



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB0038

Introduced 12/15/2004, by Rep. Timothy L. Schmitz

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-104

from Ch. 95 1/2, par. 3-104

Amends the Illinois Vehicle Code. Provides that an application for a certificate of title to a vehicle must include the applicant's age. Provides that if an applicant for a certificate of title is under the age of 18 years and is not legally an emancipated minor, the application must be accompanied by a statement, signed by the applicant's parent or legal guardian, consenting to the application. Provides that if a vehicle has multiple owners, if any owner is a person under 18 and is not legally an emancipated minor, a parental statement of consent is also required, unless one of the other owners is the minor's parent or legal guardian. Provides that the Secretary of State shall adopt rules for implementing the new provision.

LRB094 03636 DRH 33641 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 changing  
5 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, age, Illinois residence and mail address  
12 of the owner;

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

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

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

31 5. Any further information the Secretary of State  
32 reasonably requires to identify the vehicle and to enable

1           him to determine whether the owner is entitled to a  
2           certificate of title and the existence or nonexistence of  
3           security interests in the vehicle.

4           (a-1) If the owner listed on the application is a person  
5           under the age of 18 years or, if multiple owners are listed,  
6           any of the owners is a person under the age of 18 years and no  
7           other owner is the parent or legal guardian of that person, the  
8           application must be accompanied by one of the following:

9                   (1) written documentation, acceptable to the Secretary  
10                   of State, establishing that the person under 18 years of  
11                   age is legally an emancipated minor; or

12                   (2) A statement, signed by the parent or legal guardian  
13                   of the person under 18 years of age, consenting to the  
14                   application.

15           The Secretary shall adopt rules for implementing this  
16           subsection (a-1).

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

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

24                   1. Any certified document of ownership so recognized  
25                   and issued by the other State or country and acceptable to  
26                   the Secretary of State, and

27                   2. Any other information and documents the Secretary of  
28                   State reasonably requires to establish the ownership of the  
29                   vehicle and the existence or nonexistence of security  
30                   interests in it.

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

36           (e) If an application refers to a vehicle rebuilt from a

1 vehicle previously salvaged, that application shall comply  
2 with the provisions set forth in Sections 3-302 through 3-304  
3 of this Code.

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

23 If the proof of payment of the tax or of nonliability  
24 therefor is, after the issuance of the certificate of title and  
25 display certificate of title, found to be invalid, the  
26 Secretary of State shall revoke the certificate and require  
27 that the certificate of title and, when applicable, the display  
28 certificate of title be returned to him.

29 (g) If the application refers to a vehicle not manufactured  
30 in accordance with federal safety and emission standards, the  
31 application must be accompanied by all documents required by  
32 federal governmental agencies to meet their standards before a  
33 vehicle is allowed to be issued title and registration.

34 (h) If the application refers to a vehicle sold at public  
35 sale by a sheriff, it must be accompanied by the required fee  
36 and a bill of sale issued and signed by a sheriff. The bill of

1 sale must identify the new owner's name and address, the year  
2 model, make and vehicle identification number of the vehicle,  
3 court order document number authorizing such sale, if  
4 applicable, and the name and address of any lienholders in  
5 order of priority, if applicable.

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

13 (j) If the application refers to a vehicle sold at public  
14 auction pursuant to the Labor and Storage Lien (Small Amount)  
15 Act, it must be accompanied by an affidavit or affirmation  
16 furnished by the Secretary of State along with the documents  
17 described in the affidavit or affirmation and the required fee.  
18 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;  
19 90-655, eff. 7-30-98.)