Comptroller Act must be filed within 5 years
14 after the date of the Comptroller's refusal.

15 (h) All other claims must be filed within 2 years
16 after it first accrues, saving to minors, and persons
17 under legal disability at the time the claim accrues, in
18 which case the claim must be filed within 2 years from the
19 time the disability ceases.

20 (i) The changes made by Public Act 86-458 apply to all
21 warrants issued within the 5-year period preceding August
22 31, 1989 (the effective date of Public Act 86-458). The
23 changes made to this Section by Public Act 100-1124 apply
24 to claims pending on November 27, 2018 (the effective date
25 of Public Act 100-1124) and to claims filed thereafter.

26 (j) All time limitations established under this Act

1 and the rules promulgated under this Act shall be binding
2 and jurisdictional, except upon extension authorized by
3 law or rule and granted pursuant to a motion timely filed.
4 (Source: P.A. 102-558, eff. 8-20-21; 102-813, eff. 5-13-22.)

5 Section 40. The Uniform Real Property Electronic Recording
6 Act is amended by changing Section 5 as follows:

7 (765 ILCS 33/5)

8 Sec. 5. Administration and standards.

9 (a) To adopt standards to implement this Act, there is
10 established, within the Office of the Secretary of State, the
11 Illinois Electronic Recording Commission consisting of 17
12 commissioners as follows:

13 (1) The Secretary of State or the Secretary's designee
14 shall be a permanent commissioner.

15 (2) The Secretary of State shall appoint the following
16 additional 16 commissioners:

17 (A) Three who are from the land title profession.

18 (B) Three who are from lending institutions.

19 (C) One who is an attorney.

20 (D) Seven who are county recorders, no more than 4
21 of whom are from one political party, representative
22 of counties of varying size, geography, population,
23 and resources.

24 (E) Two who are licensed real estate brokers or

1 managing brokers under the Real Estate License Act of
2 2000.

3 (3) On August 27, 2007 (the effective date of this
4 Act), the Secretary of State or the Secretary's designee
5 shall become the Acting Chairperson of the Commission. The
6 Secretary shall appoint the initial commissioners within
7 60 days and hold the first meeting of the Commission
8 within 120 days, notifying commissioners of the time and
9 place of the first meeting with at least 14 days' notice.
10 At its first meeting the Commission shall adopt, by a
11 majority vote, such rules and structure that it deems
12 necessary to govern its operations, including the title,
13 responsibilities, and election of officers. Once adopted,
14 the rules and structure may be altered or amended by the
15 Commission by majority vote. Upon the election of officers
16 and adoption of rules or bylaws, the duties of the Acting
17 Chairperson shall cease.

18 (4) The Commission shall meet at least once every year
19 within the State of Illinois. The time and place of
20 meetings to be determined by the Chairperson and approved
21 by a majority of the Commission.

22 (5) Nine commissioners shall constitute a quorum.

23 (6) Commissioners shall receive no compensation for
24 their services but may be reimbursed for reasonable
25 expenses at current rates in effect at the Office of the
26 Secretary of State, directly related to their duties as

1 commissioners and participation at Commission meetings or
2 while on business or at meetings which have been
3 authorized by the Commission.

4 (7) Appointed commissioners shall serve terms of 3
5 years, which shall expire on December 1st. Five of the
6 initially appointed commissioners, including at least 2
7 county recorders, shall serve terms of one year, 5 of the
8 initially appointed commissioners, including at least 2
9 county recorders, shall serve terms of 2 years, and 4 of
10 the initially appointed commissioners shall serve terms of
11 3 years, to be determined by lot. Of the commissioners
12 appointed under subparagraph (E) of paragraph (2) of this
13 subsection, one of the initially appointed commissioners
14 shall serve a term of 2 years and one of the initially
15 appointed commissioners shall serve a term of 3 years, to
16 be determined by lot. The calculation of the terms in
17 office of the initially appointed commissioners shall
18 begin on the first December 1st after the commissioners
19 have served at least 6 months in office.

20 (8) The Chairperson shall declare a commissioner's
21 office vacant immediately after receipt of a written
22 resignation, death, a recorder commissioner no longer
23 holding the public office, or under other circumstances
24 specified within the rules adopted by the Commission,
25 which shall also by rule specify how and by what deadlines
26 a replacement is to be appointed.

1 (9) An appointed commissioner who fails to attend in
2 person 2 consecutive Commission meetings without an
3 excused absence shall no longer serve as a commissioner.
4 If attendance by virtual attendance at a meeting is
5 permitted under this Section and an appointed commissioner
6 fails to attend either in person or by virtual presence,
7 the commissioner shall be deemed to have failed to attend
8 that meeting. If attendance by virtual attendance at a
9 meeting is not permitted and an appointed commissioner
10 fails to attend in person, the commissioner shall be
11 deemed to have failed to attend that meeting. The
12 Secretary of State shall fill any vacancy by the
13 appointment of a commissioner for the unexpired term of
14 the member in the same manner as in the making of original
15 appointments.

16 (10) The Commission shall evenly divide its meetings
17 between Chicago and Springfield unless good cause exists
18 to meet in one location over the other.

19 (11) If no final action is required under Section 2.01
20 of the Open Meetings Act, a commissioner may participate
21 in the meeting by virtual presence.

22 (b) (Blank).

23 (c) The Commission shall adopt and transmit to the
24 Secretary of State standards to implement this Act and shall
25 be the exclusive entity to set standards for counties to
26 engage in electronic recording in the State of Illinois.

1 (d) To keep the standards and practices of county
2 recorders in this State in harmony with the standards and
3 practices of recording offices in other jurisdictions that
4 enact substantially this Act and to keep the technology used
5 by county recorders in this State compatible with technology
6 used by recording offices in other jurisdictions that enact
7 substantially this Act, the Commission, so far as is
8 consistent with the purposes, policies, and provisions of this
9 Act, in adopting, amending, and repealing standards shall
10 consider:

11 (1) standards and practices of other jurisdictions;

12 (2) the most recent standards promulgated by national
13 standard-setting bodies, such as the Property Records
14 Industry Association;

15 (3) the views of interested persons and governmental
16 officials and entities;

17 (4) the needs of counties of varying size, population,
18 and resources; and

19 (5) standards requiring adequate information security
20 protection to ensure that electronic documents are
21 accurate, authentic, adequately preserved, and resistant
22 to tampering.

23 (e) The Commission shall review the statutes related to
24 real property and the statutes related to recording real
25 property documents and shall recommend to the General Assembly
26 any changes in the statutes that the Commission deems

1 necessary or advisable.

2 (f) Funding. The Secretary of State may accept for the
3 Commission, for any of its purposes and functions, donations,
4 gifts, grants, and appropriations of money, equipment,
5 supplies, materials, and services from the federal government,
6 the State or any of its departments or agencies, a county or
7 municipality, or from any institution, person, firm, or
8 corporation. The Commission may authorize a fee payable by
9 counties engaged in electronic recording to fund its expenses.
10 Any fee shall be proportional based on county population or
11 number of documents recorded annually. On approval by a county
12 recorder of the form and amount, a county board may authorize
13 payment of any fee out of the special fund it has created to
14 fund document storage and electronic retrieval, as authorized
15 in Section 3-5018 of the Counties Code. Any funds received by
16 the Office of the Secretary of State for the Commission shall
17 be used entirely for expenses approved by and for the use of
18 the Commission.

19 (g) The Secretary of State shall provide administrative
20 support to the Commission, including the preparation of the
21 agenda and minutes for Commission meetings, distribution of
22 notices and proposed rules to commissioners, payment of bills
23 and reimbursement for expenses of commissioners.

24 (h) Standards and rules adopted by the Commission shall be
25 delivered to the Secretary of State. Within 60 days, the
26 Secretary shall either promulgate by rule the standards

1 adopted, amended, or repealed or return them to the
2 Commission, with findings, for changes. The Commission may
3 override the Secretary by a three-fifths vote, in which case
4 the Secretary shall publish the Commission's standards.

5 (Source: P.A. 99-662, eff. 1-1-17; 100-201, eff. 8-18-17.)

6 Section 45. The Motor Vehicle Franchise Act is amended by
7 changing Section 16 as follows:

8 (815 ILCS 710/16)

9 Sec. 16. Motor Vehicle Review Board; Appointment. The
10 Secretary of State shall, within 6 months of the effective
11 date of this Act, establish a Motor Vehicle Review Board. The
12 Motor Vehicle Review Board shall be composed of 7 members
13 appointed by the Secretary of State. The members shall
14 represent the public interest at large and shall not have
15 engaged in the sale, manufacture, or distribution of motor
16 vehicles at retail in this State. Each member of the Board
17 shall receive compensation as provided in the regulations for
18 performance of the duties of the office, and in addition,
19 shall be paid all travel and other necessary expenses incurred
20 while performing official duties. Terms of office of the
21 members shall be for 3 years, except that, of the members first
22 appointed to take office after the effective date of this
23 amendatory Act of 1995, 2 shall be appointed for a 3-year term,
24 and one shall be appointed for a 2-year term. Of the members

1 first appointed under this amendatory Act of 1996, one shall
2 be appointed to a 3-year term, and one shall be appointed to a
3 2-year term. Of the members first appointed to take office
4 after the effective date of this amendatory Act of the 91st
5 General Assembly, one shall be appointed to a 3-year term and
6 one shall be appointed to a 2-year term. Thereafter, each
7 member shall be appointed for a 3-year term. As terms of
8 appointment expire, members shall serve until their respective
9 successors are appointed and qualified. No more than 4 members
10 of the Board may be of the same political party. A member who
11 tenders a written resignation shall serve only until the
12 resignation is accepted by the Chairperson. A member who fails
13 to attend in person ~~2~~ ³ consecutive Board meetings without an
14 excused absence shall no longer serve as a member. If
15 attendance by virtual attendance at a meeting is permitted
16 under this Section and an appointed member fails to attend
17 either in person or by virtual presence, the member shall be
18 deemed to have failed to attend that meeting. If attendance by
19 virtual attendance at a meeting is not permitted and an
20 appointed member fails to attend in person, the member shall
21 be deemed to have failed to attend that meeting. The Secretary
22 of State shall fill any vacancy by the appointment of a member
23 for the unexpired term of the member in the same manner as in
24 the making of original appointments. Annually, the Board shall
25 organize by selecting a Chairperson from one of the 7 members
26 from the public at large. The Board shall evenly divide its

1 meetings between Chicago and Springfield unless good cause
2 exists to meet in one location over the other. If no final
3 action is required under Section 2.01 of the Open Meetings
4 Act, a member may participate in the meeting by virtual
5 presence.

6 (Source: P.A. 91-798, eff. 7-9-00.)

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Statutes amended in order of appearance

3	5 ILCS 160/22a	from Ch. 116, par. 43.25a
4	5 ILCS 160/22b	from Ch. 116, par. 43.25b
5	15 ILCS 310/8b	from Ch. 124, par. 108b
6	15 ILCS 320/5	from Ch. 128, par. 105
7	15 ILCS 320/7.2	from Ch. 128, par. 107.2
8	15 ILCS 322/40	from Ch. 128, par. 240
9	20 ILCS 4005/4	from Ch. 95 1/2, par. 1304
10	625 ILCS 5/5-102.7	
11	625 ILCS 5/6-902	from Ch. 95 1/2, par. 6-902
12	705 ILCS 505/6	from Ch. 37, par. 439.6
13	705 ILCS 505/10	from Ch. 37, par. 439.10
14	705 ILCS 505/13	from Ch. 37, par. 439.13
15	705 ILCS 505/16	from Ch. 37, par. 439.16
16	705 ILCS 505/21	from Ch. 37, par. 439.21
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