



Rep. Terri Bryant

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1 AMENDMENT TO HOUSE BILL 3797

2 AMENDMENT NO. _____. Amend House Bill 3797 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-114 and 3-821 as follows:

6 (625 ILCS 5/3-114) (from Ch. 95 1/2, par. 3-114)

7 Sec. 3-114. Transfer by operation of law.

8 (a) If the interest of an owner in a vehicle passes to
9 another other than by voluntary transfer, the transferee shall,
10 except as provided in paragraph (b), promptly mail or deliver
11 within 20 days to the Secretary of State the last certificate
12 of title, if available, proof of the transfer, and his
13 application for a new certificate in the form the Secretary of
14 State prescribes. It shall be unlawful for any person having
15 possession of a certificate of title for a motor vehicle,
16 semi-trailer, or house car by reason of his having a lien or

1 encumbrance on such vehicle, to fail or refuse to deliver such
2 certificate to the owner, upon the satisfaction or discharge of
3 the lien or encumbrance, indicated upon such certificate of
4 title.

5 (b) If the interest of an owner in a vehicle passes to
6 another under the provisions of the Small Estates provisions of
7 the Probate Act of 1975 the transferee shall promptly mail or
8 deliver to the Secretary of State, within 120 days, the last
9 certificate of title, if available, the documentation required
10 under the provisions of the Probate Act of 1975, and an
11 application for certificate of title. The Small Estate
12 Affidavit form shall be furnished by the Secretary of State.
13 The transfer may be to the transferee or to the nominee of the
14 transferee.

15 (c) If the interest of an owner in a vehicle passes to
16 another under other provisions of the Probate Act of 1975, as
17 amended, and the transfer is made by a representative or
18 guardian, such transferee shall promptly mail or deliver to the
19 Secretary of State, the last certificate of title, if
20 available, and a certified copy of the letters of office or
21 guardianship, and an application for certificate of title. Such
22 application shall be made before the estate is closed. The
23 transfer may be to the transferee or to the nominee of the
24 transferee.

25 (d) If the interest of an owner in joint tenancy passes to
26 the other joint tenant with survivorship rights as provided by

1 law, the transferee shall promptly mail or deliver to the
2 Secretary of State, the last certificate of title, if
3 available, proof of death of the one joint tenant and
4 survivorship of the surviving joint tenant, and an application
5 for certificate of title. Such application shall be made within
6 120 days after the death of the joint tenant. The transfer may
7 be to the transferee or to the nominee of the transferee.

8 (d-5) If the interest of an owner passes to the owner's
9 spouse or if the spouse otherwise acquires ownership of the
10 vehicle, then the transferee shall promptly mail or deliver to
11 the Secretary of State, proof of (i) the owner's death; (ii)
12 the transfer or acquisition of ownership; and (iii) proof of
13 the martial relationship between the owner and the transferee,
14 along with the last certificate of title, if available, and an
15 application for certificate of title along with the appropriate
16 fees and taxes, if applicable. The application shall be made
17 within 180 days after the death of the owner.

18 (e) The Secretary of State shall transfer a decedent's
19 vehicle title to any legatee, representative or heir of the
20 decedent who submits to the Secretary a death certificate and
21 an affidavit by an attorney at law on the letterhead stationery
22 of the attorney at law stating the facts of the transfer.

23 (f) Repossession with assignment of title. In all cases
24 wherein a lienholder has repossessed a vehicle by other than
25 judicial process and holds it for resale under a security
26 agreement, and the owner of record has executed an assignment

1 of the existing certificate of title after default, the
2 lienholder may proceed to sell or otherwise dispose of the
3 vehicle as authorized under the Uniform Commercial Code. Upon
4 selling the vehicle to another person, the lienholder need not
5 send the certificate of title to the Secretary of State, but
6 shall promptly and within 20 days mail or deliver to the
7 purchaser as transferee the existing certificate of title for
8 the repossessed vehicle, reflecting the release of the
9 lienholder's security interest in the vehicle. The application
10 for a certificate of title made by the purchaser shall comply
11 with subsection (a) of Section 3-104 and be accompanied by the
12 existing certificate of title for the repossessed vehicle. The
13 lienholder shall execute the assignment and warranty of title
14 showing the name and address of the purchaser in the spaces
15 provided therefor on the certificate of title or as the
16 Secretary of State prescribes. The lienholder shall complete
17 the assignment of title in the certificate of title to reflect
18 the transfer of the vehicle to the lienholder and also a
19 reassignment to reflect the transfer from the lienholder to the
20 purchaser. For this purpose, the lienholder is specifically
21 authorized to complete and execute the space reserved in the
22 certificate of title for a dealer reassignment,
23 notwithstanding that the lienholder is not a licensed dealer.
24 Nothing herein shall be construed to mean that the lienholder
25 is taking title to the repossessed vehicle for purposes of
26 liability for retailer occupation, vehicle use, or other tax

1 with respect to the proceeds from the repossession sale.
2 Delivery of the existing certificate of title to the purchaser
3 shall be deemed disclosure to the purchaser of the owner of the
4 vehicle.

5 (f-5) Repossession without assignment of title. Subject to
6 subsection (f-30), in all cases wherein a lienholder has
7 repossessed a vehicle by other than judicial process and holds
8 it for resale under a security agreement, and the owner of
9 record has not executed an assignment of the existing
10 certificate of title, the lienholder shall comply with the
11 following provisions:

12 (1) Prior to sale, the lienholder shall deliver or mail
13 to the owner at the owner's last known address and to any
14 other lienholder of record, a notice of redemption setting
15 forth the following information: (i) the name of the owner
16 of record and in bold type at or near the top of the notice
17 a statement that the owner's vehicle was repossessed on a
18 specified date for failure to make payments on the loan (or
19 other reason), (ii) a description of the vehicle subject to
20 the lien sufficient to identify it, (iii) the right of the
21 owner to redeem the vehicle, (iv) the lienholder's intent
22 to sell or otherwise dispose of the vehicle after the
23 expiration of 21 days from the date of mailing or delivery
24 of the notice, and (v) the name, address, and telephone
25 number of the lienholder from whom information may be
26 obtained concerning the amount due to redeem the vehicle

1 and from whom the vehicle may be redeemed under Section
2 9-623 of the Uniform Commercial Code. At the lienholder's
3 option, the information required to be set forth in this
4 notice of redemption may be made a part of or accompany the
5 notification of sale or other disposition required under
6 Section 9-611 of the Uniform Commercial Code, but none of
7 the information required by this notice shall be construed
8 to impose any requirement under Article 9 of the Uniform
9 Commercial Code.

10 (2) With respect to the repossession of a vehicle used
11 primarily for personal, family, or household purposes, the
12 lienholder shall also deliver or mail to the owner at the
13 owner's last known address an affidavit of defense. The
14 affidavit of defense shall accompany the notice of
15 redemption required in subdivision (f-5)(1) of this
16 Section. The affidavit of defense shall (i) identify the
17 lienholder, owner, and the vehicle; (ii) provide space for
18 the owner to state the defense claimed by the owner; and
19 (iii) include an acknowledgment by the owner that the owner
20 may be liable to the lienholder for fees, charges, and
21 costs incurred by the lienholder in establishing the
22 insufficiency or invalidity of the owner's defense. To stop
23 the transfer of title, the affidavit of defense must be
24 received by the lienholder no later than 21 days after the
25 date of mailing or delivery of the notice required in
26 subdivision (f-5)(1) of this Section. If the lienholder

1 receives the affidavit from the owner in a timely manner,
2 the lienholder must apply to a court of competent
3 jurisdiction to determine if the lienholder is entitled to
4 possession of the vehicle.

5 (3) Upon selling the vehicle to another person, the
6 lienholder need not send the certificate of title to the
7 Secretary of State, but shall promptly and within 20 days
8 mail or deliver to the purchaser as transferee (i) the
9 existing certificate of title for the repossessed vehicle,
10 reflecting the release of the lienholder's security
11 interest in the vehicle; and (ii) an affidavit of
12 repossession made by or on behalf of the lienholder which
13 provides the following information: that the vehicle was
14 repossessed, a description of the vehicle sufficient to
15 identify it, whether the vehicle has been damaged in excess
16 of 33 1/3% of its fair market value as required under
17 subdivision (b) (3) of Section 3-117.1, that the owner and
18 any other lienholder of record were given the notice
19 required in subdivision (f-5) (1) of this Section, that the
20 owner of record was given the affidavit of defense required
21 in subdivision (f-5) (2) of this Section, that the interest
22 of the owner was lawfully terminated or sold pursuant to
23 the terms of the security agreement, and the purchaser's
24 name and address. If the vehicle is damaged in excess of 33
25 1/3% of its fair market value, the lienholder shall make
26 application for a salvage certificate under Section

1 3-117.1 and transfer the vehicle to a person eligible to
2 receive assignments of salvage certificates identified in
3 Section 3-118.

4 (4) The application for a certificate of title made by
5 the purchaser shall comply with subsection (a) of Section
6 3-104 and be accompanied by the affidavit of repossession
7 furnished by the lienholder and the existing certificate of
8 title for the repossessed vehicle. The lienholder shall
9 execute the assignment and warranty of title showing the
10 name and address of the purchaser in the spaces provided
11 therefor on the certificate of title or as the Secretary of
12 State prescribes. The lienholder shall complete the
13 assignment of title in the certificate of title to reflect
14 the transfer of the vehicle to the lienholder and also a
15 reassignment to reflect the transfer from the lienholder to
16 the purchaser. For this purpose, the lienholder is
17 specifically authorized to execute the assignment on
18 behalf of the owner as seller if the owner has not done so
19 and to complete and execute the space reserved in the
20 certificate of title for a dealer reassignment,
21 notwithstanding that the lienholder is not a licensed
22 dealer. Nothing herein shall be construed to mean that the
23 lienholder is taking title to the repossessed vehicle for
24 purposes of liability for retailer occupation, vehicle
25 use, or other tax with respect to the proceeds from the
26 repossession sale. Delivery of the existing certificate of

1 title to the purchaser shall be deemed disclosure to the
2 purchaser of the owner of the vehicle. In the event the
3 lienholder does not hold the certificate of title for the
4 repossessed vehicle, the lienholder shall make application
5 for and may obtain a new certificate of title in the name
6 of the lienholder upon furnishing information satisfactory
7 to the Secretary of State. Upon receiving the new
8 certificate of title, the lienholder may proceed with the
9 sale described in subdivision (f-5)(3), except that upon
10 selling the vehicle the lienholder shall promptly and
11 within 20 days mail or deliver to the purchaser the new
12 certificate of title reflecting the assignment and
13 transfer of title to the purchaser.

14 (5) Neither the lienholder nor the owner shall file
15 with the Office of the Secretary of State the notice of
16 redemption or affidavit of defense described in
17 subdivisions (f-5)(1) and (f-5)(2) of this Section. The
18 Office of the Secretary of State shall not determine the
19 merits of an owner's affidavit of defense, nor consider any
20 allegations or assertions regarding the validity or
21 invalidity of a lienholder's claim to the vehicle or an
22 owner's asserted defenses to the repossession action.

23 (f-7) Notice of reinstatement in certain cases.

24 (1) Subject to subsection (f-30), if, at the time of
25 repossession by a lienholder that is seeking to transfer
26 title pursuant to subsection (f-5), the owner has paid an

1 amount equal to 30% or more of the deferred payment price
2 or total of payments due, the owner may, within 21 days of
3 the date of repossession, reinstate the contract or loan
4 agreement and recover the vehicle from the lienholder by
5 tendering in a lump sum (i) the total of all unpaid
6 amounts, including any unpaid delinquency or deferral
7 charges due at the date of reinstatement, without
8 acceleration; and (ii) performance necessary to cure any
9 default other than nonpayment of the amounts due; and (iii)
10 all reasonable costs and fees incurred by the lienholder in
11 retaking, holding, and preparing the vehicle for
12 disposition and in arranging for the sale of the vehicle.
13 Reasonable costs and fees incurred by the lienholder
14 include without limitation repossession and storage
15 expenses and, if authorized by the contract or loan
16 agreement, reasonable attorneys' fees and collection
17 agency charges.

18 (2) Tender of payment and performance pursuant to this
19 limited right of reinstatement restores to the owner his
20 rights under the contract or loan agreement as though no
21 default had occurred. The owner has the right to reinstate
22 the contract or loan agreement and recover the vehicle from
23 the lienholder only once under this subsection. The
24 lienholder may, in the lienholder's sole discretion,
25 extend the period during which the owner may reinstate the
26 contract or loan agreement and recover the vehicle beyond

1 the 21 days allowed under this subsection, and the
2 extension shall not subject the lienholder to liability to
3 the owner under the laws of this State.

4 (3) The lienholder shall deliver or mail written notice
5 to the owner at the owner's last known address, within 3
6 business days of the date of repossession, of the owner's
7 right to reinstate the contract or loan agreement and
8 recover the vehicle pursuant to the limited right of
9 reinstatement described in this subsection. At the
10 lienholder's option, the information required to be set
11 forth in this notice of reinstatement may be made part of
12 or accompany the notice of redemption required in
13 subdivision (f-5)(1) of this Section and the notification
14 of sale or other disposition required under Section 9-611
15 of the Uniform Commercial Code, but none of the information
16 required by this notice of reinstatement shall be construed
17 to impose any requirement under Article 9 of the Uniform
18 Commercial Code.

19 (4) The reinstatement period, if applicable, and the
20 redemption period described in subdivision (f-5)(1) of
21 this Section, shall run concurrently if the information
22 required to be set forth in the notice of reinstatement is
23 part of or accompanies the notice of redemption. In any
24 event, the 21 day redemption period described in
25 subdivision (f-5)(1) of this Section shall commence on the
26 date of mailing or delivery to the owner of the information

1 required to be set forth in the notice of redemption, and
2 the 21 day reinstatement period described in this
3 subdivision, if applicable, shall commence on the date of
4 mailing or delivery to the owner of the information
5 required to be set forth in the notice of reinstatement.

6 (5) The Office of the Secretary of State shall not
7 determine the merits of an owner's claim of right to
8 reinstatement, nor consider any allegations or assertions
9 regarding the validity or invalidity of a lienholder's
10 claim to the vehicle or an owner's asserted right to
11 reinstatement. Where a lienholder is subject to licensing
12 and regulatory supervision by the State of Illinois, the
13 lienholder shall be subject to all of the powers and
14 authority of the lienholder's primary State regulator to
15 enforce compliance with the procedures set forth in this
16 subsection (f-7).

17 (f-10) Repossession by judicial process. In all cases
18 wherein a lienholder has repossessed a vehicle by judicial
19 process and holds it for resale under a security agreement,
20 order for replevin, or other court order establishing the
21 lienholder's right to possession of the vehicle, the lienholder
22 may proceed to sell or otherwise dispose of the vehicle as
23 authorized under the Uniform Commercial Code or the court
24 order. Upon selling the vehicle to another person, the
25 lienholder need not send the certificate of title to the
26 Secretary of State, but shall promptly and within 20 days mail

1 or deliver to the purchaser as transferee (i) the existing
2 certificate of title for the repossessed vehicle reflecting the
3 release of the lienholder's security interest in the vehicle;
4 (ii) a certified copy of the court order; and (iii) a bill of
5 sale identifying the new owner's name and address and the year,
6 make, model, and vehicle identification number of the vehicle.
7 The application for a certificate of title made by the
8 purchaser shall comply with subsection (a) of Section 3-104 and
9 be accompanied by the certified copy of the court order
10 furnished by the lienholder and the existing certificate of
11 title for the repossessed vehicle. The lienholder shall execute
12 the assignment and warranty of title showing the name and
13 address of the purchaser in the spaces provided therefor on the
14 certificate of title or as the Secretary of State prescribes.
15 The lienholder shall complete the assignment of title in the
16 certificate of title to reflect the transfer of the vehicle to
17 the lienholder and also a reassignment to reflect the transfer
18 from the lienholder to the purchaser. For this purpose, the
19 lienholder is specifically authorized to execute the
20 assignment on behalf of the owner as seller if the owner has
21 not done so and to complete and execute the space reserved in
22 the certificate of title for a dealer reassignment,
23 notwithstanding that the lienholder is not a licensed dealer.
24 Nothing herein shall be construed to mean that the lienholder
25 is taking title to the repossessed vehicle for purposes of
26 liability for retailer occupation, vehicle use, or other tax

1 with respect to the proceeds from the repossession sale.
2 Delivery of the existing certificate of title to the purchaser
3 shall be deemed disclosure to the purchaser of the owner of the
4 vehicle. In the event the lienholder does not hold the
5 certificate of title for the repossessed vehicle, the
6 lienholder shall make application for and may obtain a new
7 certificate of title in the name of the lienholder upon
8 furnishing information satisfactory to the Secretary of State.
9 Upon receiving the new certificate of title, the lienholder may
10 proceed with the sale described in this subsection, except that
11 upon selling the vehicle the lienholder shall promptly and
12 within 20 days mail or deliver to the purchaser the new
13 certificate of title reflecting the assignment and transfer of
14 title to the purchaser.

15 (f-15) The Secretary of State shall not issue a certificate
16 of title to a purchaser under subsection (f), (f-5), or (f-10)
17 of this Section, unless the person from whom the vehicle has
18 been repossessed by the lienholder is shown to be the last
19 registered owner of the motor vehicle. The Secretary of State
20 may provide by rule for the standards to be followed by a
21 lienholder in assigning and transferring certificates of title
22 with respect to repossessed vehicles.

23 (f-20) If applying for a salvage certificate or a junking
24 certificate, the lienholder shall within 20 days make an
25 application to the Secretary of State for a salvage certificate
26 or a junking certificate, as set forth in this Code. The

1 Secretary of State shall not issue a salvage certificate or a
2 junking certificate to such lienholder unless the person from
3 whom such vehicle has been repossessed is shown to be the last
4 registered owner of such motor vehicle and such lienholder
5 establishes to the satisfaction of the Secretary of State that
6 he is entitled to such salvage certificate or junking
7 certificate. The Secretary of State may provide by rule for the
8 standards to be followed by a lienholder in order to obtain a
9 salvage certificate or junking certificate for a repossessed
10 vehicle.

11 (f-25) If the interest of an owner in a mobile home, as
12 defined in the Mobile Home Local Services Tax Act, passes to
13 another under the provisions of the Mobile Home Local Services
14 Tax Enforcement Act, the transferee shall promptly mail or
15 deliver to the Secretary of State (i) the last certificate of
16 title, if available, (ii) a certified copy of the court order
17 ordering the transfer of title, and (iii) an application for
18 certificate of title.

19 (f-30) Bankruptcy. If the repossessed vehicle is the
20 subject of a bankruptcy proceeding or discharge:

21 (1) the lienholder may proceed to sell or otherwise
22 dispose of the vehicle as authorized by the Bankruptcy Code
23 and the Uniform Commercial Code;

24 (2) the notice of redemption, affidavit of defense, and
25 notice of reinstatement otherwise required to be sent by
26 the lienholder to the owner of record or other lienholder

1 of record under this Section are not required to be
2 delivered or mailed;

3 (3) the requirement to delay disposition of the vehicle
4 for 21 days, (i) from the mailing or delivery of the notice
5 of redemption under subdivision (f-5)(1) of this Section,
6 (ii) from the mailing or delivery of the affidavit of
7 defense under subdivision (f-5)(2) of this Section, or
8 (iii) from the date of repossession when the owner is
9 entitled to a notice of reinstatement under subsection
10 (f-7) of this Section, does not apply;

11 (4) the affidavit of repossession that is required
12 under subdivision (f-5)(3) shall contain a notation of
13 "bankruptcy" where the affidavit requires the date of the
14 mailing or delivery of the notice of redemption. The
15 notation of "bankruptcy" means the lienholder makes no
16 sworn representations regarding the mailing or delivery of
17 the notice of redemption or affidavit of defense or
18 lienholder's compliance with the requirements that
19 otherwise apply to the notices listed in this subsection
20 (f-30), and makes no sworn representation that the
21 lienholder assumes liability or costs for any litigation
22 that may arise from the issuance of a certificate of title
23 based on the excluded representations;

24 (5) the right of redemption, the right to assert a
25 defense to the transfer of title, and reinstatement rights
26 under this Section do not apply; and

1 (6) references to judicial process and court orders in
2 subsection (f-10) of this Section do not include bankruptcy
3 proceedings or orders.

4 (g) A person holding a certificate of title whose interest
5 in the vehicle has been extinguished or transferred other than
6 by voluntary transfer shall mail or deliver the certificate,
7 within 20 days upon request of the Secretary of State. The
8 delivery of the certificate pursuant to the request of the
9 Secretary of State does not affect the rights of the person
10 surrendering the certificate, and the action of the Secretary
11 of State in issuing a new certificate of title as provided
12 herein is not conclusive upon the rights of an owner or
13 lienholder named in the old certificate.

14 (h) The Secretary of State may decline to process any
15 application for a transfer of an interest in a vehicle
16 hereunder if any fees or taxes due under this Act from the
17 transferor or the transferee have not been paid upon reasonable
18 notice and demand.

19 (i) The Secretary of State shall not be held civilly or
20 criminally liable to any person because any purported
21 transferor may not have had the power or authority to make a
22 transfer of any interest in any vehicle or because a
23 certificate of title issued in error is subsequently used to
24 commit a fraudulent act.

25 (Source: P.A. 94-411, eff. 1-1-06.)

1 (625 ILCS 5/3-821) (from Ch. 95 1/2, par. 3-821)

2 Sec. 3-821. Miscellaneous Registration and Title Fees.

3 (a) The fee to be paid to the Secretary of State for the
4 following certificates, registrations or evidences of proper
5 registration, or for corrected or duplicate documents shall be
6 in accordance with the following schedule:

7	Certificate of Title, except for an all-terrain	
8	vehicle or off-highway motorcycle	\$95
9	Certificate of Title for an all-terrain vehicle	
10	or off-highway motorcycle	\$30
11	Certificate of Title for an all-terrain vehicle	
12	or off-highway motorcycle used for production	
13	agriculture, or accepted by a dealer in trade	13
14	Certificate of Title for a low-speed vehicle	30
15	Transfer of Registration or any evidence of	
16	proper registration	\$25
17	Duplicate Registration Card for plates or other	
18	evidence of proper registration	3
19	Duplicate Registration Sticker or Stickers, each	20
20	Duplicate Certificate of Title	95
21	Corrected Registration Card or Card for other	
22	evidence of proper registration	3
23	Corrected Certificate of Title	95
24	Salvage Certificate	4
25	Fleet Reciprocity Permit	15
26	Prorate Decal	1

1	Prorate Backing Plate	3
2	Special Corrected Certificate of Title	15
3	Expedited Title Service (to be charged in addition	
4	to other applicable fees)	30
5	Dealer Lien Release Certificate of Title	20

6 A special corrected certificate of title shall be issued
7 (i) to remove a co-owner's name due to the death of the
8 co-owner, to transfer title to a spouse if the decedent-spouse
9 was the sole owner on the title, or due to a divorce or (ii) to
10 change a co-owner's name due to a marriage.

11 There shall be no fee paid for a Junking Certificate.

12 There shall be no fee paid for a certificate of title
13 issued to a county when the vehicle is forfeited to the county
14 under Article 36 of the Criminal Code of 2012.

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

21 (a-10) The Secretary of State may issue, in connection with
22 the sale of a motor vehicle, a corrected title to a motor
23 vehicle dealer upon application and submittal of a lien release
24 letter from the lienholder listed in the files of the
25 Secretary. In the case of a title issued by another state, the
26 dealer must submit proof from the state that issued the last

1 title. The corrected title, which shall be known as a dealer
2 lien release certificate of title, shall be issued in the name
3 of the vehicle owner without the named lienholder. If the motor
4 vehicle is currently titled in a state other than Illinois, the
5 applicant must submit either (i) a letter from the current
6 lienholder releasing the lien and stating that the lienholder
7 has possession of the title; or (ii) a letter from the current
8 lienholder releasing the lien and a copy of the records of the
9 department of motor vehicles for the state in which the vehicle
10 is titled, showing that the vehicle is titled in the name of
11 the applicant and that no liens are recorded other than the
12 lien for which a release has been submitted. The fee for the
13 dealer lien release certificate of title is \$20.

14 (b) The Secretary may prescribe the maximum service charge
15 to be imposed upon an applicant for renewal of a registration
16 by any person authorized by law to receive and remit or
17 transmit to the Secretary such renewal application and fees
18 therewith.

19 (c) If payment is delivered to the Office of the Secretary
20 of State as payment of any fee or tax under this Code, and such
21 payment is not honored for any reason, the registrant or other
22 person tendering the payment remains liable for the payment of
23 such fee or tax. The Secretary of State may assess a service
24 charge of \$25 in addition to the fee or tax due and owing for
25 all dishonored payments.

26 If the total amount then due and owing exceeds the sum of

1 \$100 and has not been paid in full within 60 days from the date
2 such fee or tax became due to the Secretary of State, the
3 Secretary of State shall assess a penalty of 25% of such amount
4 remaining unpaid.

5 All amounts payable under this Section shall be computed to
6 the nearest dollar. Out of each fee collected for dishonored
7 payments, \$5 shall be deposited in the Secretary of State
8 Special Services Fund.

9 (d) The minimum fee and tax to be paid by any applicant for
10 apportionment of a fleet of vehicles under this Code shall be
11 \$15 if the application was filed on or before the date
12 specified by the Secretary together with fees and taxes due. If
13 an application and the fees or taxes due are filed after the
14 date specified by the Secretary, the Secretary may prescribe
15 the payment of interest at the rate of 1/2 of 1% per month or
16 fraction thereof after such due date and a minimum of \$8.

17 (e) Trucks, truck tractors, truck tractors with loads, and
18 motor buses, any one of which having a combined total weight in
19 excess of 12,000 lbs. shall file an application for a Fleet
20 Reciprocity Permit issued by the Secretary of State. This
21 permit shall be in the possession of any driver operating a
22 vehicle on Illinois highways. Any foreign licensed vehicle of
23 the second division operating at any time in Illinois without a
24 Fleet Reciprocity Permit or other proper Illinois
25 registration, shall subject the operator to the penalties
26 provided in Section 3-834 of this Code. For the purposes of

1 this Code, "Fleet Reciprocity Permit" means any second division
2 motor vehicle with a foreign license and used only in
3 interstate transportation of goods. The fee for such permit
4 shall be \$15 per fleet which shall include all vehicles of the
5 fleet being registered.

6 (f) For purposes of this Section, "all-terrain vehicle or
7 off-highway motorcycle used for production agriculture" means
8 any all-terrain vehicle or off-highway motorcycle used in the
9 raising of or the propagation of livestock, crops for sale for
10 human consumption, crops for livestock consumption, and
11 production seed stock grown for the propagation of feed grains
12 and the husbandry of animals or for the purpose of providing a
13 food product, including the husbandry of blood stock as a main
14 source of providing a food product. "All-terrain vehicle or
15 off-highway motorcycle used in production agriculture" also
16 means any all-terrain vehicle or off-highway motorcycle used in
17 animal husbandry, floriculture, aquaculture, horticulture, and
18 viticulture.

19 (g) All of the proceeds of the additional fees imposed by
20 Public Act 96-34 shall be deposited into the Capital Projects
21 Fund.

22 (Source: P.A. 96-34, eff. 7-13-09; 96-554, eff. 1-1-10; 96-653,
23 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1274, eff. 7-26-10;
24 97-835, eff. 1-1-13; 97-838, eff. 7-20-12; 97-1150, eff.
25 1-25-13.)".