

HB3876



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3876

Introduced 2/17/2023, by Rep. Angelica Guerrero-Cuellar

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-402
625 ILCS 5/3-407

from Ch. 95 1/2, par. 3-402
from Ch. 95 1/2, par. 3-407

Amends the Illinois Vehicle Code. Provides that a resident of this State who purchases a vehicle in another state and transports the vehicle to Illinois shall apply make an application for registration and certificate of title as soon as practicable, but in no event less than 45 days after the purchase of the vehicle. Provides that the owner of such a vehicle shall display any temporary permit or registration issued in accordance with the provisions of the Code. Restricts the issuance of a temporary registration permit to the holder of a valid Illinois driver's license.

LRB103 05102 HEP 50116 b

A BILL FOR

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
5 changing Sections 3-402 and 3-407 as follows:

6 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

7 Sec. 3-402. Vehicles subject to registration; exceptions.

8 A. Exemptions and Policy. Every motor vehicle, trailer,
9 semitrailer and pole trailer when driven or moved upon a
10 highway shall be subject to the registration and certificate
11 of title provisions of this Chapter except:

12 (1) Any such vehicle driven or moved upon a highway in
13 conformance with the provisions of this Chapter relating
14 to manufacturers, transporters, dealers, lienholders or
15 nonresidents or under a temporary registration permit
16 issued by the Secretary of State;

17 (2) Any implement of husbandry whether of a type
18 otherwise subject to registration hereunder or not which
19 is only incidentally operated or moved upon a highway,
20 which shall include a not-for-hire movement for the
21 purpose of delivering farm commodities to a place of first
22 processing or sale, or to a place of storage;

23 (3) Any special mobile equipment as herein defined;

1 (4) Any vehicle which is propelled exclusively by
2 electric power obtained from overhead trolley wires though
3 not operated upon rails;

4 (5) Any vehicle which is equipped and used exclusively
5 as a pumper, ladder truck, rescue vehicle, searchlight
6 truck, or other fire apparatus, but not a vehicle of a type
7 which would otherwise be subject to registration as a
8 vehicle of the first division;

9 (6) Any vehicle which is owned and operated by the
10 federal government and externally displays evidence of
11 federal ownership. It is the policy of the State of
12 Illinois to promote and encourage the fullest use of its
13 highways and to enhance the flow of commerce thus
14 contributing to the economic, agricultural, industrial and
15 social growth and development of this State, by
16 authorizing the Secretary of State to negotiate and enter
17 into reciprocal or proportional agreements or arrangements
18 with other States, or to issue declarations setting forth
19 reciprocal exemptions, benefits and privileges with
20 respect to vehicles operated interstate which are properly
21 registered in this and other States, assuring nevertheless
22 proper registration of vehicles in Illinois as may be
23 required by this Code;

24 (7) Any converter dolly or tow dolly which merely
25 serves as substitute wheels for another legally licensed
26 vehicle. A title may be issued on a voluntary basis to a

1 tow dolly upon receipt of the manufacturer's certificate
2 of origin or the bill of sale;

3 (8) Any house trailer found to be an abandoned mobile
4 home under the Abandoned Mobile Home Act;

5 (9) Any vehicle that is not properly registered or
6 does not have registration plates or digital registration
7 plates issued to the owner or operator affixed thereto, or
8 that does have registration plates or digital registration
9 plates issued to the owner or operator affixed thereto but
10 the plates are not appropriate for the weight of the
11 vehicle, provided that this exemption shall apply only
12 while the vehicle is being transported or operated by a
13 towing service and has a third tow plate affixed to it.

14 B. Reciprocity. Any motor vehicle, trailer, semitrailer or
15 pole trailer need not be registered under this Code provided
16 the same is operated interstate and in accordance with the
17 following provisions and any rules and regulations promulgated
18 pursuant thereto:

19 (1) A nonresident owner, except as otherwise provided
20 in this Section, owning any foreign registered vehicle of
21 a type otherwise subject to registration hereunder, may
22 operate or permit the operation of such vehicle within
23 this State in interstate commerce without registering such
24 vehicle in, or paying any fees to, this State subject to
25 the condition that such vehicle at all times when operated
26 in this State is operated pursuant to a reciprocity

1 agreement, arrangement or declaration by this State, and
2 further subject to the condition that such vehicle at all
3 times when operated in this State is duly registered in,
4 and displays upon it, a valid registration card and
5 registration plate or plates or digital registration plate
6 or plates issued for such vehicle in the place of
7 residence of such owner and is issued and maintains in
8 such vehicle a valid Illinois reciprocity permit as
9 required by the Secretary of State, and provided like
10 privileges are afforded to residents of this State by the
11 State of residence of such owner.

12 Every nonresident including any foreign corporation
13 carrying on business within this State and owning and
14 regularly operating in such business any motor vehicle,
15 trailer or semitrailer within this State in intrastate
16 commerce, shall be required to register each such vehicle
17 and pay the same fees therefor as is required with
18 reference to like vehicles owned by residents of this
19 State.

20 (2) Any motor vehicle, trailer, semitrailer and pole
21 trailer operated interstate need not be registered in this
22 State, provided:

23 (a) that the vehicle is properly registered in
24 another State pursuant to law or to a reciprocity
25 agreement, arrangement or declaration; or

26 (b) that such vehicle is part of a fleet of

1 vehicles owned or operated by the same person who
2 registers such fleet of vehicles pro rata among the
3 various States in which such fleet operates; or

4 (c) that such vehicle is part of a fleet of
5 vehicles, a portion of which are registered with the
6 Secretary of State of Illinois in accordance with an
7 agreement or arrangement concurred in by the Secretary
8 of State of Illinois based on one or more of the
9 following factors: ratio of miles in Illinois as
10 against total miles in all jurisdictions; situs or
11 base of a vehicle, or where it is principally garaged,
12 or from whence it is principally dispatched or where
13 the movements of such vehicle usually originate; situs
14 of the residence of the owner or operator thereof, or
15 of his principal office or offices, or of his places of
16 business; the routes traversed and whether regular or
17 irregular routes are traversed, and the jurisdictions
18 traversed and served; and such other factors as may be
19 deemed material by the Secretary and the motor vehicle
20 administrators of the other jurisdictions involved in
21 such apportionment. Such vehicles shall maintain
22 therein any reciprocity permit which may be required
23 by the Secretary of State pursuant to rules and
24 regulations which the Secretary of State may
25 promulgate in the administration of this Code, in the
26 public interest.

1 (3) (a) In order to effectuate the purposes of this
2 Code, the Secretary of State of Illinois is empowered to
3 negotiate and execute written reciprocal agreements or
4 arrangements with the duly authorized representatives of
5 other jurisdictions, including States, districts,
6 territories and possessions of the United States, and
7 foreign states, provinces, or countries, granting to
8 owners or operators of vehicles duly registered or
9 licensed in such other jurisdictions and for which
10 evidence of compliance is supplied, benefits, privileges
11 and exemption from the payment, wholly or partially, of
12 any taxes, fees or other charges imposed with respect to
13 the ownership or operation of such vehicles by the laws of
14 this State except the tax imposed by the Motor Fuel Tax
15 Law, approved March 25, 1929, as amended, and the tax
16 imposed by the Use Tax Act, approved July 14, 1955, as
17 amended.

18 The Secretary of State may negotiate agreements or
19 arrangements as are in the best interests of this State
20 and the residents of this State pursuant to the policies
21 expressed in this Section taking into consideration the
22 reciprocal exemptions, benefits and privileges available
23 and accruing to residents of this State and vehicles
24 registered in this State.

25 (b) Such reciprocal agreements or arrangements shall
26 provide that vehicles duly registered or licensed in this

1 State when operated upon the highways of such other
2 jurisdictions, shall receive exemptions, benefits and
3 privileges of a similar kind or to a similar degree as
4 extended to vehicles from such jurisdictions in this
5 State.

6 (c) Such agreements or arrangements may also authorize
7 the apportionment of registration or licensing of fleets
8 of vehicles operated interstate, based on any or all of
9 the following factors: ratio of miles in Illinois as
10 against total miles in all jurisdictions; situs or base of
11 a vehicle, or where it is principally garaged or from
12 whence it is principally dispatched or where the movements
13 of such vehicle usually originate; situs of the residence
14 of the owner or operator thereof, or of his principal
15 office or offices, or of his places of business; the
16 routes traversed and whether regular or irregular routes
17 are traversed, and the jurisdictions traversed and served;
18 and such other factors as may be deemed material by the
19 Secretary and the motor vehicle administrators of the
20 other jurisdictions involved in such apportionment, and
21 such vehicles shall likewise be entitled to reciprocal
22 exemptions, benefits and privileges.

23 (d) Such agreements or arrangements shall also provide
24 that vehicles being operated in intrastate commerce in
25 Illinois shall comply with the registration and licensing
26 laws of this State, except that vehicles which are part of

1 an apportioned fleet may conduct an intrastate operation
2 incidental to their interstate operations. Any motor
3 vehicle properly registered and qualified under any
4 reciprocal agreement or arrangement under this Code and
5 not having a situs or base within Illinois may complete
6 the inbound movement of a trailer or semitrailer to an
7 Illinois destination that was brought into Illinois by a
8 motor vehicle also properly registered and qualified under
9 this Code and not having a situs or base within Illinois,
10 or may complete an outbound movement of a trailer or
11 semitrailer to an out-of-state destination that was
12 originated in Illinois by a motor vehicle also properly
13 registered and qualified under this Code and not having a
14 situs or base in Illinois, only if the operator thereof
15 did not break bulk of the cargo laden in such inbound or
16 outbound trailer or semitrailer. Adding or unloading
17 intrastate cargo on such inbound or outbound trailer or
18 semitrailer shall be deemed as breaking bulk.

19 (e) Such agreements or arrangements may also provide
20 for the determination of the proper State in which leased
21 vehicles shall be registered based on the factors set out
22 in subsection (c) above and for apportionment of
23 registration of fleets of leased vehicles by the lessee or
24 by the lessor who leases such vehicles to persons who are
25 not fleet operators.

26 (f) Such agreements or arrangements may also include

1 reciprocal exemptions, benefits or privileges accruing
2 under The Illinois Driver Licensing Law or The Driver
3 License Compact.

4 (4) The Secretary of State is further authorized to
5 examine the laws and requirements of other jurisdictions,
6 and, in the absence of a written agreement or arrangement,
7 to issue a written declaration of the extent and nature of
8 the exemptions, benefits and privileges accorded to
9 vehicles of this State by such other jurisdictions, and
10 the extent and nature of reciprocal exemptions, benefits
11 and privileges thereby accorded by this State to the
12 vehicles of such other jurisdictions. A declaration by the
13 Secretary of State may include any, part or all reciprocal
14 exemptions, benefits and privileges or provisions as may
15 be included within an agreement or arrangement.

16 (5) All agreements, arrangements, declarations and
17 amendments thereto, shall be in writing and become
18 effective when signed by the Secretary of State, and
19 copies of all such documents shall be available to the
20 public upon request.

21 (6) The Secretary of State is further authorized to
22 require the display by foreign registered trucks,
23 truck-tractors and buses, entitled to reciprocal benefits,
24 exemptions or privileges hereunder, a reciprocity permit
25 for external display before any such reciprocal benefits,
26 exemptions or privileges are granted. The Secretary of

1 State shall provide suitable application forms for such
2 permit and shall promulgate and publish reasonable rules
3 and regulations for the administration and enforcement of
4 the provisions of this Code including a provision for
5 revocation of such permit as to any vehicle operated
6 wilfully in violation of the terms of any reciprocal
7 agreement, arrangement or declaration or in violation of
8 the Illinois Motor Carrier of Property Law, as amended.

9 (7) (a) Upon the suspension, revocation or denial of
10 one or more of all reciprocal benefits, privileges and
11 exemptions existing pursuant to the terms and provisions
12 of this Code or by virtue of a reciprocal agreement or
13 arrangement or declaration thereunder; or, upon the
14 suspension, revocation or denial of a reciprocity permit;
15 or, upon any action or inaction of the Secretary in the
16 administration and enforcement of the provisions of this
17 Code, any person, resident or nonresident, so aggrieved,
18 may serve upon the Secretary, a petition in writing and
19 under oath, setting forth the grievance of the petitioner,
20 the grounds and basis for the relief sought, and all
21 necessary facts and particulars, and request an
22 administrative hearing thereon. Within 20 days, the
23 Secretary shall set a hearing date as early as practical.
24 The Secretary may, in his discretion, supply forms for
25 such a petition. The Secretary may require the payment of
26 a fee of not more than \$50 for the filing of any petition,

1 motion, or request for hearing conducted pursuant to this
2 Section. These fees must be deposited into the Secretary
3 of State DUI Administration Fund, a special fund that is
4 hereby created in the State treasury, and, subject to
5 appropriation and as directed by the Secretary of State,
6 shall be used to fund the operation of the hearings
7 department of the Office of the Secretary of State and for
8 no other purpose. The Secretary shall establish by rule
9 the amount and the procedures, terms, and conditions
10 relating to these fees.

11 (b) The Secretary may likewise, in his discretion and
12 upon his own petition, order a hearing, when in his best
13 judgment, any person is not entitled to the reciprocal
14 benefits, privileges and exemptions existing pursuant to
15 the terms and provisions of this Code or under a
16 reciprocal agreement or arrangement or declaration
17 thereunder or that a vehicle owned or operated by such
18 person is improperly registered or licensed, or that an
19 Illinois resident has improperly registered or licensed a
20 vehicle in another jurisdiction for the purposes of
21 violating or avoiding the registration laws of this State.

22 (c) The Secretary shall notify a petitioner or any
23 other person involved of such a hearing, by giving at
24 least 10 days notice, in writing, by U.S. Mail, Registered
25 or Certified, or by personal service, at the last known
26 address of such petitioner or person, specifying the time

1 and place of such hearing. Such hearing shall be held
2 before the Secretary, or any person as he may designate,
3 and unless the parties mutually agree to some other county
4 in Illinois, the hearing shall be held in the County of
5 Sangamon or the County of Cook. Appropriate records of the
6 hearing shall be kept, and the Secretary shall issue or
7 cause to be issued, his decision on the case, within 30
8 days after the close of such hearing or within 30 days
9 after receipt of the transcript thereof, and a copy shall
10 likewise be served or mailed to the petitioner or person
11 involved.

12 (d) The actions or inactions or determinations, or
13 findings and decisions upon an administrative hearing, of
14 the Secretary, shall be subject to judicial review in the
15 Circuit Court of the County of Sangamon or the County of
16 Cook, and the provisions of the Administrative Review Law,
17 and all amendments and modifications thereof and rules
18 adopted pursuant thereto, apply to and govern all such
19 reviewable matters.

20 Any reciprocal agreements or arrangements entered into
21 by the Secretary of State or any declarations issued by
22 the Secretary of State pursuant to any law in effect prior
23 to the effective date of this Code are not hereby
24 abrogated, and such shall continue in force and effect
25 until amended pursuant to the provisions of this Code or
26 expire pursuant to the terms or provisions thereof.

1 D. Vehicles purchased out-of-state. A resident of this
2 State who purchases a vehicle in another state and transports
3 the vehicle to Illinois shall apply make an application for
4 registration and certificate of title as soon as practicable,
5 but in no event less than 45 days after the purchase of the
6 vehicle. The owner of such a vehicle shall display any
7 temporary permit or registration issued in accordance with
8 Section 3-407.

9 (Source: P.A. 101-395, eff. 8-16-19.)

10 (625 ILCS 5/3-407) (from Ch. 95 1/2, par. 3-407)

11 Sec. 3-407. Temporary permit or registration pending
12 registration.

13 (a) Temporary Permit. The Secretary of State in his
14 discretion may grant a temporary permit or placard to operate
15 a vehicle for which application for registration and
16 certificate of title has been made where such application is
17 made by the holder of a valid Illinois driver's license and
18 accompanied by the proper fee, pending action upon said
19 application by the Secretary of State. In lieu of payment of
20 the proper fee, the Secretary of State may accept a bond
21 therefor or a certificate of deposit, in the proper amount,
22 and in the same form and subject to the same requirements as
23 the payment of such fees or taxes on an installment basis,
24 except that the fees or taxes due shall be payable and paid to
25 the Secretary of State. The design, color and format of the

1 temporary permit or placard shall be wholly within the
2 discretion of the Secretary of State.

3 (b) Temporary Registration. The Secretary of State in his
4 discretion may issue registration plates to an owner for which
5 application and certificate of title has been made where such
6 application is accompanied by the proper fee and tax, pending
7 completion of the said application by the applicant and the
8 Secretary, subject however to rules and regulations
9 promulgated by the Secretary.

10 (c) Revocation. A temporary permit or registration is
11 subject to revocation to the same extent as any other
12 registration.

13 (Source: P.A. 88-298.)