



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5220

Introduced 2/8/2012, by Rep. Jil Tracy

#### SYNOPSIS AS INTRODUCED:

625 ILCS 45/3A-1	from Ch. 95 1/2, par. 313A-1
625 ILCS 45/3A-3	from Ch. 95 1/2, par. 313A-3
625 ILCS 45/3A-7	from Ch. 95 1/2, par. 313A-7
625 ILCS 45/3A-10	from Ch. 95 1/2, par. 313A-10
625 ILCS 45/3A-17	from Ch. 95 1/2, par. 313A-17

Amends the Boat Registration and Safety Act. Makes every owner of a watercraft engine subject to provisions requiring a certificate of title. Provides that watercraft engines are subject to Sections concerning: application for first certificate of title; certificate of title contents; refusal of title certificate; and transfer.

LRB097 18943 HEP 64181 b

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 Boat Registration and Safety Act is amended  
5 by changing Sections 3A-1, 3A-3, 3A-7, 3A-10, and 3A-17 as  
6 follows:

7 (625 ILCS 45/3A-1) (from Ch. 95 1/2, par. 313A-1)

8 Sec. 3A-1. Certificate of title required.

9 (a) Every owner of a watercraft and every owner of a  
10 watercraft engine required to be numbered by this State and for  
11 which no certificate of title has been issued by the Department  
12 of Natural Resources shall make application to the Department  
13 of Natural Resources for a certificate of title either before  
14 or at the same time he next applies for issuance, transfer or  
15 renewal of a certificate of number. All watercraft already  
16 covered by a number in full force and effect which has been  
17 awarded to it pursuant to Federal law is exempt from titling  
18 requirements in this Act.

19 (b) The Department shall not issue, transfer or renew a  
20 certificate of number unless a certificate of title has been  
21 issued by the Department of Natural Resources or an application  
22 for a certificate of title has been delivered to the  
23 Department.

1 (Source: P.A. 89-445, eff. 2-7-96.)

2 (625 ILCS 45/3A-3) (from Ch. 95 1/2, par. 313A-3)

3 Sec. 3A-3. Application for first certificate of title.

4 (a) The application for the first certificate of title in  
5 this State must be made by the owner to the Department of  
6 Natural Resources on the form prescribed and must contain:

7 1. The name, residence and mail address of the owner;

8 2. A description of the watercraft and a description of  
9 a watercraft engine so far as the following data exists:

10 Its make, model, year of manufacture, manufacturer's  
11 serial number or builder's hull number, length and  
12 principal material used in construction;

13 3. The date of purchase by applicant, the name and  
14 address of the person from whom the watercraft or  
15 watercraft engine was acquired and the names and addresses  
16 of any lienholders in the order of their priority and the  
17 dates of their security agreements; and

18 4. Any further information the Department of Natural  
19 Resources reasonably requires to identify the watercraft  
20 or watercraft engine and to enable the Department to  
21 determine whether the owner is entitled to a certificate of  
22 title and the existence or nonexistence of security  
23 interests in the watercraft.

24 (b) If the application refers to a watercraft or watercraft  
25 engine purchased from a dealer, it must contain the name and

1 address of any lienholder holding a security interest created  
2 or reserved at the time of the sale and the date of his  
3 security agreement and be signed by the dealer as well as the  
4 owner, and the dealer must within 15 days mail or deliver the  
5 application to the Department of Natural Resources.

6 (c) If the application refers to a watercraft or watercraft  
7 engine last previously registered in another State or country,  
8 the application must contain or be accompanied by:

9 1. Any certificate of title issued by the other State  
10 or country; and

11 2. Any other information and documents the Department  
12 of Natural Resources reasonably requires to establish  
13 ownership and the existence or nonexistence of security  
14 interests.

15 (Source: P.A. 91-357, eff. 7-29-99.)

16 (625 ILCS 45/3A-7) (from Ch. 95 1/2, par. 313A-7)

17 Sec. 3A-7. Contents and effect.

18 (a) Each certificate of title issued by the Department of  
19 Natural Resources shall contain:

20 1. The date issued;

21 2. The name and address of the owner;

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

1           4. The title number assigned to the watercraft or  
2           watercraft engine;

3           5. A description of the watercraft or watercraft engine  
4           including, so far as the following data exists: its make,  
5           model, year of manufacture, registration number, and  
6           manufacturer's serial number or, if none, the builder's  
7           hull number, length, purchase date, and the principal  
8           material used in construction;

9           6. Any other data the Department of Natural Resources  
10          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          (c) A certificate of title issued by the Department of  
18          Natural Resources is prima facie evidence of the facts  
19          appearing on it.

20          (d) A certificate of title is not subject to garnishment,  
21          attachment, execution or other judicial process, but this  
22          subsection does not prevent a lawful levy upon the watercraft  
23          or watercraft engine.

24          (e) Any certificate of title issued by the Department of  
25          Natural Resources is subject to a lien in favor of the State of  
26          Illinois for any fees or taxes required to be paid under this

1 Act and as have not been paid, as provided for in this Act.

2 (Source: P.A. 89-445, eff. 2-7-96.)

3 (625 ILCS 45/3A-10) (from Ch. 95 1/2, par. 313A-10)

4 Sec. 3A-10. Refusing certificate of title. The Department  
5 of Natural Resources shall refuse issuance of a certificate of  
6 title if any required fee is not paid or if he has reasonable  
7 grounds to believe that:

8 (a) The applicant is not the owner of the watercraft or  
9 watercraft engine;

10 (b) The application contains a false or fraudulent  
11 statement; or

12 (c) The applicant fails to furnish required information or  
13 documents or any additional information the Department of  
14 Natural Resources reasonably requires;

15 (d) The applicant has not paid any fees or taxes due under  
16 this Act and have not been paid upon reasonable notice and  
17 demand.

18 (Source: P.A. 89-445, eff. 2-7-96.)

19 (625 ILCS 45/3A-17) (from Ch. 95 1/2, par. 313A-17)

20 Sec. 3A-17. Transfer of watercraft or watercraft engine. A  
21 transferor of a watercraft or watercraft engine other than a  
22 dealer transferring a new watercraft, shall deliver to the  
23 transferee at the time of delivery of possession of the  
24 watercraft or watercraft engine the properly assigned

1 certificate of title.

2 (Source: P.A. 85-149.)