



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1915

Introduced 2/23/2007, by Rep. Jay C. Hoffman

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-104
625 ILCS 5/3-107

from Ch. 95 1/2, par. 3-104
from Ch. 95 1/2, par. 3-107

Amends the Illinois Vehicle Code. Provides that the Secretary of State shall designate, on a certificate of title and on an application for a certificate of title, a space where the owner of a vehicle may designate a beneficiary, to whom ownership of the vehicle shall pass in the event of the owner's death.

LRB095 09914 DRH 30125 b

FISCAL NOTE ACT
MAY APPLY

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 changing
5 Sections 3-104 and 3-107 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 the
12 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

1 the vehicle was acquired and the names and addresses of any
2 lienholders in the order of their priority and signatures
3 of owners;

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

8 5. Any further information the Secretary of State
9 reasonably requires to identify the vehicle and to enable
10 him to determine whether the owner is entitled to a
11 certificate of title and the existence or nonexistence of
12 security interests in the vehicle.

13 (a-5) The Secretary of State shall designate on the
14 prescribed application form a space where the owner of a
15 vehicle may designate a beneficiary, to whom ownership of the
16 vehicle shall pass in the event of the owner's death.

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

1 2. Any other information and documents the Secretary of
2 State reasonably requires to establish the ownership of the
3 vehicle and the existence or nonexistence of security
4 interests in it.

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

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

14 (f) An application for a certificate of title for any
15 vehicle, whether purchased in Illinois or outside Illinois, and
16 even if previously registered in another State, must be
17 accompanied by either an exemption determination from the
18 Department of Revenue showing that no tax imposed pursuant to
19 the Use Tax Act or the vehicle use tax imposed by Section
20 3-1001 of the Illinois Vehicle Code is owed by anyone with
21 respect to that vehicle, or a receipt from the Department of
22 Revenue showing that any tax so imposed has been paid. An
23 application for a certificate of title for any vehicle
24 purchased outside Illinois, even if previously registered in
25 another state, must be accompanied by either an exemption
26 determination from the Department of Revenue showing that no

1 tax imposed pursuant to the Municipal Use Tax Act or the County
2 Use Tax Act is owed by anyone with respect to that vehicle, or
3 a receipt from the Department of Revenue showing that any tax
4 so imposed has been paid. In the absence of such a receipt for
5 payment or determination of exemption from the Department, no
6 certificate of title shall be issued to the applicant.

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

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

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

26 (i) If the application refers to a vehicle for which a

1 court of law determined the ownership, it must be accompanied
2 with a certified copy of such court order and the required fee.
3 The court order must indicate the new owner's name and address,
4 the complete description of the vehicle, if known, the name and
5 address of the lienholder, if any, and must be signed and dated
6 by the judge issuing such order.

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

12 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;
13 90-655, eff. 7-30-98.)

14 (625 ILCS 5/3-107) (from Ch. 95 1/2, par. 3-107)

15 Sec. 3-107. Contents and effect.

16 (a) Each certificate of title issued by the Secretary of
17 State shall contain:

18 1. the date issued;

19 2. the name and address of the owner;

20 3. the names and addresses of any lienholders, in the
21 order of priority as shown on the application or, if the
22 application is based on a certificate of title, as shown on
23 the certificate;

24 4. the title number assigned to the vehicle;

25 5. a description of the vehicle including, so far as

1 the following data exists: its make, year-model,
2 identifying number, type of body, whether new or used, as
3 to house trailers as defined in Section 1-128 of this Code,
4 the square footage of the vehicle based upon the outside
5 dimensions of the house trailer excluding the length of the
6 tongue and hitch, and, if a new vehicle, the date of the
7 first sale of the vehicle for use;

8 6. an odometer certification as provided for in this
9 Code; and

10 7. any other data the Secretary of State prescribes.

11 (b) The certificate of title shall contain forms for
12 assignment and warranty of title by the owner, and for
13 assignment and warranty of title by a dealer, and may contain
14 forms for applications for a certificate of title by a
15 transferee, the naming of a lienholder and the assignment or
16 release of the security interest of a lienholder.

17 (b-5) The Secretary of State shall designate on a
18 certificate of title a space where the owner of a vehicle may
19 designate a beneficiary, to whom ownership of the vehicle shall
20 pass in the event of the owner's death.

21 (c) A certificate of title issued by the Secretary of State
22 is prima facie evidence of the facts appearing on it.

23 (d) A certificate of title for a vehicle is not subject to
24 garnishment, attachment, execution or other judicial process,
25 but this subsection does not prevent a lawful levy upon the
26 vehicle.

1 (e) Any certificate of title issued by the Secretary of
2 State is subject to a lien in favor of the State of Illinois
3 for any fees or taxes required to be paid under this Act and as
4 have not been paid, as provided for in this Code.

5 (Source: P.A. 86-541; 86-1028; 87-206.)