



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB4127

Introduced 1/15/2004, by Careen Gordon, William J. Grunloh,
Lisa M. Dugan, Kathleen A. Ryg, Charles E. Jefferson, et al.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-102.1 new	
625 ILCS 5/3-104	from Ch. 95 1/2, par. 3-104
625 ILCS 5/3-302	from Ch. 95 1/2, par. 3-302
625 ILCS 5/4-107	from Ch. 95 1/2, par. 4-107
625 ILCS 5/5-106.1 new	
625 ILCS 5/5-601.1 new	

Amends the Illinois Vehicle Code. Provides that a person may not purchase a vehicle while that person's driving privileges have been revoked or suspended as a result of a conviction for driving under the influence of alcohol, drugs, or intoxicating compounds or a conviction for reckless homicide or in accordance with a statutory summary suspension under the Code, if the person has not been issued a driving permit. Provides that the offense is a Class C misdemeanor. Provides that an application for a certificate of title must contain a certification that the applicant's driving privileges have not been revoked or suspended for any of those reasons. Provides that a vehicle purchased in violation of these provisions may be seized and retained, sold, or disposed of by a law enforcement agency and sets procedures to be followed. Provides that a new or used vehicle dealer may not sell a vehicle to a person whose driving privileges have been suspended or revoked for any of those reasons. Provides that a lending institution accepting an application for a loan for the purchase of a vehicle must check for the applicant's social security number on a list of the social security numbers of persons whose driving privileges have been revoked or suspended for those reasons and have not been issued a driving permit. Provides that the lending institution must report to the Secretary of State the name of a loan applicant whose social security number is on the list and may not make a loan to that applicant for the purchase of a motor vehicle. Effective January 1, 2005.

LRB093 17652 DRH 44229 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning 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 changing
5 Sections 3-104, 3-302, and 4-107 and by adding Sections
6 3-102.1, 5-106.1, and 5-601.1 as follows:

7 (625 ILCS 5/3-102.1 new)

8 Sec. 3-102.1. Purchase of vehicles by specified offenders
9 prohibited.

10 (a) A person may not purchase a motor vehicle while that
11 person's driving privileges are suspended or revoked as result
12 of a conviction for violating Section 9-3 of the Criminal Code
13 of 1961 relating to the offense of reckless homicide, or a
14 conviction for violating Section 11-501 of this Code or a
15 similar provision of a local ordinance, or have been suspended
16 in accordance with a statutory summary suspension as authorized
17 by Section 11-501.1 of this Code, unless the purchaser has been
18 issued a driving permit as authorized by this Code that is in
19 effect at the time of the purchase.

20 (b) Violation of this Section is a Class C misdemeanor.

21 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

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

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

26 1. The name, Illinois residence and mail address of the
27 owner, and the drivers license number of the owner if the
28 owner has previously been issued a driver's license;

29 2. A description of the vehicle including, so far as
30 the following data exists: Its make, year-model,
31 identifying number, type of body, whether new or used, as

1 to house trailers as defined in Section 1-128 of this Code,
2 the square footage of the house trailer based upon the
3 outside dimensions of the house trailer excluding the
4 length of the tongue and hitch, and, as to vehicles of the
5 second division, whether for-hire, not-for-hire, or both
6 for-hire and not-for-hire;

7 3. The date of purchase by applicant and, if
8 applicable, the name and address of the person from whom
9 the vehicle was acquired and the names and addresses of any
10 lienholders in the order of their priority and signatures
11 of owners;

12 4. The current odometer reading at the time of transfer
13 and that the stated odometer reading is one of the
14 following: actual mileage, not the actual mileage or
15 mileage is in excess of its mechanical limits; ~~and~~

16 4.1. A certification that, at the time of the
17 application for title, the owner's driving privileges are
18 not suspended or revoked as result of a conviction for
19 violating Section 9-3 of the Criminal Code of 1961 relating
20 to the offense of reckless homicide, or a conviction for
21 violating Section 11-501 of this Code or a similar
22 provision of a local ordinance, or suspended pursuant to a
23 statutory summary suspension as authorized by Section
24 11-501.1 of this Code or, if the owner's driving privileges
25 have been suspended or revoked, that the owner has been
26 issued a driving permit as authorized by this Code that is
27 in effect at the time of the application for title; and

28 5. Any further information the Secretary of State
29 reasonably requires to identify the vehicle and to enable
30 him to determine whether the owner is entitled to a
31 certificate of title and the existence or nonexistence of
32 security interests in the vehicle.

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

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

4 1. Any certified document of ownership so recognized
5 and issued by the other State or country and acceptable to
6 the Secretary of State, and

7 2. Any other information and documents the Secretary of
8 State reasonably requires to establish the ownership of the
9 vehicle and the existence or nonexistence of security
10 interests in it.

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

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

20 (f) An application for a certificate of title for any
21 vehicle, whether purchased in Illinois or outside Illinois, and
22 even if previously registered in another State, must be
23 accompanied by either an exemption determination from the
24 Department of Revenue showing that no tax imposed pursuant to
25 the Use Tax Act or the vehicle use tax imposed by Section
26 3-1001 of the Illinois Vehicle Code is owed by anyone with
27 respect to that vehicle, or a receipt from the Department of
28 Revenue showing that any tax so imposed has been paid. An
29 application for a certificate of title for any vehicle
30 purchased outside Illinois, even if previously registered in
31 another state, must be accompanied by either an exemption
32 determination from the Department of Revenue showing that no
33 tax imposed pursuant to the Municipal Use Tax Act or the County
34 Use Tax Act is owed by anyone with respect to that vehicle, or
35 a receipt from the Department of Revenue showing that any tax
36 so imposed has been paid. In the absence of such a receipt for

1 payment or determination of exemption from the Department, no
2 certificate of title shall be issued to the applicant.

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

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

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

22 (i) If the application refers to a vehicle for which a
23 court of law determined the ownership, it must be accompanied
24 with a certified copy of such court order and the required fee.
25 The court order must indicate the new owner's name and address,
26 the complete description of the vehicle, if known, the name and
27 address of the lienholder, if any, and must be signed and dated
28 by the judge issuing such order.

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

34 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;
35 90-655, eff. 7-30-98.)

1 (625 ILCS 5/3-302) (from Ch. 95 1/2, par. 3-302)

2 Sec. 3-302. Application for title; contents. Every
3 application for a certificate of title for a rebuilt vehicle
4 shall be made upon a form prescribed by the Secretary of State,
5 and shall include the following:

6 1. The name, residence and mailing address of the
7 owner, and the driver's license number of the owner if the
8 owner has been previously issued a driver's license;

9 2. A description of the vehicle including, so far as
10 the following data exists: its make, year-model,
11 identifying number, type of body, whether new or used, and
12 as to vehicles of the second division, whether for-hire,
13 not-for-hire, or both for-hire and not-for-hire;

14 3. The date of purchase by applicant, the name and
15 address of the person from whom the vehicle was acquired
16 and the names and addresses of any lienholders in the order
17 of their priority;

18 4.1. A certification that at the time of the
19 application for title the owner's driving privileges are
20 not suspended or revoked pursuant to a conviction for
21 violating Section 9-3 of the Criminal Code of 1961 relating
22 to the offense of reckless homicide, or a conviction for
23 violating Section 11-501 of this Code or a similar
24 provision of a local ordinance, or suspended pursuant to a
25 statutory summary suspension as authorized by Section
26 11-501.1 of this Code or, if the owner's driving privileges
27 have been suspended or revoked, that the owner has been
28 issued a driving permit as authorized by this Code that is
29 in effect at the time of the application for title; and

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

34 5. Any further information the Secretary of State
35 reasonably requires to identify the vehicle and to enable
36 him to determine whether the owner is entitled to a

1 certificate of title and the existence or nonexistence of
2 security interests in the vehicle.

3 (Source: P.A. 92-651, eff. 7-11-02.)

4 (625 ILCS 5/4-107) (from Ch. 95 1/2, par. 4-107)

5 Sec. 4-107. Stolen, converted, recovered and unclaimed
6 vehicles.

7 (a) Every Sheriff, Superintendent of police, Chief of
8 police or other police officer in command of any Police
9 department in any City, Village or Town of the State, shall, by
10 the fastest means of communications available to his law
11 enforcement agency, immediately report to the State Police, in
12 Springfield, Illinois, the theft or recovery of any stolen or
13 converted vehicle within his district or jurisdiction. The
14 report shall give the date of theft, description of the vehicle
15 including color, year of manufacture, manufacturer's trade
16 name, manufacturer's series name, body style, vehicle
17 identification number and license registration number,
18 including the state in which the license was issued and the
19 year of issuance, together with the name, residence address,
20 business address, and telephone number of the owner. The report
21 shall be routed by the originating law enforcement agency
22 through the State Police District in which such agency is
23 located.

24 (b) A registered owner or a lienholder may report the theft
25 by conversion of a vehicle, to the State Police, or any other
26 police department or Sheriff's office. Such report will be
27 accepted as a report of theft and processed only if a formal
28 complaint is on file and a warrant issued.

29 (c) An operator of a place of business for garaging,
30 repairing, parking or storing vehicles for the public, in which
31 a vehicle remains unclaimed, after being left for the purpose
32 of garaging, repairing, parking or storage, for a period of 15
33 days, shall, within 5 days after the expiration of that period,
34 report the vehicle as unclaimed to the municipal police when
35 the vehicle is within the corporate limits of any City, Village

1 or incorporated Town, or the County Sheriff, or State Police
2 when the vehicle is outside the corporate limits of a City,
3 Village or incorporated Town. This Section does not apply to
4 any vehicle:

5 (1) removed to a place of storage by a law enforcement
6 agency having jurisdiction, in accordance with Sections
7 4-201 and 4-203 of this Act; or

8 (2) left under a garaging, repairing, parking, or
9 storage order signed by the owner, lessor, or other legally
10 entitled person.

11 Failure to comply with this Section will result in the
12 forfeiture of storage fees for that vehicle involved.

13 (d) The State Police shall keep a complete record of all
14 reports filed under this Section of the Act. Upon receipt of
15 such report, a careful search shall be made of the records of
16 the office of the State Police, and where it is found that a
17 vehicle reported recovered was stolen in a County, City,
18 Village or Town other than the County, City, Village or Town in
19 which it is recovered, the State Police shall immediately
20 notify the Sheriff, Superintendent of police, Chief of police,
21 or other police officer in command of the Sheriff's office or
22 Police department of the County, City, Village or Town in which
23 the vehicle was originally reported stolen, giving complete
24 data as to the time and place of recovery.

25 (e) Notification of the theft or conversion of a vehicle
26 will be furnished to the Secretary of State by the State
27 Police. The Secretary of State shall place the proper
28 information in the license registration and title registration
29 files to indicate the theft or conversion of a motor vehicle or
30 other vehicle. Notification of the recovery of a vehicle
31 previously reported as a theft or a conversion will be
32 furnished to the Secretary of State by the State Police. The
33 Secretary of State shall remove the proper information from the
34 license registration and title registration files that has
35 previously indicated the theft or conversion of a vehicle. The
36 Secretary of State shall suspend the registration of a vehicle

1 upon receipt of a report from the State Police that such
2 vehicle was stolen or converted.

3 (f) When the Secretary of State receives an application for
4 a certificate of title or an application for registration of a
5 vehicle and it is determined from the records of the office of
6 the Secretary of State that such vehicle has been reported
7 stolen or converted, the Secretary of State shall immediately
8 notify the State Police and shall give the State Police the
9 name and address of the person or firm titling or registering
10 the vehicle, together with all other information contained in
11 the application submitted by such person or firm.

12 (g) During the usual course of business the manufacturer of
13 any vehicle shall place an original manufacturer's vehicle
14 identification number on all such vehicles manufactured and on
15 any part of such vehicles requiring an identification number.

16 (h) Except provided in subsection (h-1), if a
17 manufacturer's vehicle identification number is missing or has
18 been removed, changed or mutilated on any vehicle, or any part
19 of such vehicle requiring an identification number, the State
20 Police shall restore, restamp or reaffix the vehicle
21 identification number plate, or affix a new plate bearing the
22 original manufacturer's vehicle identification number on each
23 such vehicle and on all necessary parts of the vehicles. A
24 vehicle identification number so affixed, restored, restamped,
25 reaffixed or replaced is not falsified, altered or forged
26 within the meaning of this Act.

27 (h-1) A person engaged in the repair or servicing of
28 vehicles may reaffix a manufacturer's identification number
29 plate on the same damaged vehicle from which it was originally
30 removed, if the person reaffixes the original manufacturer's
31 identification number plate in place of the identification
32 number plate affixed on a new dashboard that has been installed
33 in the vehicle. The person must notify the Secretary of State
34 each time the original manufacturer's identification number
35 plate is reaffixed on a vehicle. The person must keep a record
36 indicating that the identification number plate affixed on the

1 new dashboard has been removed and has been replaced by the
2 manufacturer's identification number plate originally affixed
3 on the vehicle. The person also must keep a record regarding
4 the status and location of the identification number plate
5 removed from the replacement dashboard. The Secretary shall
6 adopt rules for implementing this subsection (h-1).

7 (h-2) The owner of a vehicle repaired under subsection
8 (h-1) must, within 90 days of the date of the repairs, contact
9 an officer of the Illinois State Police Vehicle Inspection
10 Bureau and arrange for an inspection of the vehicle, by the
11 officer or the officer's designee, at a mutually agreed upon
12 date and location.

13 (i) If a vehicle or part of any vehicle is found to have
14 the manufacturer's identification number removed, altered,
15 defaced or destroyed, the vehicle or part shall be seized by
16 any law enforcement agency having jurisdiction and held for the
17 purpose of identification. In the event that the manufacturer's
18 identification number of a vehicle or part cannot be
19 identified, the vehicle or part shall be considered contraband,
20 and no right of property shall exist in any person owning,
21 leasing or possessing such property, unless the person owning,
22 leasing or possessing the vehicle or part acquired such without
23 knowledge that the manufacturer's vehicle identification
24 number has been removed, altered, defaced, falsified or
25 destroyed.

26 Either the seizing law enforcement agency or the State's
27 Attorney of the county where the seizure occurred may make an
28 application for an order of forfeiture to the circuit court in
29 the county of seizure. The application for forfeiture shall be
30 independent from any prosecution arising out of the seizure and
31 is not subject to any final determination of such prosecution.
32 The circuit court shall issue an order forfeiting the property
33 to the seizing law enforcement agency if the court finds that
34 the property did not at the time of seizure possess a valid
35 manufacturer's identification number and that the original
36 manufacturer's identification number cannot be ascertained.

1 The seizing law enforcement agency may:

2 (1) retain the forfeited property for official use; or

3 (2) sell the forfeited property and distribute the
4 proceeds in accordance with Section 4-211 of this Code, or
5 dispose of the forfeited property in such manner as the law
6 enforcement agency deems appropriate.

7 (i-1) If a motorcycle is seized under subsection (i), the
8 motorcycle must be returned within 45 days of the date of
9 seizure to the person from whom it was seized, unless (i)
10 criminal charges are pending against that person or (ii) an
11 application for an order of forfeiture has been submitted to
12 the circuit in the county of seizure or (iii) the circuit court
13 in the county of seizure has received from the seizing law
14 enforcement agency and has granted a petition to extend, for a
15 single 30 day period, the 45 days allowed for return of the
16 motorcycle. Except as provided in subsection (i-2), a
17 motorcycle returned to the person from whom it was seized must
18 be returned in essentially the same condition it was in at the
19 time of seizure.

20 (i-2) If any part or parts of a motorcycle seized under
21 subsection (i) are found to be stolen and are removed, the
22 seizing law enforcement agency is not required to replace the
23 part or parts before returning the motorcycle to the person
24 from whom it was seized.

25 (j) The State Police shall notify the Secretary of State
26 each time a manufacturer's vehicle identification number is
27 affixed, reaffixed, restored or restamped on any vehicle. The
28 Secretary of State shall make the necessary changes or
29 corrections in his records, after the proper applications and
30 fees have been submitted, if applicable.

31 (k) Any vessel, vehicle or aircraft used with knowledge and
32 consent of the owner in the commission of, or in the attempt to
33 commit as defined in Section 8-4 of the Criminal Code of 1961,
34 an offense prohibited by Section 4-103 of this Chapter,
35 including transporting of a stolen vehicle or stolen vehicle
36 parts, shall be seized by any law enforcement agency. The

1 seizing law enforcement agency may:

2 (1) return the vehicle to its owner if such vehicle is
3 stolen; or

4 (2) confiscate the vehicle and retain it for any
5 purpose which the law enforcement agency deems
6 appropriate; or

7 (3) sell the vehicle at a public sale or dispose of the
8 vehicle in such other manner as the law enforcement agency
9 deems appropriate.

10 If the vehicle is sold at public sale, the proceeds of the
11 sale shall be paid to the law enforcement agency.

12 The law enforcement agency shall not retain, sell or
13 dispose of a vehicle under paragraphs (2) or (3) of this
14 subsection (k) except upon an order of forfeiture issued by the
15 circuit court. The circuit court may issue such order of
16 forfeiture upon application of the law enforcement agency or
17 State's Attorney of the county where the law enforcement agency
18 has jurisdiction, or in the case of the Department of State
19 Police or the Secretary of State, upon application of the
20 Attorney General.

21 The court shall issue the order if the owner of the vehicle
22 has been convicted of transporting stolen vehicles or stolen
23 vehicle parts and the evidence establishes that the owner's
24 vehicle has been used in the commission of such offense.

25 The provisions of subsection (k) of this Section shall not
26 apply to any vessel, vehicle or aircraft, which has been
27 leased, rented or loaned by its owner, if the owner did not
28 have knowledge of and consent to the use of the vessel, vehicle
29 or aircraft in the commission of, or in an attempt to commit,
30 an offense prohibited by Section 4-103 of this Chapter.

31 (1) Any motor vehicle purchased by an individual when that
32 individual's driving privileges are suspended or revoked as a
33 result of a conviction for violating Section 9-3 of the
34 Criminal Code of 1961 relating to the offense of reckless
35 homicide, or a conviction for violating Section 11-501 of this
36 Code or a similar provision of a local ordinance, or suspended

1 in accordance with a statutory summary suspension as authorized
2 by Section 11-501.1 of this Code, may be seized by any law
3 enforcement agency, unless, at the time of the purchase, the
4 individual had been issued a driving permit as authorized by
5 this Code. The seizing law enforcement agency may:

6 (1) confiscate the vehicle and retain it for any
7 purpose which the law enforcement agency deems
8 appropriate; or

9 (2) sell the vehicle at a public sale or dispose of the
10 vehicle in such other manner as the law enforcement agency
11 deems appropriate. If the vehicle is sold at public sale,
12 the proceeds of the sale shall be paid to the law
13 enforcement agency.

14 The law enforcement agency may not retain, sell or dispose
15 of a vehicle under paragraph (1) or (2) of this subsection (1)
16 except upon an order of forfeiture issued by the circuit court.
17 The circuit court may issue an order of forfeiture upon
18 application of the law enforcement agency or State's Attorney
19 of the county where the law enforcement agency has jurisdiction
20 or, in the case of the Department of State Police or the
21 Secretary of State, upon application of the Attorney General.

22 The court shall issue the order if the owner of the vehicle
23 has been convicted of purchasing a motor vehicle in violation
24 of Section 3-102.1 of this Code.

25 (Source: P.A. 92-443, eff. 1-1-02; 93-456, eff. 8-8-03.)

26 (625 ILCS 5/5-106.1 new)

27 Sec. 5-106.1. Sales to certain offenders prohibited. A new
28 or used motor vehicle dealer may not sell a motor vehicle to
29 any individual whose driving privileges are suspended or
30 revoked as result of a conviction for violating Section 9-3 of
31 the Criminal Code of 1961 relating to the offense of reckless
32 homicide, or a conviction for violating Section 11-501 of this
33 Code or a similar provision of a local ordinance, or suspended
34 in accordance with a statutory summary suspension as authorized
35 by Section 11-501.1 of this Code, unless the individual has

1 been issued a driving permit as authorized by this Code that is
2 in effect at the time of the purchase.

3 (625 ILCS 5/5-601.1 new)

4 Sec. 5-601.1. Duty of a lending institution.

5 (a) As used in this Section, "lending institution" means
6 any bank, trust company, savings bank, savings and loan
7 association, credit union, national banking association,
8 mortgage banking association, federal savings and loan
9 association or federal credit union maintaining an office in
10 the State, or any other entity or organization which makes
11 loans for the purchase of motor vehicles.

12 (b) Any lending institution accepting an application for a
13 loan for the purchase of a motor vehicle must obtain the
14 applicant's social security number and match that number
15 against a list maintained by the Secretary of State of all
16 Illinois drivers whose driving privileges are suspended or
17 revoked as result of a conviction for violating Section 9-3 of
18 the Criminal Code of 1961 relating to the offense of reckless
19 homicide, or a conviction for violating Section 11-501 of this
20 Code or a similar provision of a local ordinance, or suspended
21 in accordance with a statutory summary suspension as authorized
22 by Section 11-501.1 of this Code and have not been issued a
23 driving permit as authorized by this Code that is in effect at
24 the time of the application. If the lending institution
25 determines that the social security number of an applicant
26 matches that of a driver on the suspended or revoked list, the
27 lending institution must report this information to the
28 Secretary of State in the manner prescribed by the Secretary of
29 State and may not make a loan to the applicant for the purchase
30 of a motor vehicle.

31 Section 99. Effective date. This Act takes effect January
32 1, 2005.