

1 AN ACT in relation to 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 3-104 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 of  
12 the owner;

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

23 3. The date of purchase by applicant and, if  
24 applicable, the name and address of the person from whom  
25 the vehicle was acquired and the names and addresses of  
26 any lienholders in the order of their priority and  
27 signatures of owners;

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

1           5. Any further information the Secretary of State  
2 reasonably requires to identify the vehicle and to enable  
3 him to determine whether the owner is entitled to a  
4 certificate of title and the existence or nonexistence of  
5 security interests in the vehicle.

6           (b) If the application refers to a vehicle purchased  
7 from a dealer, it must also be signed by the dealer as well  
8 as the owner, and the dealer must promptly mail or deliver  
9 the application and required documents to the Secretary of  
10 State.

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

14           1. Any certified document of ownership so  
15 recognized and issued by the other State or country and  
16 acceptable to the Secretary of State, and

17           2. Any other information and documents the  
18 Secretary of State reasonably requires to establish the  
19 ownership of the vehicle and the existence or  
20 nonexistence of security interests in it.

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

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

30           (f) An application for a certificate of title for any  
31 vehicle, whether purchased in Illinois or outside Illinois,  
32 and even if previously registered in another State, must be  
33 accompanied by either an exemption determination from the  
34 Department of Revenue showing that no tax imposed pursuant to

1 the Use Tax Act or the vehicle use tax imposed by Section  
2 3-1001 of the Illinois Vehicle Code is owed by anyone with  
3 respect to that vehicle, or a receipt from the Department of  
4 Revenue showing that any tax so imposed has been paid. An  
5 application for a certificate of title for any vehicle  
6 purchased outside Illinois, even if previously registered in  
7 another state, must be accompanied by either an exemption  
8 determination from the Department of Revenue showing that no  
9 tax imposed pursuant to the Municipal Use Tax Act or the  
10 County Use Tax Act is owed by anyone with respect to that  
11 vehicle, or a receipt from the Department of Revenue showing  
12 that any tax so imposed has been paid. In the absence of  
13 such a receipt for payment or determination of exemption from  
14 the Department, no certificate of title shall be issued to  
15 the applicant.

16 If the proof of payment of the tax or of nonliability  
17 therefor is, after the issuance of the certificate of title  
18 and display certificate of title, found to be invalid, the  
19 Secretary of State shall revoke the certificate and require  
20 that the certificate of title and, when applicable, the  
21 display certificate of title be returned to him.

22 (g) If the application refers to a vehicle not  
23 manufactured in accordance with federal safety and emission  
24 standards, the application must be accompanied by all  
25 documents required by federal governmental agencies to meet  
26 their standards before a vehicle is allowed to be issued  
27 title and registration.

28 (h) If the application refers to a vehicle sold at  
29 public sale by a sheriff, it must be accompanied by the  
30 required fee and a bill of sale issued and signed by a  
31 sheriff. The bill of sale must identify the new owner's name  
32 and address, the year model, make and vehicle identification  
33 number of the vehicle, court order document number  
34 authorizing such sale, if applicable, and the name and

1 address of any lienholders in order of priority, if  
2 applicable.

3 (i) If the application refers to a vehicle for which a  
4 court of law determined the ownership, it must be accompanied  
5 with a certified copy of such court order and the required  
6 fee. The court order must indicate the new owner's name and  
7 address, the complete description of the vehicle, if known,  
8 the name and address of the lienholder, if any, and must be  
9 signed and dated by the judge issuing such order.

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

16 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;  
17 90-655, eff. 7-30-98.)