

1 AN ACT concerning 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
5 changing 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,
12 by the fastest means of communications available to his law
13 enforcement agency, immediately report to the State Police,
14 in Springfield, Illinois, the theft or recovery of any stolen
15 or converted vehicle within his 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
23 report shall be routed by the originating law enforcement
24 agency through the State Police District in which such agency
25 is located.

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

31 (c) An operator of a place of business for garaging,

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

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

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

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

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

31 (e) Notification of the theft or conversion of a vehicle
32 will be furnished to the Secretary of State by the State
33 Police. The Secretary of State shall place the proper
34 information in the license registration and title

1 registration files to indicate the theft or conversion of a
2 motor vehicle or other vehicle. Notification of the recovery
3 of a vehicle previously reported as a theft or a conversion
4 will be furnished to the Secretary of State by the State
5 Police. The Secretary of State shall remove the proper
6 information from the license registration and title
7 registration files that has previously indicated the theft or
8 conversion of a vehicle. The Secretary of State shall
9 suspend the registration of a vehicle upon receipt of a
10 report from the State Police that such vehicle was stolen or
11 converted.

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

22 (g) During the usual course of business the manufacturer
23 of any vehicle shall place an original manufacturer's vehicle
24 identification number on all such vehicles manufactured and
25 on any part of such vehicles requiring an identification
26 number.

27 (h) If a manufacturer's vehicle identification number is
28 missing or has been removed, changed or mutilated on any
29 vehicle, or any part of such vehicle requiring an
30 identification number, the State Police shall restore,
31 restamp or reaffix the vehicle identification number plate,
32 or affix a new plate bearing the original manufacturer's
33 vehicle identification number on each such vehicle and on all
34 necessary parts of the vehicles. A vehicle identification

1 number so affixed, restored, restamped, reaffixed or replaced
2 is not falsified, altered or forged within the meaning of
3 this Act.

4 (i) If a vehicle or part of any vehicle is found to have
5 the manufacturer's identification number removed, altered,
6 defaced or destroyed, the vehicle or part shall be seized by
7 any law enforcement agency having jurisdiction and held for
8 the purpose of identification. In the event that the
9 manufacturer's identification number of a vehicle or part
10 cannot be identified, the vehicle or part shall be considered
11 contraband, and no right of property shall exist in any
12 person owning, leasing or possessing such property, unless
13 the person owning, leasing or possessing the vehicle or part
14 acquired such without knowledge that the manufacturer's
15 vehicle identification number has been removed, altered,
16 defaced, falsified or destroyed.

17 Either the seizing law enforcement agency or the State's
18 Attorney of the county where the seizure occurred may make an
19 application for an order of forfeiture to the circuit court
20 in the county of seizure. The application for forfeiture
21 shall be independent from any prosecution arising out of the
22 seizure and is not subject to any final determination of such
23 prosecution. The circuit court shall issue an order
24 forfeiting the property to the seizing law enforcement agency
25 if the court finds that the property did not at the time of
26 seizure possess a valid manufacturer's identification number
27 and that the original manufacturer's identification number
28 cannot be ascertained. The seizing law enforcement agency
29 may:

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

32 (2) sell the forfeited property and distribute the
33 proceeds in accordance with Section 4-211 of this Code,
34 or dispose of the forfeited property in such manner as

1 the law enforcement agency deems appropriate.

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

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

20 (j) The State Police shall notify the Secretary of State
21 each time a manufacturer's vehicle identification number is
22 affixed, reaffixed, restored or restamped on any vehicle.
23 The Secretary of State shall make the necessary changes or
24 corrections in his records, after the proper applications and
25 fees have been submitted, if applicable.

26 (k) Any vessel, vehicle or aircraft used with knowledge
27 and consent of the owner in the commission of, or in the
28 attempt to commit as defined in Section 8-4 of the Criminal
29 Code of 1961, an offense prohibited by Section 4-103 of this
30 Chapter, including transporting of a stolen vehicle or stolen
31 vehicle parts, shall be seized by any law enforcement agency.
32 The seizing law enforcement agency may:

33 (1) return the vehicle to its owner if such vehicle
34 is stolen; or

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

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

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

9 The law enforcement agency shall not retain, sell or
10 dispose of a vehicle under paragraphs (2) or (3) of this
11 subsection (k) except upon an order of forfeiture issued by
12 the circuit court. The circuit court may issue such order of
13 forfeiture upon application of the law enforcement agency or
14 State's Attorney of the county where the law enforcement
15 agency has jurisdiction, or in the case of the Department of
16 State Police or the Secretary of State, upon application of
17 the Attorney General.

18 The court shall issue the order if the owner of the
19 vehicle has been convicted of transporting stolen vehicles or
20 stolen vehicle parts and the evidence establishes that the
21 owner's vehicle has been used in the commission of such
22 offense.

23 The provisions of subsection (k) of this Section shall
24 not apply to any vessel, vehicle or aircraft, which has been
25 leased, rented or loaned by its owner, if the owner did not
26 have knowledge of and consent to the use of the vessel,
27 vehicle or aircraft in the commission of, or in an attempt to
28 commit, an offense prohibited by Section 4-103 of this
29 Chapter.

30 (Source: P.A. 89-433, eff. 12-15-95.)