



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB4054

by Rep. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

35 ILCS 515/11	from Ch. 120, par. 1211
210 ILCS 117/Act title	
210 ILCS 117/5	
210 ILCS 117/10	
210 ILCS 117/10.1 new	
210 ILCS 117/15 rep.	
210 ILCS 117/20 rep.	
210 ILCS 117/25 rep.	
210 ILCS 117/30 rep.	
210 ILCS 117/35 rep.	
210 ILCS 117/40 rep.	
210 ILCS 117/45 rep.	
210 ILCS 117/50 rep.	
210 ILCS 117/55 rep.	
625 ILCS 5/3-117.1	from Ch. 95 1/2, par. 3-117.1

Amends the Abandoned Mobile Homes Act. Repeals and deletes provisions authorizing a municipality to remove and dispose of an abandoned mobile home within the municipality upon notice to each owner and each lienholder and provisions regarding various matters relating to the removal or disposal of an abandoned mobile home. Adds provisions authorizing a mobile home park owner or operator to commence a proceeding seeking a declaration by a court that a manufactured home has been abandoned and seeking removal of the manufactured home if specified conditions are met. Also adds provisions regarding: procedure; execution of judgments; disposition of property; responsibility for costs; and other matters. Defines "manufactured home resident" and "manufactured home owner". Makes corresponding changes in the Mobile Home Local Services Tax Act and the Illinois Vehicle Code. Makes other changes.

LRB100 12826 MJP 26487 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mobile Home Local Services Tax Act is
5 amended by changing Section 11 as follows:

6 (35 ILCS 515/11) (from Ch. 120, par. 1211)

7 Sec. 11. Before any mobile home subject to the tax imposed
8 by this Act may be moved, the transporting company must obtain
9 a permit from the county treasurer certifying that the tax on
10 the mobile home has been paid for the current tax period and
11 all previous tax periods for which taxes remain due. It shall
12 be a Class B misdemeanor for any person or entity to move any
13 mobile home or cause it to be moved a distance of more than one
14 mile without having received such permit from the taxpayer. It
15 shall be a Class B misdemeanor for any taxpayer to move any
16 mobile home or cause it to be moved a distance of more than one
17 mile without such permit having been issued by the county
18 treasurer. This Section does not apply to (i) any person or
19 entity who moves a mobile home or causes it to be moved
20 pursuant to a court order, nor does this Section apply to any
21 person ~~or municipality~~ that moves a mobile home under the
22 Abandoned Mobile Home Act or (ii) a mobile home park owner that
23 moves an abandoned mobile home for its disposal as scrap or

1 otherwise without further use as a mobile home.

2 (Source: P.A. 94-358, eff. 7-29-05.)

3 Section 10. The Abandoned Mobile Home Act is amended by
4 changing the title of the Act and Sections 5 and 10 and by
5 adding Section 10.1 as follows:

6 (210 ILCS 117/Act title)

7 An Act concerning ~~authorizing municipalities and counties~~
8 ~~to remove and dispose of~~ abandoned mobile homes, amending named
9 Acts.

10 (210 ILCS 117/5)

11 Sec. 5. Legislative intent and policy. The General Assembly
12 finds that abandoned mobile homes are a nuisance because they
13 cause blight and depress property values. Existing laws create
14 unnecessary impediments to their speedy and efficient removal
15 and disposal. ~~This Act is intended to provide local governments~~
16 ~~with the authority to remove abandoned mobile homes while~~
17 ~~protecting property rights.~~

18 (Source: P.A. 88-516.)

19 (210 ILCS 117/10)

20 Sec. 10. Definitions. As used in this Act:

21 "Manufactured home" means a factory-assembled, completely
22 integrated structure designed for permanent habitation, with a

1 permanent chassis, and so constructed as to permit its
2 transport, on wheels temporarily or permanently attached to its
3 frame, and is a movable or portable unit that is (i) 8 body
4 feet or more in width, (ii) 40 body feet or more in length, and
5 (iii) 320 or more square feet, constructed to be towed on its
6 own chassis (comprised of frame and wheels) from the place of
7 its construction to the location, or subsequent locations, at
8 which it is connected to utilities for year-round occupancy for
9 use as a permanent habitation, and designed and situated so as
10 to permit its occupancy as a dwelling place for one or more
11 persons, and specifically includes a "manufactured home" as
12 defined in subdivision (53) of Section 9-102 of the Uniform
13 Commercial Code. The term shall include units containing parts
14 that may be folded, collapsed, or telescoped when being towed
15 and that may be expected to provide additional cubic capacity,
16 and that are designed to be joined into one integral unit
17 capable of being separated again into the components for
18 repeated towing. The term excludes campers and recreational
19 vehicles. The words "mobile home" and "manufactured home" are
20 synonymous for the purposes of this Act.

21 "Abandoned mobile home" means a mobile home located inside
22 a mobile home park that has no owner currently residing in the
23 mobile home or authorized tenant of the owner currently
24 residing in the mobile home to the best knowledge of the mobile
25 home park owner municipality; has had its electricity, natural
26 gas, sewer, and water payments declared delinquent by the

1 utility companies that are providing such services; and for
2 which the Mobile Home Privilege Tax, imposed under the Mobile
3 Home Local Services Tax Act, is delinquent for at least 3
4 months. A mobile home affixed to a foundation and abandoned
5 outside a mobile home park must be treated like other real
6 property for condemnation purposes.

7 "Manufactured home owner" means a person who holds title to
8 a manufactured home.

9 "Manufactured home resident" means a manufactured home
10 owner who rents space in a mobile home park from a mobile home
11 park owner or operator for the purpose of locating his or her
12 manufactured home or a person who rents a manufactured home in
13 a mobile home park from a mobile home park owner or operator.

14 ~~"Municipality" means any city, village, incorporated town,~~
15 ~~or its duly authorized agent. If an abandoned mobile home is~~
16 ~~located in an unincorporated area, the county where the mobile~~
17 ~~home is located shall have all powers granted to a municipality~~
18 ~~under this Act.~~

19 (Source: P.A. 98-749, eff. 7-16-14.)

20 (210 ILCS 117/10.1 new)

21 Sec. 10.1. Proceedings.

22 (a) A proceeding to remove an abandoned mobile home may be
23 maintained in the circuit court in the county in which the
24 manufactured home is situated.

25 (b) A mobile home park owner or operator may commence a

1 proceeding to obtain a judgment of the court declaring that a
2 manufactured home has been abandoned upon proof of all of the
3 following:

4 (1) The manufactured home has been vacant for a period
5 of not less than 180 days without notice to the mobile home
6 park owner or operator; however, the period shall be 90
7 days if a judgment of eviction with respect to the
8 manufactured home has been entered.

9 (2) The manufactured home resident has defaulted in the
10 payment of rent for a period of more than 60 days.

11 (3) The mobile home park owner or operator has notified
12 all known holders of liens against the manufactured home.
13 Before commencing a proceeding under this Act, the mobile
14 home park owner or operator shall cause a search to be done
15 to determine whether there are any lienholders with an
16 existing interest in the manufactured home.

17 (4) At least 2 of the following factors apply:

18 (A) the manufactured home resident has removed
19 substantially all of the personal property from the
20 manufactured home;

21 (B) utility service to the manufactured home has
22 been terminated or disconnected by the utility
23 provider or the manufactured home resident for at least
24 60 days;

25 (C) the manufactured home is in a state of
26 substantial disrepair that makes the manufactured home

1 uninhabitable; or

2 (D) other objective evidence of abandonment that
3 the court finds reliable.

4 (c) A proceeding under this Act shall be commenced by
5 filing a complaint. The complaint shall comply with the
6 requirements of a complaint under the Code of Civil Procedure.
7 The summons shall state that if the defendant fails to answer
8 and establish any defense that he or she may have, then he or
9 she may be precluded from asserting such defense or the claim
10 on which it is based in any other proceeding or action, that a
11 final judgment may be entered if the court finds that the
12 plaintiff has made the requisite showing, and that the result
13 of that final judgment shall be the loss of the manufactured
14 home resident's home. Service of the summons and complaint,
15 return of process, and filing of an answer or other responsive
16 pleading shall conform to the requirements of the Code of Civil
17 Procedure and Supreme Court Rules.

18 (d) Upon the entry of a judgment that a manufactured home
19 has been abandoned, the mobile home park owner or operator
20 shall execute the judgment and cause the removal of the
21 manufactured home from the mobile home park within 30 days of
22 delivery of the judgment.

23 (e) The judgment shall clearly recite that a declaration of
24 abandonment has been granted and that the manufactured home
25 will be removed from the mobile home park no later than the
26 30th day after the delivery of the judgment.

1 (f) In lieu of ordering the removal of the manufactured
2 home, the court may, upon good cause shown, provide for an
3 alternate disposition of the manufactured home, including, but
4 not limited to, sale, assignment of title, or destruction.

5 (g) If any household goods or other personal property of
6 the defendant remain in the manufactured home at the time of
7 its disposition under this Act, then the mobile home park owner
8 or operator shall provide for the storage of the household
9 goods and personal property for a period of not less than 30
10 days from the date of the final judgment of the court providing
11 for the disposition of the manufactured home. If the household
12 goods or other personal property are stored in a self-storage
13 facility, then an amount equal to the charges imposed for such
14 storage may be recovered from the defendant. Upon the
15 expiration of such period, the mobile home park owner or
16 operator: (1) has no further liability for the storage or
17 safekeeping of such household goods or personal property; and
18 (2) may provide for the destruction or other disposition of
19 such household goods or personal property.

20 (210 ILCS 117/15 rep.)

21 (210 ILCS 117/20 rep.)

22 (210 ILCS 117/25 rep.)

23 (210 ILCS 117/30 rep.)

24 (210 ILCS 117/35 rep.)

25 (210 ILCS 117/40 rep.)

1 (210 ILCS 117/45 rep.)

2 (210 ILCS 117/50 rep.)

3 (210 ILCS 117/55 rep.)

4 Section 15. The Abandoned Mobile Home Act is amended by
5 repealing Sections 15, 20, 25, 30, 35, 40, 45, 50, and 55.

6 Section 20. The Illinois Vehicle Code is amended by
7 changing Section 3-117.1 as follows:

8 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

9 (Text of Section before amendment by P.A. 99-932)

10 Sec. 3-117.1. When junking certificates or salvage
11 certificates must be obtained.

12 (a) Except as provided in Chapter 4 of this Code, a person
13 who possesses a junk vehicle shall within 15 days cause the
14 certificate of title, salvage certificate, certificate of
15 purchase, or a similarly acceptable out of state document of
16 ownership to be surrendered to the Secretary of State along
17 with an application for a junking certificate, except as
18 provided in Section 3-117.2, whereupon the Secretary of State
19 shall issue to such a person a junking certificate, which shall
20 authorize the holder thereof to possess, transport, or, by an
21 endorsement, transfer ownership in such junked vehicle, and a
22 certificate of title shall not again be issued for such
23 vehicle.

24 A licensee who possesses a junk vehicle and a Certificate

1 of Title, Salvage Certificate, Certificate of Purchase, or a
2 similarly acceptable out-of-state document of ownership for
3 such junk vehicle, may transport the junk vehicle to another
4 licensee prior to applying for or obtaining a junking
5 certificate, by executing a uniform invoice. The licensee
6 transferor shall furnish a copy of the uniform invoice to the
7 licensee transferee at the time of transfer. In any case, the
8 licensee transferor shall apply for a junking certificate in
9 conformance with Section 3-117.1 of this Chapter. The following
10 information shall be contained on a uniform invoice:

11 (1) The business name, address and dealer license
12 number of the person disposing of the vehicle, junk vehicle
13 or vehicle cowl;

14 (2) The name and address of the person acquiring the
15 vehicle, junk vehicle or vehicle cowl, and if that person
16 is a dealer, the Illinois or out-of-state dealer license
17 number of that dealer;

18 (3) The date of the disposition of the vehicle, junk
19 vehicle or vehicle cowl;

20 (4) The year, make, model, color and description of
21 each vehicle, junk vehicle or vehicle cowl disposed of by
22 such person;

23 (5) The manufacturer's vehicle identification number,
24 Secretary of State identification number or Illinois
25 Department of State Police number, for each vehicle, junk
26 vehicle or vehicle cowl part disposed of by such person;

1 (6) The printed name and legible signature of the
2 person or agent disposing of the vehicle, junk vehicle or
3 vehicle cowl; and

4 (7) The printed name and legible signature of the
5 person accepting delivery of the vehicle, junk vehicle or
6 vehicle cowl.

7 The Secretary of State may certify a junking manifest in a
8 form prescribed by the Secretary of State that reflects those
9 vehicles for which junking certificates have been applied or
10 issued. A junking manifest may be issued to any person and it
11 shall constitute evidence of ownership for the vehicle listed
12 upon it. A junking manifest may be transferred only to a person
13 licensed under Section 5-301 of this Code as a scrap processor.
14 A junking manifest will allow the transportation of those
15 vehicles to a scrap processor prior to receiving the junk
16 certificate from the Secretary of State.

17 (b) An application for a salvage certificate shall be
18 submitted to the Secretary of State in any of the following
19 situations:

20 (1) When an insurance company makes a payment of
21 damages on a total loss claim for a vehicle, the insurance
22 company shall be deemed to be the owner of such vehicle and
23 the vehicle shall be considered to be salvage except that
24 ownership of (i) a vehicle that has incurred only hail
25 damage that does not affect the operational safety of the
26 vehicle or (ii) any vehicle 9 model years of age or older

1 may, by agreement between the registered owner and the
2 insurance company, be retained by the registered owner of
3 such vehicle. The insurance company shall promptly deliver
4 or mail within 20 days the certificate of title along with
5 proper application and fee to the Secretary of State, and a
6 salvage certificate shall be issued in the name of the
7 insurance company. Notwithstanding the foregoing, an
8 insurer making payment of damages on a total loss claim for
9 the theft of a vehicle shall not be required to apply for a
10 salvage certificate unless the vehicle is recovered and has
11 incurred damage that initially would have caused the
12 vehicle to be declared a total loss by the insurer.

13 (1.1) When a vehicle of a self-insured company is to be
14 sold in the State of Illinois and has sustained damaged by
15 collision, fire, theft, rust corrosion, or other means so
16 that the self-insured company determines the vehicle to be
17 a total loss, or if the cost of repairing the damage,
18 including labor, would be greater than 50% of its fair
19 market value without that damage, the vehicle shall be
20 considered salvage. The self-insured company shall
21 promptly deliver the certificate of title along with proper
22 application and fee to the Secretary of State, and a
23 salvage certificate shall be issued in the name of the
24 self-insured company. A self-insured company making
25 payment of damages on a total loss claim for the theft of a
26 vehicle may exchange the salvage certificate for a

1 certificate of title if the vehicle is recovered without
2 damage. In such a situation, the self-insured shall fill
3 out and sign a form prescribed by the Secretary of State
4 which contains an affirmation under penalty of perjury that
5 the vehicle was recovered without damage and the Secretary
6 of State may, by rule, require photographs to be submitted.

7 (2) When a vehicle the ownership of which has been
8 transferred to any person through a certificate of purchase
9 from acquisition of the vehicle at an auction, other
10 dispositions as set forth in Sections 4-208 and 4-209 of
11 this Code, a lien arising under Section 18a-501 of this
12 Code, or a public sale under the Abandoned Mobile Home Act
13 shall be deemed salvage or junk at the option of the
14 purchaser. The person acquiring such vehicle in such manner
15 shall promptly deliver or mail, within 20 days after the
16 acquisition of the vehicle, the certificate of purchase,
17 the proper application and fee, and, if the vehicle is an
18 abandoned mobile home under the Abandoned Mobile Home Act,
19 a certification from a local law enforcement agency that
20 the vehicle was purchased or acquired at a public sale
21 under the Abandoned Mobile Home Act to the Secretary of
22 State and a salvage certificate or junking certificate
23 shall be issued in the name of that person. The salvage
24 certificate or junking certificate issued by the Secretary
25 of State under this Section shall be free of any lien that
26 existed against the vehicle prior to the time the vehicle

1 was acquired by the applicant under this Code.

2 (3) A vehicle which has been repossessed by a
3 lienholder shall be considered to be salvage only when the
4 repossessed vehicle, on the date of repossession by the
5 lienholder, has sustained damage by collision, fire,
6 theft, rust corrosion, or other means so that the cost of
7 repairing such damage, including labor, would be greater
8 than 33 1/3% of its fair market value without such damage.
9 If the lienholder determines that such vehicle is damaged
10 in excess of 33 1/3% of such fair market value, the
11 lienholder shall, before sale, transfer or assignment of
12 the vehicle, make application for a salvage certificate,
13 and shall submit with such application the proper fee and
14 evidence of possession. If the facts required to be shown
15 in subsection (f) of Section 3-114 are satisfied, the
16 Secretary of State shall issue a salvage certificate in the
17 name of the lienholder making the application. In any case
18 wherein the vehicle repossessed is not damaged in excess of
19 33 1/3% of its fair market value, the lienholder shall
20 comply with the requirements of subsections (f), (f-5), and
21 (f-10) of Section 3-114, except that the affidavit of
22 repossession made by or on behalf of the lienholder shall
23 also contain an affirmation under penalty of perjury that
24 the vehicle on the date of sale is not damaged in excess of
25 33 1/3% of its fair market value. If the facts required to
26 be shown in subsection (f) of Section 3-114 are satisfied,

1 the Secretary of State shall issue a certificate of title
2 as set forth in Section 3-116 of this Code. The Secretary
3 of State may by rule or regulation require photographs to
4 be submitted.

5 (4) A vehicle which is a part of a fleet of more than 5
6 commercial vehicles registered in this State or any other
7 state or registered proportionately among several states
8 shall be considered to be salvage when such vehicle has
9 sustained damage by collision, fire, theft, rust,
10 corrosion or similar means so that the cost of repairing
11 such damage, including labor, would be greater than 33 1/3%
12 of the fair market value of the vehicle without such
13 damage. If the owner of a fleet vehicle desires to sell,
14 transfer, or assign his interest in such vehicle to a
15 person within this State other than an insurance company
16 licensed to do business within this State, and the owner
17 determines that such vehicle, at the time of the proposed
18 sale, transfer or assignment is damaged in excess of 33
19 1/3% of its fair market value, the owner shall, before such
20 sale, transfer or assignment, make application for a
21 salvage certificate. The application shall contain with it
22 evidence of possession of the vehicle. If the fleet vehicle
23 at the time of its sale, transfer, or assignment is not
24 damaged in excess of 33 1/3% of its fair market value, the
25 owner shall so state in a written affirmation on a form
26 prescribed by the Secretary of State by rule or regulation.

1 The Secretary of State may by rule or regulation require
2 photographs to be submitted. Upon sale, transfer or
3 assignment of the fleet vehicle the owner shall mail the
4 affirmation to the Secretary of State.

5 (5) A vehicle that has been submerged in water to the
6 point that rising water has reached over the door sill and
7 has entered the passenger or trunk compartment is a "flood
8 vehicle". A flood vehicle shall be considered to be salvage
9 only if the vehicle has sustained damage so that the cost
10 of repairing the damage, including labor, would be greater
11 than 33 1/3% of the fair market value of the vehicle
12 without that damage. The salvage certificate issued under
13 this Section shall indicate the word "flood", and the word
14 "flood" shall be conspicuously entered on subsequent
15 titles for the vehicle. A person who possesses or acquires
16 a flood vehicle that is not damaged in excess of 33 1/3% of
17 its fair market value shall make application for title in
18 accordance with Section 3-116 of this Code, designating the
19 vehicle as "flood" in a manner prescribed by the Secretary
20 of State. The certificate of title issued shall indicate
21 the word "flood", and the word "flood" shall be
22 conspicuously entered on subsequent titles for the
23 vehicle.

24 (6) When any licensed rebuilder, repairer, new or used
25 vehicle dealer, or remittance agent has submitted an
26 application for title to a vehicle (other than an

1 application for title to a rebuilt vehicle) that he or she
2 knows or reasonably should have known to have sustained
3 damages in excess of 33 1/3% of the vehicle's fair market
4 value without that damage; provided, however, that any
5 application for a salvage certificate for a vehicle
6 recovered from theft and acquired from an insurance company
7 shall be made as required by paragraph (1) of this
8 subsection (b).

9 (c) Any person who without authority acquires, sells,
10 exchanges, gives away, transfers or destroys or offers to
11 acquire, sell, exchange, give away, transfer or destroy the
12 certificate of title to any vehicle which is a junk or salvage
13 vehicle shall be guilty of a Class 3 felony.

14 (d) Any person who knowingly fails to surrender to the
15 Secretary of State a certificate of title, salvage certificate,
16 certificate of purchase or a similarly acceptable out-of-state
17 document of ownership as required under the provisions of this
18 Section is guilty of a Class A misdemeanor for a first offense
19 and a Class 4 felony for a subsequent offense; except that a
20 person licensed under this Code who violates paragraph (5) of
21 subsection (b) of this Section is guilty of a business offense
22 and shall be fined not less than \$1,000 nor more than \$5,000
23 for a first offense and is guilty of a Class 4 felony for a
24 second or subsequent violation.

25 (e) Any vehicle which is salvage or junk may not be driven
26 or operated on roads and highways within this State. A

1 violation of this subsection is a Class A misdemeanor. A
2 salvage vehicle displaying valid special plates issued under
3 Section 3-601(b) of this Code, which is being driven to or from
4 an inspection conducted under Section 3-308 of this Code, is
5 exempt from the provisions of this subsection. A salvage
6 vehicle for which a short term permit has been issued under
7 Section 3-307 of this Code is exempt from the provisions of
8 this subsection for the duration of the permit.

9 (Source: P.A. 97-832, eff. 7-20-12.)

10 (Text of Section after amendment by P.A. 99-932)

11 Sec. 3-117.1. When junking certificates or salvage
12 certificates must be obtained.

13 (a) Except as provided in Chapter 4 of this Code, a person
14 who possesses a junk vehicle shall within 15 days cause the
15 certificate of title, salvage certificate, certificate of
16 purchase, or a similarly acceptable out of state document of
17 ownership to be surrendered to the Secretary of State along
18 with an application for a junking certificate, except as
19 provided in Section 3-117.2, whereupon the Secretary of State
20 shall issue to such a person a junking certificate, which shall
21 authorize the holder thereof to possess, transport, or, by an
22 endorsement, transfer ownership in such junked vehicle, and a
23 certificate of title shall not again be issued for such
24 vehicle.

25 A licensee who possesses a junk vehicle and a Certificate

1 of Title, Salvage Certificate, Certificate of Purchase, or a
2 similarly acceptable out-of-state document of ownership for
3 such junk vehicle, may transport the junk vehicle to another
4 licensee prior to applying for or obtaining a junking
5 certificate, by executing a uniform invoice. The licensee
6 transferor shall furnish a copy of the uniform invoice to the
7 licensee transferee at the time of transfer. In any case, the
8 licensee transferor shall apply for a junking certificate in
9 conformance with Section 3-117.1 of this Chapter. The following
10 information shall be contained on a uniform invoice:

11 (1) The business name, address and dealer license
12 number of the person disposing of the vehicle, junk vehicle
13 or vehicle cowl;

14 (2) The name and address of the person acquiring the
15 vehicle, junk vehicle or vehicle cowl, and if that person
16 is a dealer, the Illinois or out-of-state dealer license
17 number of that dealer;

18 (3) The date of the disposition of the vehicle, junk
19 vehicle or vehicle cowl;

20 (4) The year, make, model, color and description of
21 each vehicle, junk vehicle or vehicle cowl disposed of by
22 such person;

23 (5) The manufacturer's vehicle identification number,
24 Secretary of State identification number or Illinois
25 Department of State Police number, for each vehicle, junk
26 vehicle or vehicle cowl part disposed of by such person;

1 (6) The printed name and legible signature of the
2 person or agent disposing of the vehicle, junk vehicle or
3 vehicle cowl; and

4 (7) The printed name and legible signature of the
5 person accepting delivery of the vehicle, junk vehicle or
6 vehicle cowl.

7 The Secretary of State may certify a junking manifest in a
8 form prescribed by the Secretary of State that reflects those
9 vehicles for which junking certificates have been applied or
10 issued. A junking manifest may be issued to any person and it
11 shall constitute evidence of ownership for the vehicle listed
12 upon it. A junking manifest may be transferred only to a person
13 licensed under Section 5-301 of this Code as a scrap processor.
14 A junking manifest will allow the transportation of those
15 vehicles to a scrap processor prior to receiving the junk
16 certificate from the Secretary of State.

17 (b) An application for a salvage certificate shall be
18 submitted to the Secretary of State in any of the following
19 situations:

20 (1) When an insurance company makes a payment of
21 damages on a total loss claim for a vehicle, the insurance
22 company shall be deemed to be the owner of such vehicle and
23 the vehicle shall be considered to be salvage except that
24 ownership of (i) a vehicle that has incurred only hail
25 damage that does not affect the operational safety of the
26 vehicle or (ii) any vehicle 9 model years of age or older

1 may, by agreement between the registered owner and the
2 insurance company, be retained by the registered owner of
3 such vehicle. The insurance company shall promptly deliver
4 or mail within 20 days the certificate of title along with
5 proper application and fee to the Secretary of State, and a
6 salvage certificate shall be issued in the name of the
7 insurance company. Notwithstanding the foregoing, an
8 insurer making payment of damages on a total loss claim for
9 the theft of a vehicle shall not be required to apply for a
10 salvage certificate unless the vehicle is recovered and has
11 incurred damage that initially would have caused the
12 vehicle to be declared a total loss by the insurer.

13 (1.1) When a vehicle of a self-insured company is to be
14 sold in the State of Illinois and has sustained damaged by
15 collision, fire, theft, rust corrosion, or other means so
16 that the self-insured company determines the vehicle to be
17 a total loss, or if the cost of repairing the damage,
18 including labor, would be greater than 70% of its fair
19 market value without that damage, the vehicle shall be
20 considered salvage. The self-insured company shall
21 promptly deliver the certificate of title along with proper
22 application and fee to the Secretary of State, and a
23 salvage certificate shall be issued in the name of the
24 self-insured company. A self-insured company making
25 payment of damages on a total loss claim for the theft of a
26 vehicle may exchange the salvage certificate for a

1 certificate of title if the vehicle is recovered without
2 damage. In such a situation, the self-insured shall fill
3 out and sign a form prescribed by the Secretary of State
4 which contains an affirmation under penalty of perjury that
5 the vehicle was recovered without damage and the Secretary
6 of State may, by rule, require photographs to be submitted.

7 (2) When a vehicle the ownership of which has been
8 transferred to any person through a certificate of purchase
9 from acquisition of the vehicle at an auction, other
10 dispositions as set forth in Sections 4-208 and 4-209 of
11 this Code or, a lien arising under Section 18a-501 of this
12 Code, ~~or a public sale under the Abandoned Mobile Home Act~~
13 shall be deemed salvage or junk at the option of the
14 purchaser. The person acquiring such vehicle in such manner
15 shall promptly deliver or mail, within 20 days after the
16 acquisition of the vehicle, the certificate of purchase
17 and, the proper application and fee, ~~and, if the vehicle is~~
18 ~~an abandoned mobile home under the Abandoned Mobile Home~~
19 ~~Act, a certification from a local law enforcement agency~~
20 ~~that the vehicle was purchased or acquired at a public sale~~
21 ~~under the Abandoned Mobile Home Act~~ to the Secretary of
22 State and a salvage certificate or junking certificate
23 shall be issued in the name of that person. The salvage
24 certificate or junking certificate issued by the Secretary
25 of State under this Section shall be free of any lien that
26 existed against the vehicle prior to the time the vehicle

1 was acquired by the applicant under this Code.

2 (3) A vehicle which has been repossessed by a
3 lienholder shall be considered to be salvage only when the
4 repossessed vehicle, on the date of repossession by the
5 lienholder, has sustained damage by collision, fire,
6 theft, rust corrosion, or other means so that the cost of
7 repairing such damage, including labor, would be greater
8 than 33 1/3% of its fair market value without such damage.
9 If the lienholder determines that such vehicle is damaged
10 in excess of 33 1/3% of such fair market value, the
11 lienholder shall, before sale, transfer or assignment of
12 the vehicle, make application for a salvage certificate,
13 and shall submit with such application the proper fee and
14 evidence of possession. If the facts required to be shown
15 in subsection (f) of Section 3-114 are satisfied, the
16 Secretary of State shall issue a salvage certificate in the
17 name of the lienholder making the application. In any case
18 wherein the vehicle repossessed is not damaged in excess of
19 33 1/3% of its fair market value, the lienholder shall
20 comply with the requirements of subsections (f), (f-5), and
21 (f-10) of Section 3-114, except that the affidavit of
22 repossession made by or on behalf of the lienholder shall
23 also contain an affirmation under penalty of perjury that
24 the vehicle on the date of sale is not damaged in excess of
25 33 1/3% of its fair market value. If the facts required to
26 be shown in subsection (f) of Section 3-114 are satisfied,

1 the Secretary of State shall issue a certificate of title
2 as set forth in Section 3-116 of this Code. The Secretary
3 of State may by rule or regulation require photographs to
4 be submitted.

5 (4) A vehicle which is a part of a fleet of more than 5
6 commercial vehicles registered in this State or any other
7 state or registered proportionately among several states
8 shall be considered to be salvage when such vehicle has
9 sustained damage by collision, fire, theft, rust,
10 corrosion or similar means so that the cost of repairing
11 such damage, including labor, would be greater than 33 1/3%
12 of the fair market value of the vehicle without such
13 damage. If the owner of a fleet vehicle desires to sell,
14 transfer, or assign his interest in such vehicle to a
15 person within this State other than an insurance company
16 licensed to do business within this State, and the owner
17 determines that such vehicle, at the time of the proposed
18 sale, transfer or assignment is damaged in excess of 33
19 1/3% of its fair market value, the owner shall, before such
20 sale, transfer or assignment, make application for a
21 salvage certificate. The application shall contain with it
22 evidence of possession of the vehicle. If the fleet vehicle
23 at the time of its sale, transfer, or assignment is not
24 damaged in excess of 33 1/3% of its fair market value, the
25 owner shall so state in a written affirmation on a form
26 prescribed by the Secretary of State by rule or regulation.

1 The Secretary of State may by rule or regulation require
2 photographs to be submitted. Upon sale, transfer or
3 assignment of the fleet vehicle the owner shall mail the
4 affirmation to the Secretary of State.

5 (5) A vehicle that has been submerged in water to the
6 point that rising water has reached over the door sill and
7 has entered the passenger or trunk compartment is a "flood
8 vehicle". A flood vehicle shall be considered to be salvage
9 only if the vehicle has sustained damage so that the cost
10 of repairing the damage, including labor, would be greater
11 than 33 1/3% of the fair market value of the vehicle
12 without that damage. The salvage certificate issued under
13 this Section shall indicate the word "flood", and the word
14 "flood" shall be conspicuously entered on subsequent
15 titles for the vehicle. A person who possesses or acquires
16 a flood vehicle that is not damaged in excess of 33 1/3% of
17 its fair market value shall make application for title in
18 accordance with Section 3-116 of this Code, designating the
19 vehicle as "flood" in a manner prescribed by the Secretary
20 of State. The certificate of title issued shall indicate
21 the word "flood", and the word "flood" shall be
22 conspicuously entered on subsequent titles for the
23 vehicle.

24 (6) When any licensed rebuilder, repairer, new or used
25 vehicle dealer, or remittance agent has submitted an
26 application for title to a vehicle (other than an

1 application for title to a rebuilt vehicle) that he or she
2 knows or reasonably should have known to have sustained
3 damages in excess of 33 1/3% of the vehicle's fair market
4 value without that damage; provided, however, that any
5 application for a salvage certificate for a vehicle
6 recovered from theft and acquired from an insurance company
7 shall be made as required by paragraph (1) of this
8 subsection (b).

9 (c) Any person who without authority acquires, sells,
10 exchanges, gives away, transfers or destroys or offers to
11 acquire, sell, exchange, give away, transfer or destroy the
12 certificate of title to any vehicle which is a junk or salvage
13 vehicle shall be guilty of a Class 3 felony.

14 (d) Any person who knowingly fails to surrender to the
15 Secretary of State a certificate of title, salvage certificate,
16 certificate of purchase or a similarly acceptable out-of-state
17 document of ownership as required under the provisions of this
18 Section is guilty of a Class A misdemeanor for a first offense
19 and a Class 4 felony for a subsequent offense; except that a
20 person licensed under this Code who violates paragraph (5) of
21 subsection (b) of this Section is guilty of a business offense
22 and shall be fined not less than \$1,000 nor more than \$5,000
23 for a first offense and is guilty of a Class 4 felony for a
24 second or subsequent violation.

25 (e) Any vehicle which is salvage or junk may not be driven
26 or operated on roads and highways within this State. A

1 violation of this subsection is a Class A misdemeanor. A
2 salvage vehicle displaying valid special plates issued under
3 Section 3-601(b) of this Code, which is being driven to or from
4 an inspection conducted under Section 3-308 of this Code, is
5 exempt from the provisions of this subsection. A salvage
6 vehicle for which a short term permit has been issued under
7 Section 3-307 of this Code is exempt from the provisions of
8 this subsection for the duration of the permit.

9 (Source: P.A. 99-932, eff. 6-1-17.)

10 Section 95. No acceleration or delay. Where this Act makes
11 changes in a statute that is represented in this Act by text
12 that is not yet or no longer in effect (for example, a Section
13 represented by multiple versions), the use of that text does
14 not accelerate or delay the taking effect of (i) the changes
15 made by this Act or (ii) provisions derived from any other
16 Public Act.