

HB2196



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2196

by Rep. Jim Sacia

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-104

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

Amends the Illinois Vehicle Code. Adds Secretary of State police officers to the category of persons who may conduct required inspections of homemade trailers prior to the issuance of a certificate of title. Effective July 1, 2011.

LRB097 10519 HEP 50840 b

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 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) The Secretary may provide an expedited process for the
13 issuance of vehicle titles. Expedited title applications must
14 be delivered to the Secretary of State's Vehicle Services
15 Department in Springfield by express mail service or hand
16 delivery. Applications must be complete, including necessary
17 forms, fees, and taxes. Applications received before noon on a
18 business day will be processed and shipped that same day.
19 Applications received after noon on a business day will be
20 processed and shipped the next business day. The Secretary
21 shall charge an additional fee of \$30 for this service, and
22 that fee shall cover the cost of return shipping via an express
23 mail service. All fees collected by the Secretary of State for
24 expedited services shall be deposited into the Motor Vehicle
25 License Plate Fund. In the event the Vehicle Services
26 Department determines that the volume of expedited title

1 requests received on a given day exceeds the ability of the
2 Vehicle Services Department to process those requests in an
3 expedited manner, the Vehicle Services Department may decline
4 to provide expedited services, and the additional fee for the
5 expedited service shall be refunded to the applicant.

6 (1) If the application refers to a homemade trailer, (i) it
7 must be accompanied by the appropriate documentation regarding
8 the source of materials used in the construction of the
9 trailer, as required by the Secretary of State, (ii) the
10 trailer must be inspected by a Secretary of State investigator,
11 as described in Section 2-115 of this Code, or by a Secretary
12 of State police officer prior to the issuance of the title, and
13 (iii) upon approval of the Secretary of State, the trailer must
14 have a vehicle identification number, as provided by the
15 Secretary of State, stamped or riveted to the frame.

16 (Source: P.A. 95-784, eff. 1-1-09; 96-519, eff. 1-1-10; 96-554,
17 eff. 1-1-10; 96-1000, eff. 7-2-10.)

18 Section 99. Effective date. This Act takes effect July 1,
19 2011.