



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3045

by Rep. David Harris

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-104	from Ch. 95 1/2, par. 3-104
625 ILCS 5/3-405	from Ch. 95 1/2, par. 3-405
625 ILCS 5/6-106	from Ch. 95 1/2, par. 6-106
625 ILCS 5/7-604	from Ch. 95 1/2, par. 7-604

Amends the Illinois Vehicle Code. Provides that an application for a certificate of title, vehicle registration, and license or instruction permit shall include, if available, a person's email address. Provides that in preparation for selection of random samples for verification of a liability insurance policy, the Secretary of State may send to owners of randomly selected motor vehicles requests for information about their motor vehicles and liability insurance coverage electronically or, if electronic means are unavailable, via U.S. mail.

LRB100 10970 AXK 21207 b

1 AN ACT concerning transportation.

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 Sections 3-104, 3-405, 6-106, and 7-604 as follows:

6 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

7 Sec. 3-104. Application for certificate of title.

8 (a) The application for a certificate of title for a
9 vehicle in this State must be made by the owner to the
10 Secretary of State on the form prescribed and must contain:

11 1. The name, Illinois residence, ~~and~~ mail address, and,
12 if available, email address of the owner;

13 2. A description of the vehicle including, so far as
14 the following data exists: Its make, year-model,
15 identifying number, type of body, whether new or used, as
16 to house trailers as defined in Section 1-128 of this Code,
17 and as to manufactured homes as defined in Section 1-144.03
18 of this Code, the square footage based upon the outside
19 dimensions excluding the length of the tongue and hitch,
20 and, as to vehicles of the second division, whether
21 for-hire, not-for-hire, or both for-hire and not-for-hire;

22 3. The date of purchase by applicant and, if
23 applicable, the name and address of the person from whom

1 the vehicle was acquired and the names and addresses of any
2 lienholders in the order of their priority and signatures
3 of owners;

4 4. The current odometer reading at the time of transfer
5 and that the stated odometer reading is one of the
6 following: actual mileage, not the actual mileage or
7 mileage is in excess of its mechanical limits; and

8 5. Any further information the Secretary of State
9 reasonably requires to identify the vehicle and to enable
10 him to determine whether the owner is entitled to a
11 certificate of title and the existence or nonexistence of
12 security interests in the vehicle.

13 (a-5) The Secretary of State shall designate on the
14 prescribed application form a space where the owner of a
15 vehicle may designate a beneficiary, to whom ownership of the
16 vehicle shall pass in the event of the owner's death.

17 (b) If the application refers to a vehicle purchased from a
18 dealer, it must also be signed by the dealer as well as the
19 owner, and the dealer must promptly mail or deliver the
20 application and required documents to the Secretary of State.

21 (c) If the application refers to a vehicle last previously
22 registered in another State or country, the application must
23 contain or be accompanied by:

24 1. Any certified document of ownership so recognized
25 and issued by the other State or country and acceptable to
26 the Secretary of State, and

1 2. Any other information and documents the Secretary of
2 State reasonably requires to establish the ownership of the
3 vehicle and the existence or nonexistence of security
4 interests in it.

5 (d) If the application refers to a new vehicle it must be
6 accompanied by the Manufacturer's Statement of Origin, or other
7 documents as required and acceptable by the Secretary of State,
8 with such assignments as may be necessary to show title in the
9 applicant.

10 (e) If an application refers to a vehicle rebuilt from a
11 vehicle previously salvaged, that application shall comply
12 with the provisions set forth in Sections 3-302 through 3-304
13 of this Code.

14 (f) An application for a certificate of title for any
15 vehicle, whether purchased in Illinois or outside Illinois, and
16 even if previously registered in another State, must be
17 accompanied by either an exemption determination from the
18 Department of Revenue showing that no tax imposed pursuant to
19 the Use Tax Act or the vehicle use tax imposed by Section
20 3-1001 of the Illinois Vehicle Code is owed by anyone with
21 respect to that vehicle, or a receipt from the Department of
22 Revenue showing that any tax so imposed has been paid. An
23 application for a certificate of title for any vehicle
24 purchased outside Illinois, even if previously registered in
25 another state, must be accompanied by either an exemption
26 determination from the Department of Revenue showing that no

1 tax imposed pursuant to the Municipal Use Tax Act or the County
2 Use Tax Act is owed by anyone with respect to that vehicle, or
3 a receipt from the Department of Revenue showing that any tax
4 so imposed has been paid. In the absence of such a receipt for
5 payment or determination of exemption from the Department, no
6 certificate of title shall be issued to the applicant.

7 If the proof of payment of the tax or of nonliability
8 therefor is, after the issuance of the certificate of title and
9 display certificate of title, found to be invalid, the
10 Secretary of State shall revoke the certificate and require
11 that the certificate of title and, when applicable, the display
12 certificate of title be returned to him.

13 (g) If the application refers to a vehicle not manufactured
14 in accordance with federal safety and emission standards, the
15 application must be accompanied by all documents required by
16 federal governmental agencies to meet their standards before a
17 vehicle is allowed to be issued title and registration.

18 (h) If the application refers to a vehicle sold at public
19 sale by a sheriff, it must be accompanied by the required fee
20 and a bill of sale issued and signed by a sheriff. The bill of
21 sale must identify the new owner's name and address, the year
22 model, make and vehicle identification number of the vehicle,
23 court order document number authorizing such sale, if
24 applicable, and the name and address of any lienholders in
25 order of priority, if applicable.

26 (i) If the application refers to a vehicle for which a

1 court of law determined the ownership, it must be accompanied
2 with a certified copy of such court order and the required fee.
3 The court order must indicate the new owner's name and address,
4 the complete description of the vehicle, if known, the name and
5 address of the lienholder, if any, and must be signed and dated
6 by the judge issuing such order.

7 (j) If the application refers to a vehicle sold at public
8 auction pursuant to the Labor and Storage Lien (Small Amount)
9 Act, it must be accompanied by an affidavit or affirmation
10 furnished by the Secretary of State along with the documents
11 described in the affidavit or affirmation and the required fee.

12 (k) The Secretary may provide an expedited process for the
13 issuance of vehicle titles. Expedited title applications must
14 be delivered to the Secretary of State's Vehicle Services
15 Department in Springfield by express mail service or hand
16 delivery. Applications must be complete, including necessary
17 forms, fees, and taxes. Applications received before noon on a
18 business day will be processed and shipped that same day.
19 Applications received after noon on a business day will be
20 processed and shipped the next business day. The Secretary
21 shall charge an additional fee of \$30 for this service, and
22 that fee shall cover the cost of return shipping via an express
23 mail service. All fees collected by the Secretary of State for
24 expedited services shall be deposited into the Motor Vehicle
25 License Plate Fund. In the event the Vehicle Services
26 Department determines that the volume of expedited title

1 requests received on a given day exceeds the ability of the
2 Vehicle Services Department to process those requests in an
3 expedited manner, the Vehicle Services Department may decline
4 to provide expedited services, and the additional fee for the
5 expedited service shall be refunded to the applicant.

6 (l) If the application refers to a homemade trailer, (i) it
7 must be accompanied by the appropriate documentation regarding
8 the source of materials used in the construction of the
9 trailer, as required by the Secretary of State, (ii) the
10 trailer must be inspected by a Secretary of State employee
11 prior to the issuance of the title, and (iii) upon approval of
12 the Secretary of State, the trailer must have a vehicle
13 identification number, as provided by the Secretary of State,
14 stamped or riveted to the frame.

15 (m) The holder of a Manufacturer's Statement of Origin to a
16 manufactured home may deliver it to any person to facilitate
17 conveying or encumbering the manufactured home. Any person
18 receiving any such Manufacturer's Statement of Origin so
19 delivered holds it in trust for the person delivering it.

20 (n) Within 45 days after the completion of the first retail
21 sale of a manufactured home, the Manufacturer's Statement of
22 Origin to that manufactured home must be surrendered to the
23 Secretary of State either in conjunction with an application
24 for a certificate of title for that manufactured home or in
25 accordance with Section 3-116.1.

26 (o) Each application for certificate of title for a motor

1 vehicle shall be verified by the National Motor Vehicle Title
2 Information System (NMVTIS) for a vehicle history report prior
3 to the Secretary issuing a certificate of title.

4 (Source: P.A. 98-749, eff. 7-16-14; 99-414, eff. 8-20-15.)

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

6 Sec. 3-405. Application for registration.

7 (a) Every owner of a vehicle subject to registration under
8 this Code shall make application to the Secretary of State for
9 the registration of such vehicle upon the appropriate form or
10 forms furnished by the Secretary. Every such application shall
11 bear the signature of the owner written with pen and ink and
12 contain:

13 1. The name, domicile address, as defined in Section
14 1-115.5 of this Code, (except as otherwise provided in this
15 paragraph 1), ~~and~~ mail address of the owner or business
16 address of the owner if a firm, association, ~~or~~
17 corporation, and, if available, email address of the owner.

18 If the mailing address is a post office box number, the
19 address listed on the driver license record may be used to
20 verify residence. A police officer, a deputy sheriff, an
21 elected sheriff, a law enforcement officer for the
22 Department of State Police, a fire investigator, a state's
23 attorney, an assistant state's attorney, a state's
24 attorney special investigator, or a judicial officer may
25 elect to furnish the address of the headquarters of the

1 governmental entity, police district, or business address
2 where he or she works instead of his or her domicile
3 address, in which case that address shall be deemed to be
4 his or her domicile address for all purposes under this
5 Chapter 3. The spouse and children of a person who may
6 elect under this paragraph 1 to furnish the address of the
7 headquarters of the government entity, police district, or
8 business address where the person works instead of the
9 person's domicile address may, if they reside with that
10 person, also elect to furnish the address of the
11 headquarters of the government entity, police district, or
12 business address where the person works as their domicile
13 address, in which case that address shall be deemed to be
14 their domicile address for all purposes under this Chapter
15 3. In this paragraph 1: (A) "police officer" has the
16 meaning ascribed to "policeman" in Section 10-3-1 of the
17 Illinois Municipal Code; (B) "deputy sheriff" means a
18 deputy sheriff appointed under Section 3-6008 of the
19 Counties Code; (C) "elected sheriff" means a sheriff
20 commissioned pursuant to Section 3-6001 of the Counties
21 Code; (D) "fire investigator" means a person classified as
22 a peace officer under the Peace Officer Fire Investigation
23 Act; (E) "state's attorney", "assistant state's attorney",
24 and "state's attorney special investigator" mean a state's
25 attorney, assistant state's attorney, and state's attorney
26 special investigator commissioned or appointed under

1 Division 3-9 of the Counties Code; and (F) "judicial
2 officer" has the meaning ascribed to it in Section 1-10 of
3 the Judicial Privacy Act.

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

8 3. (Blank).

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

13 5. An affirmation by the applicant that all information
14 set forth is true and correct. If the application is for
15 the registration of a motor vehicle, the applicant also
16 shall affirm that the motor vehicle is insured as required
17 by this Code, that such insurance will be maintained
18 throughout the period for which the motor vehicle shall be
19 registered, and that neither the owner, nor any person
20 operating the motor vehicle with the owner's permission,
21 shall operate the motor vehicle unless the required
22 insurance is in effect. If the person signing the
23 affirmation is not the sole owner of the vehicle, such
24 person shall be deemed to have affirmed on behalf of all
25 the owners of the vehicle. If the person signing the
26 affirmation is not an owner of the vehicle, such person

1 shall be deemed to have affirmed on behalf of the owner or
2 owners of the vehicle. The lack of signature on the
3 application shall not in any manner exempt the owner or
4 owners from any provisions, requirements or penalties of
5 this Code.

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

10 (Source: P.A. 97-847, eff. 1-1-13; 98-539, eff. 1-1-14; 98-787,
11 eff. 7-25-14.)

12 (625 ILCS 5/6-106) (from Ch. 95 1/2, par. 6-106)

13 Sec. 6-106. Application for license or instruction permit.

14 (a) Every application for any permit or license authorized
15 to be issued under this Code shall be made upon a form
16 furnished by the Secretary of State. Every application shall be
17 accompanied by the proper fee and payment of such fee shall
18 entitle the applicant to not more than 3 attempts to pass the
19 examination within a period of one year after the date of
20 application.

21 (b) Every application shall state the legal name, social
22 security number, zip code, date of birth, sex, ~~and~~ residence
23 address, and, if available, email address of the applicant;
24 briefly describe the applicant; state whether the applicant has
25 theretofore been licensed as a driver, and, if so, when and by

1 what state or country, and whether any such license has ever
2 been cancelled, suspended, revoked or refused, and, if so, the
3 date and reason for such cancellation, suspension, revocation
4 or refusal; shall include an affirmation by the applicant that
5 all information set forth is true and correct; and shall bear
6 the applicant's signature. In addition to the residence
7 address, the Secretary may allow the applicant to provide a
8 mailing address. In the case of an applicant who is a judicial
9 officer or peace officer, the Secretary may allow the applicant
10 to provide an office or work address in lieu of a residence or
11 mailing address. The application form may also require the
12 statement of such additional relevant information as the
13 Secretary of State shall deem necessary to determine the
14 applicant's competency and eligibility. The Secretary of State
15 may, in his discretion, by rule or regulation, provide that an
16 application for a drivers license or permit may include a
17 suitable photograph of the applicant in the form prescribed by
18 the Secretary, and he may further provide that each drivers
19 license shall include a photograph of the driver. The Secretary
20 of State may utilize a photograph process or system most
21 suitable to deter alteration or improper reproduction of a
22 drivers license and to prevent substitution of another photo
23 thereon. For the purposes of this subsection (b), "peace
24 officer" means any person who by virtue of his or her office or
25 public employment is vested by law with a duty to maintain
26 public order or to make arrests for a violation of any penal

1 statute of this State, whether that duty extends to all
2 violations or is limited to specific violations.

3 (b-5) Beginning July 1, 2017, every applicant for a
4 driver's license or permit shall provide proof of lawful status
5 in the United States as defined in 6 CFR 37.3, as amended.
6 Applicants who are unable to provide the Secretary with proof
7 of lawful status may apply for a driver's license or permit
8 under Section 6-105.1 of this Code.

9 (c) The application form shall include a notice to the
10 applicant of the registration obligations of sex offenders
11 under the Sex Offender Registration Act. The notice shall be
12 provided in a form and manner prescribed by the Secretary of
13 State. For purposes of this subsection (c), "sex offender" has
14 the meaning ascribed to it in Section 2 of the Sex Offender
15 Registration Act.

16 (d) Any male United States citizen or immigrant who applies
17 for any permit or license authorized to be issued under this
18 Code or for a renewal of any permit or license, and who is at
19 least 18 years of age but less than 26 years of age, must be
20 registered in compliance with the requirements of the federal
21 Military Selective Service Act. The Secretary of State must
22 forward in an electronic format the necessary personal
23 information regarding the applicants identified in this
24 subsection (d) to the Selective Service System. The applicant's
25 signature on the application serves as an indication that the
26 applicant either has already registered with the Selective

1 Service System or that he is authorizing the Secretary to
2 forward to the Selective Service System the necessary
3 information for registration. The Secretary must notify the
4 applicant at the time of application that his signature
5 constitutes consent to registration with the Selective Service
6 System, if he is not already registered.

7 (e) Beginning on or before July 1, 2015, for each original
8 or renewal driver's license application under this Code, the
9 Secretary shall inquire as to whether the applicant is a
10 veteran for purposes of issuing a driver's license with a
11 veteran designation under subsection (e-5) of Section 6-110 of
12 this Code. The acceptable forms of proof shall include, but are
13 not limited to, Department of Defense form DD-214. The Illinois
14 Department of Veterans' Affairs shall advise the Secretary as
15 to what other forms of proof of a person's status as a veteran
16 are acceptable.

17 The Illinois Department of Veterans' Affairs shall confirm
18 the status of the applicant as an honorably discharged veteran
19 before the Secretary may issue the driver's license.

20 For purposes of this subsection (e):

21 "Armed forces" means any of the Armed Forces of the United
22 States, including a member of any reserve component or National
23 Guard unit.

24 "Veteran" means a person who has served in the armed forces
25 and was discharged or separated under honorable conditions.

26 (Source: P.A. 98-323, eff. 1-1-14; 98-463, eff. 8-16-13;

1 98-756, eff. 7-16-14; 99-511, eff. 1-1-17; 99-544, eff.
2 7-15-16; revised 9-13-16.)

3 (625 ILCS 5/7-604) (from Ch. 95 1/2, par. 7-604)

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

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

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

13 (1) whose motor vehicle registrations during the
14 preceding 4 years have been suspended pursuant to Section
15 7-606 or 7-607 of this Code;

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

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

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

25 (5) who during the preceding 4 years have received a

1 disposition of supervision under subsection (c) of Section
2 5-6-1 of the Unified Code of Corrections for a violation of
3 Section 3-707, 3-708, or 3-710 of this Code.

4 (b) Upon receiving certification from the Department of
5 Transportation under Section 7-201.2 of this Code of the name
6 of an owner or operator of any motor vehicle involved in an
7 accident, the Secretary may verify whether or not at the time
8 of the accident such motor vehicle was covered by a liability
9 insurance policy in accordance with Section 7-601 of this Code.

10 (c) In preparation for selection of random samples and
11 their verification, the Secretary may send to owners of
12 randomly selected motor vehicles, or to randomly selected motor
13 vehicle owners, requests for information about their motor
14 vehicles and liability insurance coverage electronically or,
15 if electronic means are unavailable, via U.S. mail. The request
16 shall require the owner to state whether or not the motor
17 vehicle was insured on the verification date stated in the
18 Secretary's request and the request may require, but is not
19 limited to, a statement by the owner of the names and addresses
20 of insurers, policy numbers, and expiration dates of insurance
21 coverage.

22 (d) Within 30 days after the Secretary sends ~~maile~~ a
23 request under subsection (c) of this Section, the owner to whom
24 it is sent shall furnish the requested information to the
25 Secretary above the owner's signed affirmation that such
26 information is true and correct. Proof of insurance in effect

1 on the verification date, as prescribed by the Secretary, may
2 be considered by the Secretary to be a satisfactory response to
3 the request for information.

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

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

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

1 (g) (Blank).

2 (Source: P.A. 98-787, eff. 7-25-14; 99-333, eff. 12-30-15 (see
3 Section 15 of P.A. 99-483 for the effective date of changes
4 made by P.A. 99-333); 99-737, eff. 8-5-16.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.