

1 AN ACT in regard to vehicles.

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
5 changing Sections 3-104 and 3-302 and adding Section 3-114.1
6 as follows:

7 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

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

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

12 1. The name, Illinois residence and mail address of
13 the owner;

14 2. A description of the vehicle including, so far
15 as the following data exists: Its make, year-model,
16 identifying number, type of body, whether new or used, as
17 to house trailers as defined in Section 1-128 of this
18 Code, the square footage of the house trailer based upon
19 the outside dimensions of the house trailer excluding the
20 length of the tongue and hitch, and, as to vehicles of
21 the second division, whether for-hire, not-for-hire, or
22 both for-hire and not-for-hire;

23 3. The date of purchase by applicant and, if
24 applicable, the name and address of the person from whom
25 the vehicle was acquired and the names and addresses of
26 any lienholders in the order of their priority and
27 signatures of owners;

28 4. The current odometer reading at the time of
29 transfer and that the stated odometer reading is one of
30 the following: actual mileage, not the actual mileage or
31 mileage is in excess of its mechanical limits; and

1 5. Any further information the Secretary of State
2 reasonably requires to identify the vehicle and to enable
3 him to determine whether the owner is entitled to a
4 certificate of title and the existence or nonexistence of
5 security interests in the vehicle; and

6 6. The names and mail addresses of any transfer on
7 death (TOD) beneficiaries to whom ownership of the
8 vehicle would pass in the event of the owner's death.

9 (b) If the application refers to a vehicle purchased
10 from a dealer, it must also be signed by the dealer as well
11 as the owner, and the dealer must promptly mail or deliver
12 the application and required documents to the Secretary of
13 State.

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

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

20 2. Any other information and documents the
21 Secretary of State reasonably requires to establish the
22 ownership of the vehicle and the existence or
23 nonexistence of security interests in it.

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

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

33 (f) An application for a certificate of title for any
34 vehicle, whether purchased in Illinois or outside Illinois,

1 and even if previously registered in another State, must be
2 accompanied by either an exemption determination from the
3 Department of Revenue showing that no tax imposed pursuant to
4 the Use Tax Act or the vehicle use tax imposed by Section
5 3-1001 of the Illinois Vehicle Code is owed by anyone with
6 respect to that vehicle, or a receipt from the Department of
7 Revenue showing that any tax so imposed has been paid. An
8 application for a certificate of title for any vehicle
9 purchased outside Illinois, even if previously registered in
10 another state, must be accompanied by either an exemption
11 determination from the Department of Revenue showing that no
12 tax imposed pursuant to the Municipal Use Tax Act or the
13 County Use Tax Act is owed by anyone with respect to that
14 vehicle, or a receipt from the Department of Revenue showing
15 that any tax so imposed has been paid. In the absence of
16 such a receipt for payment or determination of exemption from
17 the Department, no certificate of title shall be issued to
18 the applicant.

19 If the proof of payment of the tax or of nonliability
20 therefor is, after the issuance of the certificate of title
21 and display certificate of title, found to be invalid, the
22 Secretary of State shall revoke the certificate and require
23 that the certificate of title and, when applicable, the
24 display certificate of title be returned to him.

25 (g) If the application refers to a vehicle not
26 manufactured in accordance with federal safety and emission
27 standards, the application must be accompanied by all
28 documents required by federal governmental agencies to meet
29 their standards before a vehicle is allowed to be issued
30 title and registration.

31 (h) If the application refers to a vehicle sold at
32 public sale by a sheriff, it must be accompanied by the
33 required fee and a bill of sale issued and signed by a
34 sheriff. The bill of sale must identify the new owner's name

1 and address, the year model, make and vehicle identification
2 number of the vehicle, court order document number
3 authorizing such sale, if applicable, and the name and
4 address of any lienholders in order of priority, if
5 applicable.

6 (i) If the application refers to a vehicle for which a
7 court of law determined the ownership, it must be accompanied
8 with a certified copy of such court order and the required
9 fee. The court order must indicate the new owner's name and
10 address, the complete description of the vehicle, if known,
11 the name and address of the lienholder, if any, and must be
12 signed and dated by the judge issuing such order.

13 (j) If the application refers to a vehicle sold at
14 public auction pursuant to the Labor and Storage Lien (Small
15 Amount) Act, it must be accompanied by an affidavit or
16 affirmation furnished by the Secretary of State along with
17 the documents described in the affidavit or affirmation and
18 the required fee.

19 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;
20 90-655, eff. 7-30-98.)

21 (625 ILCS 5/3-114.1 new)

22 Sec. 3-114.1. Certificate of title in transfer on death
23 (TOD) beneficiary form.

24 (a) A sole owner of a vehicle, and multiple owners of a
25 vehicle that hold their interest as joint tenants with right
26 of survivorship or as tenants by the entirety, on application
27 and payment of the fee required for an original certificate
28 of title, may request the Secretary of State to issue a
29 certificate of title for the vehicle in transfer on death
30 (TOD) beneficiary form, which includes a directive to the
31 Secretary to transfer the certificate of title on death of
32 the sole owner or on death of all multiple owners to one
33 beneficiary or to 2 or more beneficiaries as joint tenants

1 with right of survivorship or as tenants by the entirety
2 named on the face of the certificate.

3 (b) A certificate of title in TOD beneficiary form may
4 not be issued to persons who hold their interest in a vehicle
5 as tenants in common.

6 (c) A certificate of ownership issued in TOD beneficiary
7 form must include after the name of the owner, or after the
8 names of multiple owners, the words "transfer on death to" or
9 the abbreviation "TOD" followed by the name of the
10 beneficiary or beneficiaries.

11 (d) During the lifetime of a sole owner and during the
12 lifetime of all multiple owners, the signature or consent of
13 the TOD beneficiary or beneficiaries is not required for any
14 transaction relating to the vehicle for which a certificate
15 of title in TOD beneficiary form has been issued.

16 (e) A certificate of title in TOD beneficiary form may
17 be revoked or the TOD beneficiary or beneficiaries changed at
18 any time before the death of a sole owner or surviving
19 multiple owner only by one of the following methods:

20 (1) The sale of the vehicle with proper assignment
21 and delivery of the certificate of title to another
22 person.

23 (2) The filing of an application to reissue the
24 certificate of title with no designation of a TOD
25 beneficiary or with the designation of a different TOD
26 beneficiary or beneficiaries with the Secretary of State
27 in proper form and accompanied by the payment of the fee
28 for an original certificate of title.

29 (f) The TOD beneficiary's or beneficiaries' interest in
30 the vehicle at the death of the owner or surviving owner is
31 subject to any contract of sale, assignment of ownership, or
32 security interest to which the owner or owners of the vehicle
33 were subject during their lifetimes.

34 (g) The designation of a beneficiary or beneficiaries in

1 a certificate of title issued in TOD beneficiary form may not
2 be changed or revoked by a will, any other instrument, or a
3 change in circumstances or otherwise be changed or revoked,
4 except as provided by subsection (e) of this Section.

5 (h) On proof of the death of one of the owners of 2 or
6 more multiple owners or of a sole owner, surrender of the
7 outstanding certificate of title, and application and payment
8 of the fee for an original certificate of title, the
9 Secretary shall issue a new certificate of title for the
10 vehicle to the surviving owner or owners or, if none, to the
11 surviving TOD beneficiary or beneficiaries, subject to any
12 outstanding security interest, and the current valid
13 certificate of number also shall be transferred. The
14 Secretary may rely on a death certificate or record or report
15 as proof of death.

16 (i) The transfer of a vehicle at death under this
17 Section is not to be considered as testamentary or to be
18 subject to the requirements of Article IV of the Probate Act
19 of 1975.

20 (625 ILCS 5/3-302) (from Ch. 95 1/2, par. 3-302)

21 Sec. 3-302. Application for title; contents. Every
22 application for a certificate of title for a rebuilt vehicle
23 shall be made upon a form prescribed by the Secretary of
24 State, and shall include the following:

- 25 1. The name, residence and mailing address of the owner;
- 26 2. A description of the vehicle including, so far as the
27 following data exists: its make, year-model, identifying
28 number, type of body, whether new or used, and as to vehicles
29 of the second division, whether for-hire, not-for-hire, or
30 both for-hire and not-for-hire;
- 31 3. The date of purchase by applicant, the name and
32 address of the person from whom the vehicle was acquired and
33 the names and addresses of any lienholders in the order of

1 their priority; and

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

6 5. Any further information the Secretary of State
7 reasonably requires to identify the vehicle and to enable him
8 to determine whether the owner is entitled to a certificate
9 of title and the existence or nonexistence of security
10 interests in the vehicle; and

11 6. The names and mail addresses of any transfer on death
12 (TOD) beneficiaries to whom ownership of the vehicle would
13 pass in the event of the owner's death.

14 (Source: P.A. 86-444; 87-206.)