



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB5185

by Rep. Paul D. Froehlich

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-101	from Ch. 95 1/2, par. 3-101
625 ILCS 5/3-104	from Ch. 95 1/2, par. 3-104
625 ILCS 5/3-405	from Ch. 95 1/2, par. 3-405
625 ILCS 5/3-408	from Ch. 95 1/2, par. 3-408
625 ILCS 5/3-704	from Ch. 95 1/2, par. 3-704

Amends the Illinois Vehicle Code. Provides that: the Secretary of State shall not register, renew the registration of, or issue a title for a motorcycle intended for highway use unless its owner possesses a valid driver's license with the proper classification; the application for a certificate of title for, or registration of, a motorcycle intended for highway use shall include the driver's license number and classification of the owner; the Secretary of State shall refuse registration or any transfer of registration of a motorcycle intended for highway use if the owner does not possess a valid driver's license with the proper classification; and the Secretary of State may suspend or revoke the registration of a vehicle or a certificate of title, registration card, registration sticker, registration plate, disability parking decal or device, or any nonresident or other permit if the vehicle is a motorcycle intended for highway use and its owner does not possess a valid driver's license with the proper classification. Effective January 1, 2009.

LRB095 16713 WGH 42747 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 3-101, 3-104, 3-405, 3-408, and 3-704 as follows:

6 (625 ILCS 5/3-101) (from Ch. 95 1/2, par. 3-101)

7 Sec. 3-101. Certificate of title required.

8 (a) Except as provided in Section 3-102, every owner of a  
9 vehicle which is in this State and for which no certificate of  
10 title has been issued by the Secretary of State shall make  
11 application to the Secretary of State for a certificate of  
12 title of the vehicle.

13 (b) Every owner of a motorcycle or motor driven cycle  
14 purchased new on and after January 1, 1980 shall make  
15 application to the Secretary of State for a certificate of  
16 title. However, if such cycle is not properly manufactured or  
17 equipped for general highway use pursuant to the provisions of  
18 this Act, it shall not be eligible for license registration,  
19 but shall be issued a distinctive certificate of title except  
20 as provided in Sections 3-102 and 3-110 of this Act.

21 (c) The Secretary of State shall not register or renew the  
22 registration of a vehicle unless a certificate of title has  
23 been issued by the Secretary of State to the owner or an

1 application therefor has been delivered by the owner to the  
2 Secretary of State.

3 (c-5) The Secretary of State shall not register, renew the  
4 registration of, or issue a title for a motorcycle intended for  
5 highway use unless its owner possesses a valid driver's license  
6 with the proper classification.

7 (d) Every owner of an all-terrain vehicle or off-highway  
8 motorcycle purchased on or after January 1, 1998 shall make  
9 application to the Secretary of State for a certificate of  
10 title.

11 (Source: P.A. 90-287, eff. 1-1-98.)

12 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

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

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

17 1. The name, Illinois residence and mail address of the  
18 owner;

19 2. A description of the vehicle including, so far as  
20 the following data exists: Its make, year-model,  
21 identifying number, type of body, whether new or used, as  
22 to house trailers as defined in Section 1-128 of this Code,  
23 the square footage of the house trailer based upon the  
24 outside dimensions of the house trailer excluding the  
25 length of the tongue and hitch, and, as to vehicles of the

1 second division, whether for-hire, not-for-hire, or both  
2 for-hire and not-for-hire;

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

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

12 4.5. The driver's license number and classification of  
13 the owner if the vehicle being titled is a motorcycle  
14 intended for highway use; and

15 5. Any further information the Secretary of State  
16 reasonably requires to identify the vehicle and to enable  
17 him to determine whether the owner is entitled to a  
18 certificate of title and the existence or nonexistence of  
19 security interests in the vehicle.

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

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

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

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

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

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

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

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

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

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

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

1 applicable, and the name and address of any lienholders in  
2 order of priority, if 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 fee.  
6 The court order must indicate the new owner's name and address,  
7 the complete description of the vehicle, if known, the name and  
8 address of the lienholder, if any, and must be signed and dated  
9 by the judge issuing such order.

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

17 (625 ILCS 5/3-405) (from Ch. 95 1/2, par. 3-405)

18 Sec. 3-405. Application for registration.

19 (a) Every owner of a vehicle subject to registration under  
20 this Code shall make application to the Secretary of State for  
21 the registration of such vehicle upon the appropriate form or  
22 forms furnished by the Secretary. Every such application shall  
23 bear the signature of the owner written with pen and ink and  
24 contain:

25 1. The name, domicile address, as defined in Section

1 1-115.5 of this Code, (except as otherwise provided in this  
2 paragraph 1) and mail address of the owner or business  
3 address of the owner if a firm, association or corporation.  
4 If the mailing address is a post office box number, the  
5 address listed on the driver license record may be used to  
6 verify residence. A police officer, a deputy sheriff, an  
7 elected sheriff, a law enforcement officer for the  
8 Department of State Police, or a fire investigator may  
9 elect to furnish the address of the headquarters of the  
10 governmental entity or police district where he or she  
11 works instead of his or her domicile address, in which case  
12 that address shall be deemed to be his or her domicile  
13 address for all purposes under this Chapter 3. The spouse  
14 and children of a person who may elect under this paragraph  
15 1 to furnish the address of the headquarters of the  
16 government entity or police district where the person works  
17 instead of the person's domicile address may, if they  
18 reside with that person, also elect to furnish the address  
19 of the headquarters of the government entity or police  
20 district where the person works as their domicile address,  
21 in which case that address shall be deemed to be their  
22 domicile address for all purposes under this Chapter 3. In  
23 this paragraph 1: (A) "police officer" has the meaning  
24 ascribed to "policeman" in Section 10-3-1 of the Illinois  
25 Municipal Code; (B) "deputy sheriff" means a deputy sheriff  
26 appointed under Section 3-6008 of the Counties Code; (C)



1 "elected sheriff" means a sheriff commissioned pursuant to  
2 Section 3-6001 of the Counties Code; and (D) "fire  
3 investigator" means a person classified as a peace officer  
4 under the Peace Officer Fire Investigation Act.

5 2. A description of the vehicle, including such  
6 information as is required in an application for a  
7 certificate of title, determined under such standard  
8 rating as may be prescribed by the Secretary.

9 3. Information relating to the insurance policy for the  
10 motor vehicle, including the name of the insurer which  
11 issued the policy, the policy number, and the expiration  
12 date of the policy.

13 3.5. The driver's license number and classification of  
14 the owner if the vehicle being titled is a motorcycle  
15 intended for highway use.

16 4. Such further information as may reasonably be  
17 required by the Secretary to enable him to determine  
18 whether the vehicle is lawfully entitled to registration  
19 and the owner entitled to a certificate of title.

20 5. An affirmation by the applicant that all information  
21 set forth is true and correct. If the application is for  
22 the registration of a motor vehicle, the applicant also  
23 shall affirm that the motor vehicle is insured as required  
24 by this Code, that such insurance will be maintained  
25 throughout the period for which the motor vehicle shall be  
26 registered, and that neither the owner, nor any person

1 operating the motor vehicle with the owner's permission,  
2 shall operate the motor vehicle unless the required  
3 insurance is in effect. If the person signing the  
4 affirmation is not the sole owner of the vehicle, such  
5 person shall be deemed to have affirmed on behalf of all  
6 the owners of the vehicle. If the person signing the  
7 affirmation is not an owner of the vehicle, such person  
8 shall be deemed to have affirmed on behalf of the owner or  
9 owners of the vehicle. The lack of signature on the  
10 application shall not in any manner exempt the owner or  
11 owners from any provisions, requirements or penalties of  
12 this Code.

13 (b) When such application refers to a new vehicle purchased  
14 from a dealer the application shall be accompanied by a  
15 Manufacturer's Statement of Origin from the dealer, and a  
16 statement showing any lien retained by the dealer.

17 (Source: P.A. 95-207, eff. 1-1-08.)

18 (625 ILCS 5/3-408) (from Ch. 95 1/2, par. 3-408)

19 Sec. 3-408. Grounds for refusing registration or  
20 certificate of title. The Secretary of State shall refuse  
21 registration or any transfer of registration upon any of the  
22 following grounds:

23 1. That the application contains any false or  
24 fraudulent statement or that the applicant has failed to  
25 furnish required information or reasonable additional

1 information requested by the Secretary of State or that the  
2 applicant is not entitled to the issuance of a certificate  
3 of title or registration of the vehicle under Chapter 3;

4 2. That the Secretary of State has reasonable ground to  
5 believe that the vehicle is a stolen or embezzled vehicle  
6 or that the granting of registration would constitute a  
7 fraud against the rightful owner or other person having  
8 valid lien upon such vehicle;

9 3. That the registration of the vehicle stands  
10 suspended or revoked for any reason as provided in the  
11 motor-vehicle laws of this State;

12 4. That the required fee has not been paid;

13 5. (a) In the case of medical transport vehicles and  
14 vehicles designed to carry 15 or fewer passengers operated  
15 by a contract carrier transporting employees in the course  
16 of their employment on a highway of this State, that the  
17 application does not contain a copy of a completed Vehicle  
18 Inspection Report issued by the Department of  
19 Transportation which certifies that the vehicle has been  
20 determined to be in safe mechanical condition by a safety  
21 test administered within the preceding 6 months; and (b) in  
22 the case of medical transport vehicles, other than vehicles  
23 owned or operated by a unit of local government, proof of  
24 financial responsibility; ~~or~~

25 6. That the applicant is 90 days or more delinquent in  
26 court ordered child support payments or has been

1 adjudicated in arrears in an amount equal to 90 days'  
2 obligation or more and has been found in contempt of court  
3 for failure to pay the support, subject to the requirements  
4 and procedures of Article VII of Chapter 7 of the Illinois  
5 Vehicle Code; or

6 7. That the owner of a motorcycle intended for highway  
7 use does not possess a valid driver's license with the  
8 proper classification.

9 (Source: P.A. 92-108, eff. 1-1-02.)

10 (625 ILCS 5/3-704) (from Ch. 95 1/2, par. 3-704)

11 Sec. 3-704. Authority of Secretary of State to suspend or  
12 revoke a registration or certificate of title; authority to  
13 suspend or revoke the registration of a vehicle.

14 (a) The Secretary of State may suspend or revoke the  
15 registration of a vehicle or a certificate of title,  
16 registration card, registration sticker, registration plate,  
17 disability parking decal or device, or any nonresident or other  
18 permit in any of the following events:

19 1. When the Secretary of State is satisfied that such  
20 registration or that such certificate, card, plate,  
21 registration sticker or permit was fraudulently or  
22 erroneously issued;

23 2. When a registered vehicle has been dismantled or  
24 wrecked or is not properly equipped;

25 3. When the Secretary of State determines that any

1 required fees have not been paid to the Secretary of State,  
2 to the Illinois Commerce Commission, or to the Illinois  
3 Department of Revenue under the Motor Fuel Tax Law, and the  
4 same are not paid upon reasonable notice and demand;

5 4. When a registration card, registration plate,  
6 registration sticker or permit is knowingly displayed upon  
7 a vehicle other than the one for which issued;

8 5. When the Secretary of State determines that the  
9 owner has committed any offense under this Chapter  
10 involving the registration or the certificate, card,  
11 plate, registration sticker or permit to be suspended or  
12 revoked;

13 6. When the Secretary of State determines that a  
14 vehicle registered not-for-hire is used or operated  
15 for-hire unlawfully, or used or operated for purposes other  
16 than those authorized;

17 7. When the Secretary of State determines that an owner  
18 of a for-hire motor vehicle has failed to give proof of  
19 financial responsibility as required by this Act;

20 8. When the Secretary determines that the vehicle is  
21 not subject to or eligible for a registration;

22 9. When the Secretary determines that the owner of a  
23 vehicle registered under the mileage weight tax option  
24 fails to maintain the records specified by law, or fails to  
25 file the reports required by law, or that such vehicle is  
26 not equipped with an operable and operating speedometer or

1 odometer;

2 10. When the Secretary of State is so authorized under  
3 any other provision of law;

4 11. When the Secretary of State determines that the  
5 holder of a disability parking decal or device has  
6 committed any offense under Chapter 11 of this Code  
7 involving the use of a disability parking decal or device;

8 12. When the Secretary of State determines that the  
9 vehicle is a motorcycle intended for highway use and its  
10 owner does not possess a valid driver's license with the  
11 proper classification.

12 (a-5) The Secretary of State may revoke a certificate of  
13 title and registration card and issue a corrected certificate  
14 of title and registration card, at no fee to the vehicle owner  
15 or lienholder, if there is proof that the vehicle  
16 identification number is erroneously shown on the original  
17 certificate of title.

18 (b) The Secretary of State may suspend or revoke the  
19 registration of a vehicle as follows:

20 1. When the Secretary of State determines that the  
21 owner of a vehicle has not paid a civil penalty or a  
22 settlement agreement arising from the violation of rules  
23 adopted under the Illinois Motor Carrier Safety Law or the  
24 Illinois Hazardous Materials Transportation Act or that a  
25 vehicle, regardless of ownership, was the subject of  
26 violations of these rules that resulted in a civil penalty

1 or settlement agreement which remains unpaid.

2 2. When the Secretary of State determines that a  
3 vehicle registered for a gross weight of more than 16,000  
4 pounds within an affected area is not in compliance with  
5 the provisions of Section 13-109.1 of the Illinois Vehicle  
6 Code.

7 3. When the Secretary of State is notified by the  
8 United States Department of Transportation that a vehicle  
9 is in violation of the Federal Motor Carrier Safety  
10 Regulations, as they are now or hereafter amended, and is  
11 prohibited from operating.

12 (Source: P.A. 94-239, eff. 1-1-06; 94-619, eff. 1-1-06; 94-759,  
13 eff. 5-12-06; 95-287, eff. 1-1-08.)

14 Section 99. Effective date. This Act takes effect January  
15 1, 2009.