



## 93RD GENERAL ASSEMBLY

### State of Illinois

### 2003 and 2004

Introduced 02/06/04, by Tom Cross

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-112

from Ch. 95 1/2, par. 3-112

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning transfer of an owner's interest in a vehicle.

LRB093 15472 DRH 41075 b

1 AN ACT regarding 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 Section 3-112 as follows:

6 (625 ILCS 5/3-112) (from Ch. 95 1/2, par. 3-112)

7 Sec. 3-112. Transfer.

8 (a) If an owner transfers his or her interest in a vehicle,  
9 other than by the creation of a security interest, at the time  
10 of the delivery of the vehicle he or she shall execute to the  
11 transferee an assignment and warranty of title in the space  
12 provided on the certificate of title, or as the Secretary of  
13 State prescribes, and cause the certificate and assignment to  
14 be mailed or delivered to the transferee or to the Secretary of  
15 State.

16 If the vehicle is subject to a tax under the Mobile Home  
17 Local Services Tax Act in a county with a population of less  
18 than 3,000,000, the owner shall also provide to the transferee  
19 a certification by the treasurer of the county in which the  
20 vehicle is situated that all taxes imposed upon the vehicle for  
21 the years the owner was the actual titleholder of the vehicle  
22 have been paid. The transferee shall be liable only for the  
23 taxes he or she incurred while he or she was the actual  
24 titleholder of the mobile home. The county treasurer shall  
25 refund any amount of taxes paid by the transferee that were  
26 imposed in years when the transferee was not the actual  
27 titleholder. The provisions of this amendatory Act of 1997  
28 (P.A. 90-542) apply retroactively to January 1, 1996. In no  
29 event may the county treasurer refund amounts paid by the  
30 transferee during any year except the 10 years immediately  
31 preceding the year in which the refund is made. If the owner is  
32 a licensed dealer who has purchased the vehicle and is holding

1 it for resale, in lieu of acquiring a certification from the  
2 county treasurer he shall forward the certification received  
3 from the previous owner to the next buyer of the vehicle. The  
4 owner shall cause the certification to be mailed or delivered  
5 to the Secretary of State with the certificate of title and  
6 assignment.

7 (b) Except as provided in Section 3-113, the transferee  
8 shall, promptly and within 20 days after delivery to him of the  
9 vehicle and the assigned title, execute the application for a  
10 new certificate of title in the space provided therefor on the  
11 certificate or as the Secretary of State prescribes, and cause  
12 the certificate and application to be mailed or delivered to  
13 the Secretary of State.

14 (c) Upon request of the owner or transferee, a lienholder  
15 in possession of the certificate of title shall, unless the  
16 transfer was a breach of his security agreement, either deliver  
17 the certificate to the transferee for delivery to the Secretary  
18 of State or, upon receipt from the transferee of the owner's  
19 assignment, the transferee's application for a new certificate  
20 and the required fee, mail or deliver them to the Secretary of  
21 State. The delivery of the certificate does not affect the  
22 rights of the lienholder under his security agreement.

23 (d) If a security interest is reserved or created at the  
24 time of the transfer, the certificate of title shall be  
25 retained by or delivered to the person who becomes the  
26 lienholder, and the parties shall comply with the provisions of  
27 Section 3-203.

28 (e) Except as provided in Section 3-113 and as between the  
29 parties, a transfer by an owner is not effective until the  
30 provisions of this Section and Section 3-115 have been complied  
31 with; however, an owner who has delivered possession of the  
32 vehicle to the transferee and has complied with the provisions  
33 of this Section and Section 3-115 requiring action by him as  
34 not liable as owner for any damages thereafter resulting from  
35 operation of the vehicle.

36 (f) The Secretary of State shall not process any

1 application for a transfer of an interest in a vehicle if any  
2 fees or taxes due under this Act from the transferor or the  
3 transferee have not been paid upon reasonable notice and  
4 demand.

5 (g) If the Secretary of State receives an application for  
6 transfer of a vehicle subject to a tax under the Mobile Home  
7 Local Services Tax Act in a county with a population of less  
8 than 3,000,000, such application must be accompanied by the  
9 required certification by the county treasurer or tax assessor  
10 authorizing the issuance of the title.

11 (Source: P.A. 92-651, eff. 7-11-02.)