

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 3-104 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, 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 (k) If the application refers to a homemade trailer, (i) it  
13 must be accompanied by the appropriate documentation regarding  
14 the source of materials used in the construction of the  
15 trailer, as required by the Secretary of State, (ii) the  
16 trailer must be inspected by a Secretary of State investigator,  
17 as described in Section 2-115 of this Code, prior to the  
18 issuance of the title, and (iii) upon approval of the Secretary  
19 of State, the trailer must have a vehicle identification  
20 number, as provided by the Secretary of State, stamped or  
21 riveted to the frame.

22 (Source: P.A. 95-784, eff. 1-1-09.)