



Sen. William R. Haine

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1 AMENDMENT TO HOUSE BILL 3382

2 AMENDMENT NO. _____. Amend House Bill 3382 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Motor Vehicle Theft Prevention Act
5 is amended by changing Sections 2, 3, 4, 7, 8, 8.5, and 12 as
6 follows:

7 (20 ILCS 4005/2) (from Ch. 95 1/2, par. 1302)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 2. The purpose of this Act is to prevent, combat and
10 reduce motor vehicle theft and motor vehicle fraud in Illinois;
11 to improve and support motor vehicle theft law enforcement,
12 prosecution and administration of motor vehicle theft laws by
13 establishing statewide planning capabilities for and
14 coordination of financial resources, including
15 intergovernmental programs to support motor vehicle law
16 enforcement.

1 (Source: P.A. 86-1408.)

2 (20 ILCS 4005/3) (from Ch. 95 1/2, par. 1303)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 3. As used in this Act:

5 (a) (Blank) ~~"Authority" means the Illinois Criminal~~
6 ~~Justice Information Authority.~~

7 (b) "Council" means the Illinois Motor Vehicle Theft
8 Prevention Council, established ~~within the Authority~~ by this
9 Act.

10 (c) "Trust Fund" means the Motor Vehicle Theft Prevention
11 Trust Fund.

12 (Source: P.A. 86-1408.)

13 (20 ILCS 4005/4) (from Ch. 95 1/2, par. 1304)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 4. There is hereby created ~~within the Authority~~ an
16 Illinois Motor Vehicle Theft Prevention Council, ~~which shall~~
17 ~~exercise its powers, duties and responsibilities independently~~
18 ~~of the Authority.~~ There shall be 11 members of the Council
19 consisting of the Secretary of State or his designee, the
20 Director of the Department of State Police, the State's
21 Attorney of Cook County, the Superintendent of the Chicago
22 Police Department, and the following 7 additional members, each
23 of whom shall be appointed by the Governor: a state's attorney
24 of a county other than Cook, a chief executive law enforcement

1 official from a jurisdiction other than the City of Chicago, 5
2 representatives of insurers authorized to write motor vehicle
3 insurance in this State, all of whom shall be domiciled in this
4 State.

5 The Governor from time to time shall designate the Chairman
6 of the Council from the membership. All members of the Council
7 appointed by the Governor shall serve at the discretion of the
8 Governor for a term not to exceed 4 years. The initial
9 appointed members of the Council shall serve from January 1,
10 1991 until the third Monday in January, 1995 or until their
11 successors are appointed. The Council shall meet at least
12 quarterly.

13 (Source: P.A. 89-277, eff. 8-10-95.)

14 (20 ILCS 4005/7) (from Ch. 95 1/2, par. 1307)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 7. The Council shall have the following powers, duties
17 and responsibilities:

18 (a) To apply for, solicit, receive, establish
19 priorities for, allocate, disburse, contract for, and
20 spend funds that are made available to the Council from any
21 source to effectuate the purposes of this Act.

22 (b) To make grants and to provide financial support for
23 federal and State agencies, units of local government,
24 corporations, and neighborhood, community and business
25 organizations to effectuate the purposes of this Act.

1 (c) To assess the scope of the problem of motor vehicle
2 theft, motor vehicle fraud, and insurance law enforcement,
3 including particular areas of the State where the problem
4 is greatest and to conduct impact analyses of State and
5 local criminal justice policies, programs, plans and
6 methods for combating the problem.

7 (d) To develop and sponsor the implementation of
8 statewide plans and strategies to combat motor vehicle
9 theft, motor vehicle fraud, and insurance law enforcement
10 and to improve the administration of the motor vehicle
11 theft laws and provide an effective forum for
12 identification of critical problems associated with motor
13 vehicle theft.

14 (e) To coordinate the development, adoption and
15 implementation of plans and strategies relating to
16 interagency or intergovernmental cooperation with respect
17 to motor vehicle theft law enforcement.

18 (f) To promulgate rules or regulations necessary to
19 ensure that appropriate agencies, units of government,
20 private organizations and combinations thereof are
21 included in the development and implementation of
22 strategies or plans adopted pursuant to this Act and to
23 promulgate rules or regulations as may otherwise be
24 necessary to effectuate the purposes of this Act.

25 (g) To report annually, on or before April 1, 1992 to
26 the Governor, General Assembly, and, upon request, to

1 members of the general public on the Council's activities
2 in the preceding year.

3 (h) To exercise any other powers that are reasonable,
4 necessary or convenient to fulfill its responsibilities,
5 to carry out and to effectuate the objectives and purposes
6 of the Council and the provisions of this Act, and to
7 comply with the requirements of applicable federal or State
8 laws or regulations; provided, however, that such powers
9 shall not include the power to subpoena or arrest.

10 (Source: P.A. 86-1408.)

11 (20 ILCS 4005/8) (from Ch. 95 1/2, par. 1308)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 8. (a) A special fund is created ~~in the State Treasury~~
14 known as the Motor Vehicle Theft Prevention Trust Fund, a trust
15 fund outside of the State treasury, which shall be administered
16 by a statewide association representing property and casualty
17 insurance companies that pay into the Trust Fund under the
18 provisions of this Section ~~the Executive Director of the~~
19 ~~Authority~~ at the direction of the Council. All interest earned
20 from the investment or deposit of monies accumulated in the
21 Trust Fund shall, ~~pursuant to Section 4.1 of the State Finance~~
22 ~~Act~~, be deposited in the Trust Fund.

23 (b) Money deposited in this Trust Fund shall not be
24 considered general revenue of the State of Illinois.

25 (c) Money deposited in the Trust Fund shall be used only to

1 enhance efforts to effectuate the purposes of this Act as
2 determined by the Council and shall not be appropriated, loaned
3 or in any manner transferred to the General Revenue Fund of the
4 State of Illinois.

5 (d) Prior to April 1, 1991, and prior to April 1 of each
6 year thereafter, each insurer engaged in writing private
7 passenger motor vehicle insurance coverages which are included
8 in Class 2 and Class 3 of Section 4 of the Illinois Insurance
9 Code, as a condition of its authority to transact business in
10 this State, may collect and shall pay into the Trust Fund an
11 amount equal to \$1.00, or a lesser amount determined by the
12 Council, multiplied by the insurer's total earned car years of
13 private passenger motor vehicle insurance policies providing
14 physical damage insurance coverage written in this State during
15 the preceding calendar year.

16 (e) Money in the Trust Fund shall be expended as follows:

17 (1) To pay the administrative costs to support the
18 Council, not to exceed 10% in any one fiscal year of the
19 amount collected pursuant to subsection (d) of this Section
20 in that same fiscal year. ~~To pay the Authority's costs to~~
21 ~~administer the Council and the Trust Fund, but for this~~
22 ~~purpose in an amount not to exceed ten percent in any one~~
23 ~~fiscal year of the amount collected pursuant to paragraph~~
24 ~~(d) of this Section in that same fiscal year.~~

25 (2) To achieve the purposes and objectives of this Act,
26 which may include, but not be limited to, the following:

1 (A) To provide financial support to law
2 enforcement and correctional agencies, prosecutors,
3 and the judiciary for programs designed to reduce motor
4 vehicle theft, motor vehicle-related fraud, and to
5 improve compliance with compulsory motor vehicle
6 insurance laws and to improve the administration of
7 related ~~motor vehicle theft~~ laws.

8 (B) To provide financial support for federal and
9 State agencies, units of local government,
10 corporations and neighborhood, community or business
11 organizations for programs designed to reduce motor
12 vehicle theft, motor vehicle-related fraud, and to
13 improve compliance with compulsory motor vehicle
14 insurance laws and to improve the administration of
15 related ~~motor vehicle theft~~ laws.

16 (C) To provide financial support to conduct
17 programs designed to inform owners of motor vehicles
18 about the financial and social costs of motor vehicle
19 theft and to suggest to those owners methods for
20 preventing motor vehicle theft.

21 (D) To provide financial support for plans,
22 programs and projects designed to achieve the purposes
23 of this Act.

24 (f) Insurers contributing to the Trust Fund shall have a
25 property interest in the unexpended money in the Trust Fund,
26 which property interest shall not be retroactively changed or

1 extinguished by the General Assembly.

2 (g) In the event the Trust Fund were to be discontinued or
3 the Council were to be dissolved by act of the General Assembly
4 or by operation of law, then, ~~notwithstanding the provisions of~~
5 ~~Section 5 of the State Finance Act,~~ any balance remaining
6 therein shall be returned to the insurers writing private
7 passenger motor vehicle insurance in proportion to their
8 financial contributions to the Trust Fund and any assets of the
9 Council shall be liquidated and returned in the same manner
10 after deduction of administrative costs.

11 (h) The Trust Fund shall be audited annually by an
12 independent auditor who is a certified public accountant and
13 who has been selected by the Council. The independent auditor
14 shall compile an annual report, which shall be filed with the
15 Council and shall be a public record. The auditor shall be paid
16 by the Trust Fund, pursuant to an order of the Council.

17 (Source: P.A. 88-452; 89-277, eff. 8-10-95.)

18 (20 ILCS 4005/8.5)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 8.5. State Police Motor Vehicle Theft Prevention Trust
21 Fund. The State Police Motor Vehicle Theft Prevention Trust
22 Fund is created as a trust fund in the State treasury. The
23 State Treasurer shall be the custodian of the Trust Fund. The
24 Trust Fund is established to receive funds from the Illinois
25 Motor Vehicle Theft Prevention Council. All interest earned

1 from the investment or deposit of moneys accumulated in the
2 Trust Fund shall be deposited into the Trust Fund. Moneys in
3 the Trust Fund shall be used by the Department of State Police
4 for motor vehicle theft and fraud prevention and insurance
5 compliance purposes.

6 (Source: P.A. 97-116, eff. 1-1-12.)

7 (20 ILCS 4005/12)

8 Sec. 12. Repeal. Sections 1 through 9 and Section 11 are
9 repealed January 1, 2020 ~~2016~~.

10 (Source: P.A. 97-141, eff. 7-14-11.)

11 (20 ILCS 4005/6 rep.)

12 Section 10. The Illinois Motor Vehicle Theft Prevention Act
13 is amended by repealing Section 6.

14 Section 15. The State Finance Act is amended by changing
15 Section 5 as follows:

16 (30 ILCS 105/5) (from Ch. 127, par. 141)

17 Sec. 5. Special funds.

18 (a) There are special funds in the State Treasury
19 designated as specified in the Sections which succeed this
20 Section 5 and precede Section 6.

21 (b) ~~When Except as provided in the Illinois Motor Vehicle~~
22 ~~Theft Prevention Act, when~~ any special fund in the State

1 Treasury is discontinued by an Act of the General Assembly, any
2 balance remaining therein on the effective date of such Act
3 shall be transferred to the General Revenue Fund, or to such
4 other fund as such Act shall provide. Warrants outstanding
5 against such discontinued fund at the time of the transfer of
6 any such balance therein shall be paid out of the fund to which
7 the transfer was made.

8 (c) When any special fund in the State Treasury has been
9 inactive for 18 months or longer, the fund is automatically
10 terminated by operation of law and the balance remaining in
11 such fund shall be transferred by the Comptroller to the
12 General Revenue Fund. When a special fund has been terminated
13 by operation of law as provided in this Section, the General
14 Assembly shall repeal or amend all Sections of the statutes
15 creating or otherwise referring to that fund.

16 The Comptroller shall be allowed the discretion to maintain
17 or dissolve any federal trust fund which has been inactive for
18 18 months or longer.

19 (d) (Blank).

20 (e) (Blank).

21 (Source: P.A. 90-372, eff. 7-1-98.)

22 (30 ILCS 105/5.295 rep.)

23 Section 20. The State Finance Act is amended by repealing
24 Section 5.295."