

AN ACT concerning transportation.

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

Section 1. Short title. This Act may be referred to as the Uninsured Motorist Verification Advisory Committee Act.

Section 5. Uninsured Motorist Verification Advisory Committee.

(a) The Secretary shall establish and appoint an Uninsured Motorist Verification Advisory Committee consisting of representatives of the Department of Insurance, insurance companies authorized to sell motor vehicle liability insurance policies in this State, insurance producers, and other interested parties as designated by the Secretary, to assist in the design and implementation of a program for the electronic verification of motor vehicle liability insurance for motor vehicles that are subject to Section 7-601 of the Illinois Vehicle Code.

(b) The Uninsured Motorist Verification Advisory Committee shall report to the General Assembly, on or before January 31, 2015, with recommendations for the design and funding of a program for the electronic verification of motor vehicle liability insurance policies issued and in effect in the State and legislation to implement the program that includes at a

minimum the elements in subsection (d) of this Section.

(c) Based on the recommendations of the Uninsured Motorist Verification Advisory Committee, the Secretary shall adopt rules to implement a program for the electronic verification of motor vehicle liability insurance by January 1, 2016 if and only if appropriations are made funding the electronic verification database as recommended by the Uninsured Motorist Advisory Committee.

(d) The electronic motor vehicle liability insurance verification program shall have the following elements:

(1) a requirement that insurance companies authorized to sell motor vehicle liability insurance in the State make available, in a format designated by the Secretary, the following information for each motor vehicle liability insurance policy issued by the company:

(A) the name of policy holder;

(B) the make, model, year and vehicle identification number of the covered vehicle;

(C) the policy number;

(D) the effective date of the policy; and

(E) the company's National Association of Insurance Commissioners number;

(2) a method of searching for motor vehicle liability insurance policies issued and in effect in the State by the keys indicated in paragraph (1) of this subsection;

(3) a requirement that the Secretary verify the

existence of a liability insurance policy as required by Section 7-601 of the Illinois Vehicle Code for every motor vehicle registered in the Secretary's office at least once every 12 months;

(4) a provision that if the Secretary is unable to verify the existence of a liability insurance policy, then the vehicle owner shall be sent a written notice giving the owner 30 calendar days to provide evidence that the vehicle was insured on the date of the attempted verification of insurance, or evidence that the vehicle is no longer operable;

(5) a provision that any vehicle owner who fails to respond, or whose response indicates that his or her operable vehicle was not covered by a liability insurance policy in accordance with Section 7-601 of the Illinois Vehicle Code, shall be deemed to have registered or maintained registration of a motor vehicle in violation of that Section, and the Secretary shall suspend the registration of the vehicle; the vehicle owner shall be required to pay a reinstatement fee of \$100 and provide proof of current insurance before the registration may be reinstated under Section 7-606 of the Illinois Vehicle Code; and

(6) a provision that if the owner responds to the request for information by asserting that his or her vehicle was covered by a liability insurance policy on the

date of verification stated in the Secretary's request, then the Secretary may conduct a verification of the response by furnishing the necessary information to the insurer named in the response; the insurer shall within 7 calendar days inform the Secretary whether or not on the date of verification the motor vehicle was insured by the insurer in accordance with Section 7-601 of the Illinois Vehicle Code; if the insurer does not confirm insurance was in effect on the verification date, then the Secretary shall suspend the owner's registration of the vehicle; the vehicle owner shall be required to pay a reinstatement fee of \$100 and provide proof of current insurance before the registration may be reinstated under Section 7-606 of the Illinois Vehicle Code.

(e) In addition to the annual verification of liability insurance the Secretary may select for verification other vehicles, including, but not limited to, motor vehicles owned or registered by persons:

(1) whose motor vehicle registrations during the preceding 4 years have been suspended under Section 7-606 or 7-607 of the Illinois Vehicle Code;

(2) who during the preceding 4 years have been convicted of violating Section 3-707, 3-708, or 3-710 of the Illinois Vehicle Code while operating vehicles owned by other persons;

(3) whose driving privileges have been suspended

during the preceding 4 years;

(4) who during the preceding 4 years acquired ownership of motor vehicles while the registrations of those vehicles under the previous owners were suspended under Section 7-606 or 7-607 of the Illinois Vehicle Code; or

(5) who during the preceding 4 years have received a disposition of supervision under subsection (c) of Section 5-6-1 of the Unified Code of Corrections for a violation of Section 3-707, 3-708, or 3-710 of the Illinois Vehicle Code.

(f) The Secretary shall not have regulatory authority over insurance companies. Regulatory authority over insurance companies shall remain with the Department of Insurance.

Section 10. Expiration. This Act is repealed on July 1, 2016.

Section 900. The Illinois Vehicle Code is amended by changing Sections 3-405, 3-415, and 7-604 as follows:

(625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)

Sec. 3-405. Application for registration.

(a) Every owner of a vehicle subject to registration under this Code shall make application to the Secretary of State for the registration of such vehicle upon the appropriate form or forms furnished by the Secretary. Every such application shall

bear the signature of the owner written with pen and ink and contain:

1. The name, domicile address, as defined in Section 1-115.5 of this Code, (except as otherwise provided in this paragraph 1) and mail address of the owner or business address of the owner if a firm, association or corporation. If the mailing address is a post office box number, the address listed on the driver license record may be used to verify residence. A police officer, a deputy sheriff, an elected sheriff, a law enforcement officer for the Department of State Police, a fire investigator, a state's attorney, an assistant state's attorney, a state's attorney special investigator, or a judicial officer may elect to furnish the address of the headquarters of the governmental entity, police district, or business address where he or she works instead of his or her domicile address, in which case that address shall be deemed to be his or her domicile address for all purposes under this Chapter 3. The spouse and children of a person who may elect under this paragraph 1 to furnish the address of the headquarters of the government entity, police district, or business address where the person works instead of the person's domicile address may, if they reside with that person, also elect to furnish the address of the headquarters of the government entity, police district, or business address where the person works as their domicile

address, in which case that address shall be deemed to be their domicile address for all purposes under this Chapter 3. In this paragraph 1: (A) "police officer" has the meaning ascribed to "policeman" in Section 10-3-1 of the Illinois Municipal Code; (B) "deputy sheriff" means a deputy sheriff appointed under Section 3-6008 of the Counties Code; (C) "elected sheriff" means a sheriff commissioned pursuant to Section 3-6001 of the Counties Code; (D) "fire investigator" means a person classified as a peace officer under the Peace Officer Fire Investigation Act; (E) "state's attorney", "assistant state's attorney", and "state's attorney special investigator" mean a state's attorney, assistant state's attorney, and state's attorney special investigator commissioned or appointed under Division 3-9 of the Counties Code; and (F) "judicial officer" has the meaning ascribed to it in Section 1-10 of the Judicial Privacy Act.

2. A description of the vehicle, including such information as is required in an application for a certificate of title, determined under such standard rating as may be prescribed by the Secretary.

3. (Blank). ~~Information relating to the insurance policy for the motor vehicle, including the name of the insurer which issued the policy, the policy number, and the expiration date of the policy. Beginning with the 2016 registration year, registration shall not be issued to~~

~~persons that submit an application that does not contain this information.~~

4. Such further information as may reasonably be required by the Secretary to enable him to determine whether the vehicle is lawfully entitled to registration and the owner entitled to a certificate of title.

5. An affirmation by the applicant that all information set forth is true and correct. If the application is for the registration of a motor vehicle, the applicant also shall affirm that the motor vehicle is insured as required by this Code, that such insurance will be maintained throughout the period for which the motor vehicle shall be registered, and that neither the owner, nor any person operating the motor vehicle with the owner's permission, shall operate the motor vehicle unless the required insurance is in effect. If the person signing the affirmation is not the sole owner of the vehicle, such person shall be deemed to have affirmed on behalf of all the owners of the vehicle. If the person signing the affirmation is not an owner of the vehicle, such person shall be deemed to have affirmed on behalf of the owner or owners of the vehicle. The lack of signature on the application shall not in any manner exempt the owner or owners from any provisions, requirements or penalties of this Code. ~~Beginning with the 2016 registration year, any person that knowingly submits false insurance information~~

~~shall be guilty of a Class C misdemeanor.~~

(b) When such application refers to a new vehicle purchased from a dealer the application shall be accompanied by a Manufacturer's Statement of Origin from the dealer, and a statement showing any lien retained by the dealer.

(Source: P.A. 97-847, eff. 1-1-13; 98-539, eff. 1-1-14.)

(625 ILCS 5/3-415) (from Ch. 95 1/2, par. 3-415)

Sec. 3-415. Application for and renewal of registration.

(a) Calendar year. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered on a calendar registration year, not later than December 1 of each year, upon proper application and by payment of the registration fee and tax for such vehicle, as provided by law except that application for renewal of a vehicle registration, as to those vehicles required to be registered on a staggered calendar year basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(b) Fiscal year. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered on a fiscal registration year, not later than June 1 of each year, upon proper application and by payment of the registration fee and tax for such vehicle as provided by law, except that application for renewal of a vehicle registration, as to those vehicles required to be

registered on a staggered fiscal year basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(c) Two calendar years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 2 calendar years, not later than December 1 of the year preceding commencement of the 2-year registration period, except that application for renewal of a vehicle registration, as to those vehicles required to be registered for 2 years on a staggered registration basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(d) Two fiscal years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 2 fiscal years, not later than June 1 immediately preceding commencement of the 2-year registration period, except that application for renewal of a vehicle registration, as to those vehicles required to be registered for 2 fiscal years on a staggered registration basis, shall be made by the owner in the form and manner prescribed by the Secretary of State.

(d-5) Three calendar years. Application for renewal of a vehicle registration shall be made by the owner, as to those vehicles required to be registered for 3 calendar years, not later than December 1 of the year preceding commencement of the 3-year registration period.

(e) Time of application. The Secretary of State may receive applications for renewal of registration and grant the same and issue new registration cards and plates or registration stickers at any time prior to expiration of registration. No person shall display upon a vehicle, the new registration plates or registration stickers prior to the dates the Secretary of State in his discretion may select.

(f) Verification. The Secretary of State may further require, as to vehicles for-hire, that applications be accompanied by verification that fees due under the Illinois Motor Carrier of Property Law, as amended, have been paid.

(g) (Blank). ~~Applications for registration renewal shall include information relating to the insurance policy for the motor vehicle, including the name of the insurer that issued the policy, the policy number, and the expiration date of the policy. Registration shall not be renewed for persons that submit an application that does not contain this information. Any person that knowingly submits false insurance information shall be guilty of a Class C misdemeanor.~~

~~The changes to this subsection made by this amendatory Act of the 98th General Assembly shall not take effect until the beginning of the 2016 registration year.~~

(Source: P.A. 98-539, eff. 1-1-14.)

(625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

Sec. 7-604. Verification of liability insurance policy.

(a) The Secretary of State may select random samples of registrations of motor vehicles subject to Section 7-601 of this Code, or owners thereof, for the purpose of verifying whether or not the motor vehicles are insured.

In addition to such general random samples of motor vehicle registrations, the Secretary may select for verification other random samples, including, but not limited to registrations of motor vehicles owned by persons:

(1) whose motor vehicle registrations during the preceding 4 years have been suspended pursuant to Section 7-606 or 7-607 of this Code;

(2) who during the preceding 4 years have been convicted of violating Section 3-707, 3-708 or 3-710 of this Code while operating vehicles owned by other persons;

(3) whose driving privileges have been suspended during the preceding 4 years;

(4) who during the preceding 4 years acquired ownership of motor vehicles while the registrations of such vehicles under the previous owners were suspended pursuant to Section 7-606 or 7-607 of this Code; or

(5) who during the preceding 4 years have received a disposition of supervision under subsection (c) of Section 5-6-1 of the Unified Code of Corrections for a violation of Section 3-707, 3-708, or 3-710 of this Code.

(b) Upon receiving certification from the Department of Transportation under Section 7-201.2 of this Code of the name

of an owner or operator of any motor vehicle involved in an accident, the Secretary may verify whether or not at the time of the accident such motor vehicle was covered by a liability insurance policy in accordance with Section 7-601 of this Code.

(c) In preparation for selection of random samples and their verification, the Secretary may send to owners of randomly selected motor vehicles, or to randomly selected motor vehicle owners, requests for information about their motor vehicles and liability insurance coverage. The request shall require the owner to state whether or not the motor vehicle was insured on the verification date stated in the Secretary's request and the request may require, but is not limited to, a statement by the owner of the names and addresses of insurers, policy numbers, and expiration dates of insurance coverage.

(d) Within 30 days after the Secretary mails a request, the owner to whom it is sent shall furnish the requested information to the Secretary above the owner's signed affirmation that such information is true and correct. Proof of insurance in effect on the verification date, as prescribed by the Secretary, may be considered by the Secretary to be a satisfactory response to the request for information.

Any owner whose response indicates that his or her vehicle was not covered by a liability insurance policy in accordance with Section 7-601 of this Code shall be deemed to have registered or maintained registration of a motor vehicle in violation of that Section. Any owner who fails to respond to

such a request shall be deemed to have registered or maintained registration of a motor vehicle in violation of Section 7-601 of this Code.

(e) If the owner responds to the request for information by asserting that his or her vehicle was covered by a liability insurance policy on the verification date stated in the Secretary's request, the Secretary may conduct a verification of the response by furnishing necessary information to the insurer named in the response. The insurer shall within 45 days inform the Secretary whether or not on the verification date stated the motor vehicle was insured by the insurer in accordance with Section 7-601 of this Code. The Secretary may by rule and regulation prescribe the procedures for verification.

(f) No random sample selected under this Section shall be categorized on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, economic status or geography.

(g) This Section is repealed on December 31, 2015.

(Source: P.A. 92-458, eff. 8-22-01.)

(625 ILCS 5/3-918 rep.)

Section 905. The Illinois Vehicle Code is amended by repealing Section 3-918.

Section 999. Effective date. This Act takes effect upon becoming law.

Public Act 098-0787

HB5692 Enrolled

LRB098 18851 MLW 53996 b

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Statutes amended in order of appearance

New Act

625 ILCS 5/3-405 from Ch. 95 1/2, par. 3-405

625 ILCS 5/3-415 from Ch. 95 1/2, par. 3-415

625 ILCS 5/7-604 from Ch. 95 1/2, par. 7-604

625 ILCS 5/3-918 rep.