



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

HB7302

Introduced 5/12/2004, by Rep. William B. Black

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-117.1

from Ch. 95 1/2, par. 3-117.1

Amends the Illinois Vehicle Code with regard to when junking certificates or salvage certificates must be obtained. Provides that a vehicle that has been repossessed by a lienholder shall be considered to be salvage only when the cost of repairing the damage to the vehicle would be greater than 66 2/3% (rather than greater than 33 1/3%) of its fair market value. Makes corresponding changes with regard to obtaining a salvage certificate and the disposition of the vehicle. Makes similar changes with regard to when a vehicle that is part of a fleet of more than 5 commercial vehicles or a vehicle that has been submerged in water is to be considered salvage.

LRB093 22067 DRH 50570 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 3-117.1 as follows:

6 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

7 Sec. 3-117.1. When junking certificates or salvage
8 certificates must be obtained.

9 (a) Except as provided in Chapter 4 of this Code, a person
10 who possesses a junk vehicle shall within 15 days cause the
11 certificate of title, salvage certificate, certificate of
12 purchase, or a similarly acceptable out of state document of
13 ownership to be surrendered to the Secretary of State along
14 with an application for a junking certificate, except as
15 provided in Section 3-117.2, whereupon the Secretary of State
16 shall issue to such a person a junking certificate, which shall
17 authorize the holder thereof to possess, transport, or, by an
18 endorsement, transfer ownership in such junked vehicle, and a
19 certificate of title shall not again be issued for such
20 vehicle.

21 A licensee who possesses a junk vehicle and a Certificate
22 of Title, Salvage Certificate, Certificate of Purchase, or a
23 similarly acceptable out-of-state document of ownership for
24 such junk vehicle, may transport the junk vehicle to another
25 licensee prior to applying for or obtaining a junking
26 certificate, by executing a uniform invoice. The licensee
27 transferor shall furnish a copy of the uniform invoice to the
28 licensee transferee at the time of transfer. In any case, the
29 licensee transferor shall apply for a junking certificate in
30 conformance with Section 3-117.1 of this Chapter. The following
31 information shall be contained on a uniform invoice:

32 (1) The business name, address and dealer license

1 number of the person disposing of the vehicle, junk vehicle
2 or vehicle cowl;

3 (2) The name and address of the person acquiring the
4 vehicle, junk vehicle or vehicle cowl, and if that person
5 is a dealer, the Illinois or out-of-state dealer license
6 number of that dealer;

7 (3) The date of the disposition of the vehicle, junk
8 vehicle or vehicle cowl;

9 (4) The year, make, model, color and description of
10 each vehicle, junk vehicle or vehicle cowl disposed of by
11 such person;

12 (5) The manufacturer's vehicle identification number,
13 Secretary of State identification number or Illinois
14 Department of State Police number, for each vehicle, junk
15 vehicle or vehicle cowl part disposed of by such person;

16 (6) The printed name and legible signature of the
17 person or agent disposing of the vehicle, junk vehicle or
18 vehicle cowl; and

19 (7) The printed name and legible signature of the
20 person accepting delivery of the vehicle, junk vehicle or
21 vehicle cowl.

22 The Secretary of State may certify a junking manifest in a
23 form prescribed by the Secretary of State that reflects those
24 vehicles for which junking certificates have been applied or
25 issued. A junking manifest may be issued to any person and it
26 shall constitute evidence of ownership for the vehicle listed
27 upon it. A junking manifest may be transferred only to a person
28 licensed under Section 5-301 of this Code as a scrap processor.
29 A junking manifest will allow the transportation of those
30 vehicles to a scrap processor prior to receiving the junk
31 certificate from the Secretary of State.

32 (b) An application for a salvage certificate shall be
33 submitted to the Secretary of State in any of the following
34 situations:

35 (1) When an insurance company makes a payment of
36 damages on a total loss claim for a vehicle, the insurance

1 company shall be deemed to be the owner of such vehicle and
2 the vehicle shall be considered to be salvage except that
3 ownership of (i) a vehicle that has incurred only hail
4 damage that does not affect the operational safety of the
5 vehicle or (ii) any vehicle 9 model years of age or older
6 may, by agreement between the registered owner and the
7 insurance company, be retained by the registered owner of
8 such vehicle. The insurance company shall promptly deliver
9 or mail within 20 days the certificate of title along with
10 proper application and fee to the Secretary of State, and a
11 salvage certificate shall be issued in the name of the
12 insurance company. An insurer making payment of damages on
13 a total loss claim for the theft of a vehicle may exchange
14 the salvage certificate for a certificate of title if the
15 vehicle is recovered without damage. In such a situation,
16 the insurer shall fill out and sign a form prescribed by
17 the Secretary of State which contains an affirmation under
18 penalty of perjury that the vehicle was recovered without
19 damage and the Secretary of State may, by rule or
20 regulation, require photographs to be submitted.

21 (2) When a vehicle the ownership of which has been
22 transferred to any person through a certificate of purchase
23 from acquisition of the vehicle at an auction, other
24 dispositions as set forth in Sections 4-208 and 4-209 of
25 this Code, a lien arising under Section 18a-501 of this
26 Code, or a public sale under the Abandoned Mobile Home Act
27 shall be deemed salvage or junk at the option of the
28 purchaser. The person acquiring such vehicle in such manner
29 shall promptly deliver or mail, within 20 days after the
30 acquisition of the vehicle, the certificate of purchase,
31 the proper application and fee, and, if the vehicle is an
32 abandoned mobile home under the Abandoned Mobile Home Act,
33 a certification from a local law enforcement agency that
34 the vehicle was purchased or acquired at a public sale
35 under the Abandoned Mobile Home Act to the Secretary of
36 State and a salvage certificate or junking certificate

1 shall be issued in the name of that person. The salvage
2 certificate or junking certificate issued by the Secretary
3 of State under this Section shall be free of any lien that
4 existed against the vehicle prior to the time the vehicle
5 was acquired by the applicant under this Code.

6 (3) A vehicle which has been repossessed by a
7 lienholder shall be considered to be salvage only when the
8 repossessed vehicle, on the date of repossession by the
9 lienholder, has sustained damage by collision, fire,
10 theft, rust corrosion, or other means so that the cost of
11 repairing such damage, including labor, would be greater
12 than 66 2/3% ~~33 1/3%~~ of its fair market value without such
13 damage. If the lienholder determines that such vehicle is
14 damaged in excess of 66 2/3% ~~33 1/3%~~ of such fair market
15 value, the lienholder shall, before sale, transfer or
16 assignment of the vehicle, make application for a salvage
17 certificate, and shall submit with such application the
18 proper fee and evidence of possession. If the facts
19 required to be shown in subsection (f) of Section 3-114 are
20 satisfied, the Secretary of State shall issue a salvage
21 certificate in the name of the lienholder making the
22 application. In any case wherein the vehicle repossessed is
23 not damaged in excess of 66 2/3% ~~33 1/3%~~ of its fair market
24 value, the lienholder shall comply with the requirements of
25 subsections (f), (f-5), and (f-10) of Section 3-114, except
26 that the affidavit of repossession made by or on behalf of
27 the lienholder shall also contain an affirmation under
28 penalty of perjury that the vehicle on the date of sale is
29 not damaged in excess of 66 2/3% ~~33 1/3%~~ of its fair market
30 value. If the facts required to be shown in subsection (f)
31 of Section 3-114 are satisfied, the Secretary of State
32 shall issue a certificate of title as set forth in Section
33 3-116 of this Code. The Secretary of State may by rule or
34 regulation require photographs to be submitted.

35 (4) A vehicle which is a part of a fleet of more than 5
36 commercial vehicles registered in this State or any other

1 state or registered proportionately among several states
2 shall be considered to be salvage when such vehicle has
3 sustained damage by collision, fire, theft, rust,
4 corrosion or similar means so that the cost of repairing
5 such damage, including labor, would be greater than 66 2/3%
6 ~~33 1/3%~~ of the fair market value of the vehicle without
7 such damage. If the owner of a fleet vehicle desires to
8 sell, transfer, or assign his interest in such vehicle to a
9 person within this State other than an insurance company
10 licensed to do business within this State, and the owner
11 determines that such vehicle, at the time of the proposed
12 sale, transfer or assignment is damaged in excess of 66
13 2/3% ~~33 1/3%~~ of its fair market value, the owner shall,
14 before such sale, transfer or assignment, make application
15 for a salvage certificate. The application shall contain
16 with it evidence of possession of the vehicle. If the fleet
17 vehicle at the time of its sale, transfer, or assignment is
18 not damaged in excess of 66 2/3% ~~33 1/3%~~ of its fair market
19 value, the owner shall so state in a written affirmation on
20 a form prescribed by the Secretary of State by rule or
21 regulation. The Secretary of State may by rule or
22 regulation require photographs to be submitted. Upon sale,
23 transfer or assignment of the fleet vehicle the owner shall
24 mail the affirmation to the Secretary of State.

25 (5) A vehicle that has been submerged in water to the
26 point that rising water has reached over the door sill and
27 has entered the passenger or trunk compartment is a "flood
28 vehicle". A flood vehicle shall be considered to be salvage
29 only if the vehicle has sustained damage so that the cost
30 of repairing the damage, including labor, would be greater
31 than 66 2/3% ~~33 1/3%~~ of the fair market value of the
32 vehicle without that damage. The salvage certificate
33 issued under this Section shall indicate the word "flood",
34 and the word "flood" shall be conspicuously entered on
35 subsequent titles for the vehicle. A person who possesses
36 or acquires a flood vehicle that is not damaged in excess

1 of 66 2/3% ~~33 1/3%~~ of its fair market value shall make
2 application for title in accordance with Section 3-116 of
3 this Code, designating the vehicle as "flood" in a manner
4 prescribed by the Secretary of State. The certificate of
5 title issued shall indicate the word "flood", and the word
6 "flood" shall be conspicuously entered on subsequent
7 titles for the vehicle.

8 (c) Any person who without authority acquires, sells,
9 exchanges, gives away, transfers or destroys or offers to
10 acquire, sell, exchange, give away, transfer or destroy the
11 certificate of title to any vehicle which is a junk or salvage
12 vehicle shall be guilty of a Class 3 felony.

13 (d) Any person who knowingly fails to surrender to the
14 Secretary of State a certificate of title, salvage certificate,
15 certificate of purchase or a similarly acceptable out-of-state
16 document of ownership as required under the provisions of this
17 Section is guilty of a Class A misdemeanor for a first offense
18 and a Class 4 felony for a subsequent offense; except that a
19 person licensed under this Code who violates paragraph (5) of
20 subsection (b) of this Section is guilty of a business offense
21 and shall be fined not less than \$1,000 nor more than \$5,000
22 for a first offense and is guilty of a Class 4 felony for a
23 second or subsequent violation.

24 (e) Any vehicle which is salvage or junk may not be driven
25 or operated on roads and highways within this State. A
26 violation of this subsection is a Class A misdemeanor. A
27 salvage vehicle displaying valid special plates issued under
28 Section 3-601(b) of this Code, which is being driven to or from
29 an inspection conducted under Section 3-308 of this Code, is
30 exempt from the provisions of this subsection. A salvage
31 vehicle for which a short term permit has been issued under
32 Section 3-307 of this Code is exempt from the provisions of
33 this subsection for the duration of the permit.

34 (Source: P.A. 92-751, eff. 8-2-02.)