

1 AN ACT concerning 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 changing  
5 Sections 3-104 and 3-302 and by adding Sections 3-102.1 and  
6 5-106.1 as follows:

7 (625 ILCS 5/3-102.1 new)

8 Sec. 3-102.1. Purchase of vehicles by specified offenders  
9 prohibited.

10 (a) A person may not purchase a motor vehicle while that  
11 person's driving privileges are suspended or revoked as result  
12 of a conviction for violating Section 9-3 of the Criminal Code  
13 of 1961 relating to the offense of reckless homicide, or a  
14 conviction for violating Section 11-501 of this Code or a  
15 similar provision of a local ordinance, or have been suspended  
16 in accordance with a statutory summary suspension as authorized  
17 by Section 11-501.1 of this Code, unless the purchaser has been  
18 issued a driving permit as authorized by this Code that is in  
19 effect at the time of the purchase.

20 (b) Violation of this Section is a Class C misdemeanor.

21 (c) A person prohibited from purchasing a motor vehicle by  
22 this Section may seek an exception by filing a request for an  
23 exception with the Administrative Hearings Department of the  
24 Office of the Secretary of State. The Secretary may grant the  
25 exception upon a showing (i) that the person's name must appear  
26 on the title and registration of a motor vehicle for financing  
27 purposes and (ii) that the motor vehicle is to be used as a  
28 primary means of transportation by another person. The  
29 Secretary shall adopt rules for implementing this subsection  
30 (c).

31 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

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

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

5           1. The name, Illinois residence and mail address of the  
6 owner, and the driver's license number of the owner if the  
7 owner has previously been issued a driver's license;

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

17           3. The date of purchase by applicant and, if  
18 applicable, the name and address of the person from whom  
19 the vehicle was acquired and the names and addresses of any  
20 lienholders in the order of their priority and signatures  
21 of owners;

22           4. The current odometer reading at the time of transfer  
23 and that the stated odometer reading is one of the  
24 following: actual mileage, not the actual mileage or  
25 mileage is in excess of its mechanical limits; ~~and~~

26           4.1. A certification that, at the time of the  
27 application for title, the owner's driving privileges are  
28 not suspended or revoked as result of a conviction for  
29 violating Section 9-3 of the Criminal Code of 1961 relating  
30 to the offense of reckless homicide, or a conviction for  
31 violating Section 11-501 of this Code or a similar  
32 provision of a local ordinance, or suspended pursuant to a  
33 statutory summary suspension as authorized by Section  
34 11-501.1 of this Code or, if the owner's driving privileges  
35 have been suspended or revoked, that the owner has been  
36 issued a driving permit as authorized by this Code that is

1 in effect at the time of the application for title; and

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

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

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

14 1. Any certified document of ownership so recognized  
15 and issued by the other State or country and acceptable to  
16 the Secretary of State, and

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

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

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

30 (f) An application for a certificate of title for any  
31 vehicle, whether purchased in Illinois or outside Illinois, and  
32 even if previously registered in another State, must be  
33 accompanied by either an exemption determination from the  
34 Department of Revenue showing that no tax imposed pursuant to  
35 the Use Tax Act or the vehicle use tax imposed by Section  
36 3-1001 of the Illinois Vehicle Code is owed by anyone with

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

13 If the proof of payment of the tax or of nonliability  
14 therefor is, after the issuance of the certificate of title and  
15 display certificate of title, found to be invalid, the  
16 Secretary of State shall revoke the certificate and require  
17 that the certificate of title and, when applicable, the display  
18 certificate of title be returned to him.

19 (g) If the application refers to a vehicle not manufactured  
20 in accordance with federal safety and emission standards, the  
21 application must be accompanied by all documents required by  
22 federal governmental agencies to meet their standards before a  
23 vehicle is allowed to be issued title and registration.

24 (h) If the application refers to a vehicle sold at public  
25 sale by a sheriff, it must be accompanied by the required fee  
26 and a bill of sale issued and signed by a sheriff. The bill of  
27 sale must identify the new owner's name and address, the year  
28 model, make and vehicle identification number of the vehicle,  
29 court order document number authorizing such sale, if  
30 applicable, and the name and address of any lienholders in  
31 order of priority, if applicable.

32 (i) If the application refers to a vehicle for which a  
33 court of law determined the ownership, it must be accompanied  
34 with a certified copy of such court order and the required fee.  
35 The court order must indicate the new owner's name and address,  
36 the complete description of the vehicle, if known, the name and

1 address of the lienholder, if any, and must be signed and dated  
2 by the judge issuing such order.

3 (j) If the application refers to a vehicle sold at public  
4 auction pursuant to the Labor and Storage Lien (Small Amount)  
5 Act, it must be accompanied by an affidavit or affirmation  
6 furnished by the Secretary of State along with the documents  
7 described in the affidavit or affirmation and the required fee.  
8 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;  
9 90-655, eff. 7-30-98.)

10 (625 ILCS 5/3-302) (from Ch. 95 1/2, par. 3-302)

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

15 1. The name, residence and mailing address of the  
16 owner, and the driver's license number of the owner if the  
17 owner has been previously issued a driver's license;

18 2. A description of the vehicle including, so far as  
19 the following data exists: its make, year-model,  
20 identifying number, type of body, whether new or used, and  
21 as to vehicles of the second division, whether for-hire,  
22 not-for-hire, or both for-hire and not-for-hire;

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

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

31 4.1. A certification that at the time of the  
32 application for title the owner's driving privileges are  
33 not suspended or revoked pursuant to a conviction for  
34 violating Section 9-3 of the Criminal Code of 1961 relating  
35 to the offense of reckless homicide, or a conviction for

1 violating Section 11-501 of this Code or a similar  
2 provision of a local ordinance, or suspended pursuant to a  
3 statutory summary suspension as authorized by Section  
4 11-501.1 of this Code or, if the owner's driving privileges  
5 have been suspended or revoked, that the owner has been  
6 issued a driving permit as authorized by this Code that is  
7 in effect at the time of the application for title; 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 (Source: P.A. 92-651, eff. 7-11-02.)

14 (625 ILCS 5/5-106.1 new)

15 Sec. 5-106.1. Sales to certain offenders prohibited.

16 (a) A new or used motor vehicle dealer may not sell a motor  
17 vehicle to any individual whose driving privileges are  
18 suspended or revoked as a result of a conviction for violating  
19 Section 9-3 of the Criminal Code of 1961 relating to the  
20 offense of reckless homicide, or a conviction for violating  
21 Section 11-501 of this Code or a similar provision of a local  
22 ordinance, or suspended in accordance with a statutory summary  
23 suspension as authorized by Section 11-501.1 of this Code,  
24 unless the individual has been issued a driving permit as  
25 authorized by this Code that is in effect at the time of the  
26 purchase.

27 (b) The sale of a motor vehicle to a person whose driving  
28 privileges are suspended or revoked as described in subsection  
29 (a) is not a violation of this Section if (i) the new or used  
30 motor vehicle dealer attempts to ascertain the status of the  
31 purchaser's driving privileges through the means established  
32 by the Secretary of State and is unable to do so because the  
33 information is unavailable due to a failure of the  
34 communication system established by the Secretary of State or  
35 (ii) the information received from the Secretary of State is

1 erroneous.

2 Section 10. The Criminal Code of 1961 is amended by  
3 changing Section 36-1 as follows:

4 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

5 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
6 with the knowledge and consent of the owner in the commission  
7 of, or in the attempt to commit as defined in Section 8-4 of  
8 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
9 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,  
10 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,  
11 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,  
12 or 28-1 of this Code, paragraph (a) of Section 12-4 of this  
13 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or  
14 (d) of Section 12-16 of this Code, or paragraph (a)(6) or  
15 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24  
16 or 26 of the Cigarette Tax Act if the vessel, vehicle or  
17 aircraft contains more than 10 cartons of such cigarettes; (c)  
18 Section 28, 29 or 30 of the Cigarette Use Tax Act if the  
19 vessel, vehicle or aircraft contains more than 10 cartons of  
20 such cigarettes; (d) Section 44 of the Environmental Protection  
21 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the  
22 offenses described in the following provisions of the Illinois  
23 Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),  
24 (c-1)(3), (d)(1)(A), or (d)(1)(D); (g) an offense described in  
25 subsection (g) of Section 6-303 of the Illinois Vehicle Code;  
26 or (h) an offense described in subsection (e) of Section 6-101  
27 of the Illinois Vehicle Code; or any vehicle purchased in  
28 violation of Section 3-102.1 of the Illinois Vehicle Code may  
29 be seized and delivered forthwith to the sheriff of the county  
30 of seizure.

31 Within 15 days after such delivery the sheriff shall give  
32 notice of seizure to each person according to the following  
33 method: Upon each such person whose right, title or interest is  
34 of record in the office of the Secretary of State, the

1 Secretary of Transportation, the Administrator of the Federal  
2 Aviation Agency, or any other Department of this State, or any  
3 other state of the United States if such vessel, vehicle or  
4 aircraft is required to be so registered, as the case may be,  
5 by mailing a copy of the notice by certified mail to the  
6 address as given upon the records of the Secretary of State,  
7 the Department of Aeronautics, Department of Public Works and  
8 Buildings or any other Department of this State or the United  
9 States if such vessel, vehicle or aircraft is required to be so  
10 registered. Within that 15 day period the sheriff shall also  
11 notify the State's Attorney of the county of seizure about the  
12 seizure.

13 In addition, any mobile or portable equipment used in the  
14 commission of an act which is in violation of Section 7g of the  
15 Metropolitan Water Reclamation District Act shall be subject to  
16 seizure and forfeiture under the same procedures provided in  
17 this Article for the seizure and forfeiture of vessels,  
18 vehicles and aircraft, and any such equipment shall be deemed a  
19 vessel, vehicle or aircraft for purposes of this Article.

20 When a person discharges a firearm at another individual  
21 from a vehicle with the knowledge and consent of the owner of  
22 the vehicle and with the intent to cause death or great bodily  
23 harm to that individual and as a result causes death or great  
24 bodily harm to that individual, the vehicle shall be subject to  
25 seizure and forfeiture under the same procedures provided in  
26 this Article for the seizure and forfeiture of vehicles used in  
27 violations of clauses (a), (b), (c), or (d) of this Section.

28 If the spouse of the owner of a vehicle seized for an  
29 offense described in subsection (g) of Section 6-303 of the  
30 Illinois Vehicle Code, a violation of subdivision (c-1)(1),  
31 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501  
32 of the Illinois Vehicle Code, or Section 9-3 of this Code makes  
33 a showing that the seized vehicle is the only source of  
34 transportation and it is determined that the financial hardship  
35 to the family as a result of the seizure outweighs the benefit  
36 to the State from the seizure, the vehicle may be forfeited to



1 the spouse or family member and the title to the vehicle shall  
2 be transferred to the spouse or family member who is properly  
3 licensed and who requires the use of the vehicle for employment  
4 or family transportation purposes. A written declaration of  
5 forfeiture of a vehicle under this Section shall be sufficient  
6 cause for the title to be transferred to the spouse or family  
7 member. The provisions of this paragraph shall apply only to  
8 one forfeiture per vehicle. If the vehicle is the subject of a  
9 subsequent forfeiture proceeding by virtue of a subsequent  
10 conviction of either spouse or the family member, the spouse or  
11 family member to whom the vehicle was forfeited under the first  
12 forfeiture proceeding may not utilize the provisions of this  
13 paragraph in another forfeiture proceeding. If the owner of the  
14 vehicle seized owns more than one vehicle, the procedure set  
15 out in this paragraph may be used for only one vehicle.

16 Property declared contraband under Section 40 of the  
17 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
18 seized and forfeited under this Article.

19 (Source: P.A. 92-57, eff. 1-1-02; 92-688, eff. 7-16-02; 93-187,  
20 eff. 7-11-03.)

21 Section 99. Effective date. This Act takes effect January  
22 1, 2005.