



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 02/06/04, by Lovana Jones

SYNOPSIS AS INTRODUCED:

625 ILCS 5/4-107

from Ch. 95 1/2, par. 4-107

Amends the Illinois Vehicle Code. Makes technical changes in a Section concerning stolen, converted, and unclaimed vehicles.

LRB093 18884 DRH 44619 b

1 AN ACT regarding vehicles.

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 changing
5 Section 4-107 as follows:

6 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

7 Sec. 4-107. Stolen, converted, recovered and unclaimed
8 vehicles.

9 (a) Every Sheriff, Superintendent of police, Chief of
10 police or other police officer in command of any Police
11 department in any City, Village or Town of the State, shall, by
12 the fastest means of communications available to his or her law
13 enforcement agency, immediately report to the State Police, in
14 Springfield, Illinois, the theft or recovery of any stolen or
15 converted vehicle within his or her district or jurisdiction.
16 The report shall give the date of theft, description of the
17 vehicle including color, year of manufacture, manufacturer's
18 trade name, manufacturer's series name, body style, vehicle
19 identification number and license registration number,
20 including the state in which the license was issued and the
21 year of issuance, together with the name, residence address,
22 business address, and telephone number of the owner. The report
23 shall be routed by the originating law enforcement agency
24 through the State Police District in which such agency is
25 located.

26 (b) A registered owner or a lienholder may report the theft
27 by conversion of a vehicle, to the State Police, or any other
28 police department or Sheriff's office. Such report will be
29 accepted as a report of theft and processed only if a formal
30 complaint is on file and a warrant issued.

31 (c) An operator of a place of business for garaging,
32 repairing, parking or storing vehicles for the public, in which

1 a vehicle remains unclaimed, after being left for the purpose
2 of garaging, repairing, parking or storage, for a period of 15
3 days, shall, within 5 days after the expiration of that period,
4 report the vehicle as unclaimed to the municipal police when
5 the vehicle is within the corporate limits of any City, Village
6 or incorporated Town, or the County Sheriff, or State Police
7 when the vehicle is outside the corporate limits of a City,
8 Village or incorporated Town. This Section does not apply to
9 any vehicle:

10 (1) removed to a place of storage by a law enforcement
11 agency having jurisdiction, in accordance with Sections
12 4-201 and 4-203 of this Act; or

13 (2) left under a garaging, repairing, parking, or
14 storage order signed by the owner, lessor, or other legally
15 entitled person.

16 Failure to comply with this Section will result in the
17 forfeiture of storage fees for that vehicle involved.

18 (d) The State Police shall keep a complete record of all
19 reports filed under this Section of the Act. Upon receipt of
20 such report, a careful search shall be made of the records of
21 the office of the State Police, and where it is found that a
22 vehicle reported recovered was stolen in a County, City,
23 Village or Town other than the County, City, Village or Town in
24 which it is recovered, the State Police shall immediately
25 notify the Sheriff, Superintendent of police, Chief of police,
26 or other police officer in command of the Sheriff's office or
27 Police department of the County, City, Village or Town in which
28 the vehicle was originally reported stolen, giving complete
29 data as to the time and place of recovery.

30 (e) Notification of the theft or conversion of a vehicle
31 will be furnished to the Secretary of State by the State
32 Police. The Secretary of State shall place the proper
33 information in the license registration and title registration
34 files to indicate the theft or conversion of a motor vehicle or
35 other vehicle. Notification of the recovery of a vehicle
36 previously reported as a theft or a conversion will be

1 furnished to the Secretary of State by the State Police. The
2 Secretary of State shall remove the proper information from the
3 license registration and title registration files that has
4 previously indicated the theft or conversion of a vehicle. The
5 Secretary of State shall suspend the registration of a vehicle
6 upon receipt of a report from the State Police that such
7 vehicle was stolen or converted.

8 (f) When the Secretary of State receives an application for
9 a certificate of title or an application for registration of a
10 vehicle and it is determined from the records of the office of
11 the Secretary of State that such vehicle has been reported
12 stolen or converted, the Secretary of State shall immediately
13 notify the State Police and shall give the State Police the
14 name and address of the person or firm titling or registering
15 the vehicle, together with all other information contained in
16 the application submitted by such person or firm.

17 (g) During the usual course of business the manufacturer of
18 any vehicle shall place an original manufacturer's vehicle
19 identification number on all such vehicles manufactured and on
20 any part of such vehicles requiring an identification number.

21 (h) Except provided in subsection (h-1), if a
22 manufacturer's vehicle identification number is missing or has
23 been removed, changed or mutilated on any vehicle, or any part
24 of such vehicle requiring an identification number, the State
25 Police shall restore, restamp or reaffix the vehicle
26 identification number plate, or affix a new plate bearing the
27 original manufacturer's vehicle identification number on each
28 such vehicle and on all necessary parts of the vehicles. A
29 vehicle identification number so affixed, restored, restamped,
30 reaffixed or replaced is not falsified, altered or forged
31 within the meaning of this Act.

32 (h-1) A person engaged in the repair or servicing of
33 vehicles may reaffix a manufacturer's identification number
34 plate on the same damaged vehicle from which it was originally
35 removed, if the person reaffixes the original manufacturer's
36 identification number plate in place of the identification

1 number plate affixed on a new dashboard that has been installed
2 in the vehicle. The person must notify the Secretary of State
3 each time the original manufacturer's identification number
4 plate is reaffixed on a vehicle. The person must keep a record
5 indicating that the identification number plate affixed on the
6 new dashboard has been removed and has been replaced by the
7 manufacturer's identification number plate originally affixed
8 on the vehicle. The person also must keep a record regarding
9 the status and location of the identification number plate
10 removed from the replacement dashboard. The Secretary shall
11 adopt rules for implementing this subsection (h-1).

12 (h-2) The owner of a vehicle repaired under subsection
13 (h-1) must, within 90 days of the date of the repairs, contact
14 an officer of the Illinois State Police Vehicle Inspection
15 Bureau and arrange for an inspection of the vehicle, by the
16 officer or the officer's designee, at a mutually agreed upon
17 date and location.

18 (i) If a vehicle or part of any vehicle is found to have
19 the manufacturer's identification number removed, altered,
20 defaced or destroyed, the vehicle or part shall be seized by
21 any law enforcement agency having jurisdiction and held for the
22 purpose of identification. In the event that the manufacturer's
23 identification number of a vehicle or part cannot be
24 identified, the vehicle or part shall be considered contraband,
25 and no right of property shall exist in any person owning,
26 leasing or possessing such property, unless the person owning,
27 leasing or possessing the vehicle or part acquired such without
28 knowledge that the manufacturer's vehicle identification
29 number has been removed, altered, defaced, falsified or
30 destroyed.

31 Either the seizing law enforcement agency or the State's
32 Attorney of the county where the seizure occurred may make an
33 application for an order of forfeiture to the circuit court in
34 the county of seizure. The application for forfeiture shall be
35 independent from any prosecution arising out of the seizure and
36 is not subject to any final determination of such prosecution.

1 The circuit court shall issue an order forfeiting the property
2 to the seizing law enforcement agency if the court finds that
3 the property did not at the time of seizure possess a valid
4 manufacturer's identification number and that the original
5 manufacturer's identification number cannot be ascertained.
6 The seizing law enforcement agency may:

7 (1) retain the forfeited property for official use; or

8 (2) sell the forfeited property and distribute the
9 proceeds in accordance with Section 4-211 of this Code, or
10 dispose of the forfeited property in such manner as the law
11 enforcement agency deems appropriate.

12 (i-1) If a motorcycle is seized under subsection (i), the
13 motorcycle must be returned within 45 days of the date of
14 seizure to the person from whom it was seized, unless (i)
15 criminal charges are pending against that person or (ii) an
16 application for an order of forfeiture has been submitted to
17 the circuit in the county of seizure or (iii) the circuit court
18 in the county of seizure has received from the seizing law
19 enforcement agency and has granted a petition to extend, for a
20 single 30 day period, the 45 days allowed for return of the
21 motorcycle. Except as provided in subsection (i-2), a
22 motorcycle returned to the person from whom it was seized must
23 be returned in essentially the same condition it was in at the
24 time of seizure.

25 (i-2) If any part or parts of a motorcycle seized under
26 subsection (i) are found to be stolen and are removed, the
27 seizing law enforcement agency is not required to replace the
28 part or parts before returning the motorcycle to the person
29 from whom it was seized.

30 (j) The State Police shall notify the Secretary of State
31 each time a manufacturer's vehicle identification number is
32 affixed, reaffixed, restored or restamped on any vehicle. The
33 Secretary of State shall make the necessary changes or
34 corrections in his records, after the proper applications and
35 fees have been submitted, if applicable.

36 (k) Any vessel, vehicle or aircraft used with knowledge and

1 consent of the owner in the commission of, or in the attempt to
2 commit as defined in Section 8-4 of the Criminal Code of 1961,
3 an offense prohibited by Section 4-103 of this Chapter,
4 including transporting of a stolen vehicle or stolen vehicle
5 parts, shall be seized by any law enforcement agency. The
6 seizing law enforcement agency may:

7 (1) return the vehicle to its owner if such vehicle is
8 stolen; or

9 (2) confiscate the vehicle and retain it for any
10 purpose which the law enforcement agency deems
11 appropriate; or

12 (3) sell the vehicle at a public sale or dispose of the
13 vehicle in such other manner as the law enforcement agency
14 deems appropriate.

15 If the vehicle is sold at public sale, the proceeds of the
16 sale shall be paid to the law enforcement agency.

17 The law enforcement agency shall not retain, sell or
18 dispose of a vehicle under paragraphs (2) or (3) of this
19 subsection (k) except upon an order of forfeiture issued by the
20 circuit court. The circuit court may issue such order of
21 forfeiture upon application of the law enforcement agency or
22 State's Attorney of the county where the law enforcement agency
23 has jurisdiction, or in the case of the Department of State
24 Police or the Secretary of State, upon application of the
25 Attorney General.

26 The court shall issue the order if the owner of the vehicle
27 has been convicted of transporting stolen vehicles or stolen
28 vehicle parts and the evidence establishes that the owner's
29 vehicle has been used in the commission of such offense.

30 The provisions of subsection (k) of this Section shall not
31 apply to any vessel, vehicle or aircraft, which has been
32 leased, rented or loaned by its owner, if the owner did not
33 have knowledge of and consent to the use of the vessel, vehicle
34 or aircraft in the commission of, or in an attempt to commit,
35 an offense prohibited by Section 4-103 of this Chapter.

36 (Source: P.A. 92-443, eff. 1-1-02; 93-456, eff. 8-8-03.)