



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3046

Introduced 2/23/2011, by Rep. Naomi D. Jakobsson

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-116

from Ch. 95 1/2, par. 3-116

Amends the Illinois Vehicle Code. Provides that the Secretary of State, upon receipt of an application for certificate of title and the required fee, shall issue a certificate of title to any applicant who shows the following: (1) the current title holder has or has been deemed to have consented to the transfer of title; (2) the applicant has conducted a title search for the vehicle and no other owners or lienholders exist; and (3) the applicant has provided 30 days notice via certified mail to the last known address of all interested parties. Provides that consent to the transference of title under the new provision is deemed to have been given when the applicant for a certificate of title presents (A) a signed work order; or (B) a signed statement affirming that the vehicle has remained on the property of the applicant for more than 15 days after the fulfillment of the purpose for which the vehicle was originally left on the property. Effective January 1, 2012.

LRB097 07198 HEP 47304 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 Section 3-116 as follows:

6 (625 ILCS 5/3-116) (from Ch. 95 1/2, par. 3-116)

7 Sec. 3-116. When Secretary of State to issue a certificate
8 of title.

9 (a) The Secretary of State, upon receipt of a properly
10 assigned certificate of title, with an application for a
11 certificate of title, the required fee and any other documents
12 required by law, shall issue a new certificate of title in the
13 name of the transferee as owner and mail it to the first
14 lienholder named in it or, if none, to the owner or owner's
15 designee.

16 (b) The Secretary of State, upon receipt of an application
17 for a new certificate of title by a transferee other than by
18 voluntary transfer, with proof of the transfer, the required
19 fee and any other documents required by law, shall issue a new
20 certificate of title in the name of the transferee as owner.

21 (c) Any person, firm or corporation, who shall knowingly
22 possess, buy, sell, exchange or give away, or offer to buy,
23 sell, exchange or give away the certificate of title to any

1 motor vehicle which is a junk or salvage, or who shall fail to
2 surrender the certificate of title to the Secretary of State as
3 required under the provisions of this Section and Section
4 3-117.2, shall be guilty of Class 3 felony.

5 (d) The Secretary of State shall file and retain for four
6 (4) years a record of every surrendered certificate of title or
7 proof of ownership accepted by the Secretary of State, the file
8 to be maintained so as to permit the tracing of title of the
9 vehicle designated therein.

10 (e) The Secretary of State, upon receipt of an application
11 for corrected certificate of title, with the original title,
12 the required fee and any other required documents, shall issue
13 a corrected certificate of title in the name of the owner and
14 mail it to the first lienholder named in it or, if none, to the
15 owner or owner's designee.

16 (f) The Secretary of State, upon receipt of a certified
17 copy of a court order awarding ownership to an applicant along
18 with an application for a certificate of title and the required
19 fee, shall issue a certificate of title to the applicant.

20 (g) The Secretary of State, upon receipt of an application
21 for certificate of title and the required fee, shall issue a
22 certificate of title to any applicant who shows the following:

23 (1) the current title holder has consented or is deemed
24 to have consented to the transfer of title. For purposes of
25 this subsection, consent is deemed to have been given when
26 (A) the applicant for a certificate of title presents to

1 the Secretary a work order signed by the current title
2 holder; or (B) the applicant for a certificate of title
3 presents to the Secretary a signed statement affirming that
4 the vehicle has remained on the property of the applicant
5 for more than 15 days after the fulfillment of the purpose
6 for which the vehicle was originally left on the property;

7 (2) the applicant has conducted a title search of
8 Illinois records and of the records of any other state for
9 which there is reason to believe a title may exist for the
10 vehicle, and no other vehicle owners or lienholders exist;
11 and

12 (3) the applicant has provided 30 days notice via
13 certified mail to the last known address of all interested
14 parties.

15 (Source: P.A. 90-212, eff. 1-1-98.)

16 Section 99. Effective date. This Act takes effect January
17 1, 2012.