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Filed: 5/14/2014

09800HB5331sam001

LRB098 17462 MLW 59519 a

1 AMENDMENT TO HOUSE BILL 5331

2 AMENDMENT NO. _____. Amend House Bill 5331 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. If and only if the provisions of House Bill
5 4075 of the 98th General Assembly that are changed by this
6 amendatory Act of the 98th General Assembly become law, then
7 the Illinois Vehicle Code is amended by changing Section 3-412
8 as follows:

9 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

10 Sec. 3-412. Registration plates and registration stickers
11 to be furnished by the Secretary of State.

12 (a) The Secretary of State upon registering a vehicle
13 subject to annual registration for the first time shall issue
14 or shall cause to be issued to the owner one registration plate
15 for a motorcycle, trailer, semitrailer, moped or
16 truck-tractor, 2 registration plates for other motor vehicles

1 and, where applicable, current registration stickers for motor
2 vehicles of the first division. The provisions of this Section
3 may be made applicable to such vehicles of the second division,
4 as the Secretary of State may, from time to time, in his
5 discretion designate. On subsequent annual registrations
6 during the term of the registration plate as provided in
7 Section 3-414.1, the Secretary shall issue or cause to be
8 issued registration stickers as evidence of current
9 registration. However, the issuance of annual registration
10 stickers to vehicles registered under the provisions of
11 Sections 3-402.1 and 3-405.3 of this Code may not be required
12 if the Secretary deems the issuance unnecessary.

13 (b) Every registration plate shall have displayed upon it
14 the registration number assigned to the vehicle for which it is
15 issued, the name of this State, which may be abbreviated, the
16 year number for which it was issued, which may be abbreviated,
17 the phrase "Land of Lincoln" (except as otherwise provided in
18 this Code), and such other letters or numbers as the Secretary
19 may prescribe. However, for apportionment plates issued to
20 vehicles registered under Section 3-402.1 and fleet plates
21 issued to vehicles registered under Section 3-405.3, the phrase
22 "Land of Lincoln" may be omitted to allow for the word
23 "apportioned", the word "fleet", or other similar language to
24 be displayed. Registration plates issued to a vehicle
25 registered as a fleet vehicle may display a designation
26 determined by the Secretary.

1 The Secretary may in his discretion prescribe that letters
2 be used as prefixes only on registration plates issued to
3 vehicles of the first division which are registered under this
4 Code and only as suffixes on registration plates issued to
5 other vehicles. Every registration sticker issued as evidence
6 of current registration shall designate the year number for
7 which it is issued and such other letters or numbers as the
8 Secretary may prescribe and shall be of a contrasting color
9 with the registration plates and registration stickers of the
10 previous year.

11 (c) Each registration plate and the required letters and
12 numerals thereon, except the year number for which issued,
13 shall be of sufficient size to be plainly readable from a
14 distance of 100 feet during daylight, and shall be coated with
15 reflectorizing material. The dimensions of the plate issued to
16 vehicles of the first division shall be 6 by 12 inches.

17 (d) The Secretary of State shall issue for every passenger
18 motor vehicle rented without a driver the same type of
19 registration plates as the type of plates issued for a private
20 passenger vehicle.

21 (e) The Secretary of State shall issue for every passenger
22 car used as a taxicab, livery, or in a commercial ridesharing
23 arrangement in which the driver participates in commercial
24 ridesharing arrangements for more than 36 hours in any 2 week
25 (consecutive 14 day) period as set forth in paragraph (1) of
26 subsection (a) of Section 7 of the Ridesharing Arrangements and

1 Consumer Protection Act ~~18 hours per week~~, distinctive
2 registration plates.

3 (f) The Secretary of State shall issue for every motorcycle
4 distinctive registration plates distinguishing between
5 motorcycles having 150 or more cubic centimeters piston
6 displacement, or having less than 150 cubic centimeter piston
7 displacement.

8 (g) Registration plates issued to vehicles for-hire may
9 display a designation as determined by the Secretary that such
10 vehicles are for-hire, including, but not limited to, vehicles
11 used as taxicabs, liveries, or in commercial ridesharing
12 arrangements for more than 36 hours in any 2 week (consecutive
13 14 day) period as set forth in paragraph (1) of subsection (a)
14 of Section 7 of the Ridesharing Arrangements and Consumer
15 Protection Act ~~18 hours per week~~.

16 (h) (Blank).

17 (i) The Secretary of State shall issue for every public and
18 private ambulance registration plates identifying the vehicle
19 as an ambulance. The Secretary shall forward to the Department
20 of Healthcare and Family Services registration information for
21 the purpose of verification of claims filed with the Department
22 by ambulance owners for payment for services to public
23 assistance recipients.

24 (j) The Secretary of State shall issue for every public and
25 private medical carrier or rescue vehicle livery registration
26 plates displaying numbers within ranges of numbers reserved

1 respectively for medical carriers and rescue vehicles. The
2 Secretary shall forward to the Department of Healthcare and
3 Family Services registration information for the purpose of
4 verification of claims filed with the Department by owners of
5 medical carriers or rescue vehicles for payment for services to
6 public assistance recipients.

7 (k) The Secretary of State shall issue distinctive license
8 plates or distinctive license plate stickers for every vehicle
9 exempted from subsections (a) and (a-5) of Section 12-503 by
10 subsection (g) of that Section, and by subsection (g-5) of that
11 Section before its deletion by this amendatory Act of the 95th
12 General Assembly. The Secretary shall issue these plates or
13 stickers immediately upon receiving the physician's
14 certification required under subsection (g) of Section 12-503.
15 New plates or stickers shall also be issued when the
16 certification is renewed as provided in that subsection.

17 (l) The Secretary of State shall issue distinctive
18 registration plates for low-speed vehicles.

19 (Source: P.A. 95-202, eff. 8-16-07; 95-331, eff. 8-21-07;
20 96-554, eff. 1-1-10; 96-653, eff. 1-1-10; 96-815, eff.
21 10-30-09; 96-1000, eff. 7-2-10; 98HB4075 enrolled.)

22 Section 10. If and only if the provisions of House Bill
23 4075 of the 98th General Assembly that are changed by this
24 amendatory Act of the 98th General Assembly become law, then
25 the Ridesharing Arrangements and Consumer Protection Act is

1 amended by changing Sections 5 and 7 as follows:

2 (625 ILCS 30/5) (from Ch. 95 1/2, par. 905)

3 Sec. 5. (a) No unit of local government, whether or not it
4 is a home rule unit, may:

5 (1) license or regulate ridesharing arrangements;

6 (2) impose any tax or fee upon the owner or operator of a
7 motor vehicle because of its use in a ridesharing arrangement;

8 (3) prohibit or regulate the charging of fees for
9 ridesharing arrangements in accordance with Section 6 of this
10 Act.

11 This Act, as it applies to ridesharing arrangements, is
12 declared to be a denial and limitation of the powers of home
13 rule units pursuant to paragraph (g) of Section 6 of Article
14 VII of the Illinois Constitution.

15 (b) ~~A Other than with respect to paragraph (1) of~~
16 ~~subsection (a) of Section 7 of this Act and subparagraph (D) of~~
17 ~~paragraph (1) of subsection (b) of Section 7 of this Act, a~~
18 unit of local government, whether or not it is a home rule
19 unit, may not license or regulate commercial ridesharing
20 arrangements, dispatchers, or drivers participating in
21 commercial ridesharing arrangements in a manner that is less
22 restrictive than the regulation by the State under this Act.
23 This subsection (b) is a limitation under subsection (i) of
24 Section 6 of Article VII of the Illinois Constitution on the
25 concurrent exercise by home rule units of powers and functions

1 exercised by the State.

2 (c) With respect to subparagraph (D) of paragraph (1) of
3 subsection (b) of Section 7 of this Act, if a unit of local
4 government, whether or not it is a home rule unit, regulates
5 the fare of any vehicle, including a taxicab, used in
6 commercial ridesharing arrangements, that regulation shall
7 apply equally to all vehicles used in commercial ridesharing
8 arrangements. A unit of local government, whether or not it is
9 a home rule unit, may not license or regulate commercial
10 ridesharing arrangements, dispatchers, or drivers
11 participating in commercial ridesharing arrangements in a
12 manner that is inconsistent with paragraph (1) of subsection
13 (a) of Section 7 of this Act or that is inconsistent with
14 subparagraph (D) of paragraph (1) of subsection (b) of Section
15 7 of this Act. This subsection (c) is a limitation under
16 subsection (i) of Section 6 of Article VII of the Illinois
17 Constitution on the concurrent exercise by home rule units of
18 powers and functions exercised by the State.

19 (Source: P.A. 83-1091; 98HB4075 enrolled.)

20 (625 ILCS 30/7)

21 Sec. 7. (a) Commercial ridesharing arrangements are
22 subject to the following license and registration
23 requirements:

24 (1) No person shall participate as a driver in
25 commercial ridesharing arrangements for more than 36 hours

1 in any 2 week (consecutive 14 day) period ~~18 hours per week~~
2 without first securing (i) a chauffeur's license issued by
3 the unit of local government where the vehicle used in the
4 commercial ridesharing arrangement is registered;
5 provided, however, that if the person has applied for a
6 chauffeur's license from the unit of local government where
7 the vehicle used in commercial ridesharing arrangements is
8 registered, then the person shall be allowed to participate
9 as a driver in a commercial ridesharing arrangement for up
10 to 4 weeks from the date the person first applied for the
11 chauffeur's license while the application for the
12 chauffeur's license is pending with the unit of local
13 government; or (ii) if the unit of local government in
14 which the vehicle used in a commercial ridesharing
15 arrangement is registered does not issue chauffeur's
16 licenses, then a chauffeur's license issued by a unit of
17 local government in which the driver provides commercial
18 ridesharing arrangements. If no unit of local government in
19 which the vehicle used in a commercial ridesharing
20 arrangement is registered or operated issues chauffeur's
21 licenses or if the driver of the commercial ridesharing
22 arrangement does not participate in commercial ridesharing
23 arrangements for more than 36 hours in any 2 week
24 (consecutive 14 day) period ~~18 hours per week~~, then the
25 driver is not required to obtain a chauffeur's license;
26 provided, however, that the dispatcher shall conduct a

1 background check of a prospective driver prior to
2 dispatching commercial ridesharing arrangements to that
3 driver and shall certify in the reports required by
4 subsection (h) of this Section 7 that the driver is
5 participating in a commercial ridesharing arrangement for
6 ~~18 or fewer~~ than 36 hours in any 2 week (consecutive 14
7 day) period ~~per week~~.

8 (2) No person shall perform dispatches without first
9 securing a commercial ridesharing dispatcher's license
10 from the Department of Financial and Professional
11 Regulation. An applicant for a commercial ridesharing
12 dispatcher's license must submit evidence of the insurance
13 required by item (B) of paragraph (1) of subsection (b) of
14 this Section. This license must be renewed annually. The
15 fee for this license shall be set by the Department of
16 Financial and Professional Regulation. The Department of
17 Financial and Professional Regulation shall adopt rules to
18 implement this paragraph.

19 (3) No commercial ridesharing arrangement shall be
20 conducted in a vehicle that does not have distinctive
21 registration plates issued in accordance with the
22 requirements of Section 3-412 of the Illinois Vehicle Code
23 if the driver or the vehicle participates in commercial
24 ridesharing arrangements for more than 36 hours in any 2
25 week (consecutive 14 day) period ~~18 hours per week~~.

26 (b)(1) All commercial ridesharing arrangements shall be

1 conducted under the following standards:

2 (A) A vehicle used for commercial ridesharing
3 arrangements for more than 36 hours in any 2 week (14
4 consecutive day) period as set forth in paragraph (1)
5 of subsection (a) of this Section ~~18 hours per week~~
6 must conform to the age requirements for vehicles used
7 for transporting passengers for hire adopted by the
8 unit of local government in which the vehicle is
9 registered. Any vehicle used for commercial
10 ridesharing arrangements for more than 36 hours in any
11 2 week (14 consecutive day) period as set forth in
12 paragraph (1) of subsection (a) of this Section ~~18~~
13 ~~hours per week~~ must pass any safety inspections
14 required by the unit of local government that issued
15 the driver's chauffeur's license for vehicles used in
16 transporting passengers for-hire. If the unit of local
17 government that issued the driver's chauffeur's
18 license does not require safety inspections for
19 vehicles used in transporting passengers for-hire, or
20 if the driver is not required to have a chauffeur's
21 license under paragraph (1) of subsection (a) of this
22 Section, then the vehicle must pass an annual safety
23 inspection that the dispatcher certifies as meeting
24 the requirements of Section 13-101 of the Illinois
25 Vehicle Code.

26 (B) Dispatchers must carry commercial liability

1 insurance in the amount of \$350,000 combined single
2 limit per accident ~~accordance with Section 12-707.01~~
3 ~~of the Illinois Vehicle Code~~ with primary coverage for
4 the dispatcher, the driver, and the vehicle used in the
5 commercial ridesharing arrangement during the time
6 period when the driver makes himself, herself, or the
7 vehicle available for dispatch or while a commercial
8 ridesharing arrangement passenger is in the vehicle.
9 Any terms or conditions in the agreement between the
10 dispatcher and driver, or between the dispatcher and
11 passenger, that would act as a waiver of the
12 dispatcher's liability to the driver, the passenger,
13 or to the public, or as an indemnification from the
14 driver or passenger to the dispatcher, are null, void,
15 and unenforceable.

16 (C) Commercial ridesharing arrangements shall be
17 arranged solely through a dispatcher. No person shall
18 solicit or accept potential passengers' requests for
19 service in a commercial ridesharing arrangement via
20 street hail, hand gestures, or verbal statements. No
21 commercial ridesharing arrangement shall pick up or
22 discharge a passenger at any place prohibited by the
23 unit of local government in which the commercial
24 ridesharing arrangement is conducted, or at any
25 designated taxicab stands, queues, or loading zones.

26 (D) Any vehicle, including a taxicab, used in

1 commercial ridesharing arrangements shall have its
2 fare established by a dispatcher who has provided
3 notice of the amount of the fare to a prospective
4 passenger prior to obtaining the prospective
5 passenger's agreement for the fare.

6 (E) If a unit of local government has requirements
7 for licensed chauffeurs to provide service in
8 under-served areas, drivers participating in
9 commercial ridesharing arrangements within that unit
10 of local government shall be subject to the same
11 requirements for providing service in under-served
12 areas.

13 (F) If a unit of local government has requirements
14 for licensed chauffeurs to provide wheelchair
15 accessible vehicles, drivers participating in
16 commercial ridesharing arrangements within that unit
17 of local government's jurisdiction shall be subject to
18 the same requirements for providing wheelchair
19 accessible vehicles.

20 (2) No person shall perform dispatches except as
21 follows:

22 (A) Dispatches shall be made only to drivers
23 licensed in accordance with subsection (a) of this
24 Section.

25 (B) If distinctive registration plates are
26 required by paragraph (3) of subsection (a) of this

1 Section, then a dispatcher shall ensure that the
2 vehicle has the distinctive registration plates prior
3 to dispatching to that vehicle.

4 (c) Any person, other than a passenger, who participates in
5 a commercial ridesharing arrangement in violation of this
6 Section is guilty of a violation of this Section and shall be
7 subject to the penalties adopted by the Department of Financial
8 and Professional Regulation by administrative rule, including,
9 but not limited to, fines, probation, revocation of licenses,
10 and vehicle impoundment.

11 (d) Any person whose property or person is injured or in
12 danger of injury due to an actual or imminent violation of this
13 Section may file suit in the circuit court having jurisdiction
14 to recover any remedy permitted by law, including damages and
15 injunctive relief.

16 (e) A dispatcher shall assume liability, including the
17 costs of defense and indemnification, for a claim in which a
18 dispute exists as to whether the loss or injury giving rise to
19 the claim occurred while a vehicle involved in the incident
20 giving rise to the claim was made available for dispatch or
21 while a commercial ridesharing arrangement passenger is in the
22 vehicle. If it is determined that the claim did not occur when
23 the vehicle involved in the incident giving rise to the claim
24 was either made available for dispatch or while a commercial
25 ridesharing arrangement passenger was in the vehicle, then the
26 vehicle's registered owner's primary automobile liability

1 insurer shall indemnify the dispatcher or its insurer to the
2 extent of the insurer's obligation under the registered owner's
3 primary automobile liability insurance policy, to the extent
4 that payments have been made. The dispatcher must notify the
5 registered owner of the vehicle and the registered owner's
6 insurer of the dispute within 25 business days of receiving
7 notice of the accident that gives rise to the claim. ~~If a~~
8 ~~private passenger motor vehicle's registered owner or its~~
9 ~~insurer is named as a defendant in a civil action for any loss~~
10 ~~or injury that occurs during the time the vehicle is made~~
11 ~~available for dispatch, the dispatcher shall have the duty to~~
12 ~~defend and indemnify the vehicle's registered owner and its~~
13 ~~insurers.~~

14 (f) The ~~Notwithstanding any provision in the vehicle~~
15 ~~owner's insurance policy or any other provision of this Act,~~
16 ~~the~~ insurer providing coverage to the owner of a private
17 passenger motor vehicle may exclude any and all coverage and
18 the duty to defend afforded under the owner's insurance policy
19 for any loss or injury that occurs while the vehicle is made
20 available for dispatch or while a commercial ridesharing
21 arrangement passenger is in the vehicle. This right to exclude
22 coverage and the duty to indemnify and defend applies to all
23 coverage provided by the registered owner's insurer including,
24 but not limited to:

25 (1) liability and physical damage coverage;

26 (2) personal injury protection coverage;

- 1 (3) uninsured and underinsured motorist coverage;
- 2 (4) medical payment coverage for persons using or
- 3 occupying the registered vehicle;
- 4 (5) comprehensive physical damage coverage; and
- 5 (6) collision physical damage coverage.

6 (g) A dispatcher must, prior to the first use of a vehicle
7 in a commercial ridesharing arrangement, and upon renewal,
8 cancellation, or change in insurance by the dispatcher, provide
9 the vehicle's registered owner and any driver of the vehicle
10 with a disclosure that contains:

- 11 (1) information explaining the insurance requirements
- 12 of this Section;
- 13 (2) information explaining the coverage and coverage
- 14 limits provided under the dispatcher's insurance policy;
- 15 (3) notice that the dispatcher assumes all liability
- 16 for any loss or injury that occurs while the vehicle is
- 17 made available for dispatch or while a commercial
- 18 ridesharing arrangement passenger is in the vehicle; and
- 19 (4) notice that the dispatcher provides insurance on
- 20 the vehicle while the vehicle is made available for
- 21 dispatch or while a commercial ridesharing arrangement
- 22 passenger is in the vehicle that is comparable to a
- 23 standard owner's insurance policy and that the vehicle's
- 24 registered owner's insurance policy may exclude all
- 25 coverage and the duty to defend or indemnify any person or
- 26 organization for liability for any loss or injury that

1 occurs while the vehicle is made available for dispatch or
2 while a commercial ridesharing arrangement passenger is in
3 the vehicle.

4 (h) For each vehicle used in a commercial ridesharing
5 arrangement a dispatcher must collect, maintain, and make
6 available to the vehicle's registered owner, the vehicle's
7 registered owner's primary automobile liability insurer, and
8 any government agency as required by law, at the cost of the
9 dispatcher, the following:

10 (1) records that identify the date and duration the
11 driver makes himself, herself, or the vehicle available for
12 dispatch. For vehicles with an electronic tracking device,
13 electronic records of the time, initial and final locations
14 of the vehicle, and miles driven when the vehicle is under
15 the control of a person other than the vehicle's registered
16 owner under a commercial ridesharing arrangement; and

17 (2) in instances where an insurance claim has been
18 filed, any and all information, including payments to the
19 registered owner by the dispatcher, concerning accidents,
20 damages, or injuries.

21 (i) The Department of Financial and Professional
22 Regulation shall adopt rules to implement this Section.

23 (Source: 98HB4075 enrolled.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law."