



## 96TH GENERAL ASSEMBLY

### State of Illinois

#### 2009 and 2010

##### HB2412

Introduced 2/19/2009, by Rep. Naomi D. Jakobsson

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-101	from Ch. 95 1/2, par. 3-101
625 ILCS 5/3-401	from Ch. 95 1/2, par. 3-401
625 ILCS 5/6-101	from Ch. 95 1/2, par. 6-101
625 ILCS 5/7-601	from Ch. 95 1/2, par. 7-601

Amends the Illinois Vehicle Code. Provides that a motor vehicle that was not designed for use on public highways is subject to the certificate of title, registration, driver licensing, and mandatory insurance provisions of the Illinois Vehicle Code if the motor vehicle is operated on a public highway at any time.

LRB096 09720 AJT 19883 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning transportation.

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 3-101, 3-401, 6-101, and 7-601 as follows:

6 (625 ILCS 5/3-101) (from Ch. 95 1/2, par. 3-101)

7 Sec. 3-101. Certificate of title required.

8 (a) Except as provided in Section 3-102, every owner of a  
9 vehicle which is in this State and for which no certificate of  
10 title has been issued by the Secretary of State shall make  
11 application to the Secretary of State for a certificate of  
12 title of the vehicle.

13 (b) Every owner of a motorcycle or motor driven cycle  
14 purchased new on and after January 1, 1980 shall make  
15 application to the Secretary of State for a certificate of  
16 title. However, if such cycle is not properly manufactured or  
17 equipped for general highway use pursuant to the provisions of  
18 this Act, it shall not be eligible for license registration,  
19 but shall be issued a distinctive certificate of title except  
20 as provided in Sections 3-102 and 3-110 of this Act.

21 (c) The Secretary of State shall not register or renew the  
22 registration of a vehicle unless a certificate of title has  
23 been issued by the Secretary of State to the owner or an

1 application therefor has been delivered by the owner to the  
2 Secretary of State.

3 (d) Every owner of an all-terrain vehicle or off-highway  
4 motorcycle purchased on or after January 1, 1998 shall make  
5 application to the Secretary of State for a certificate of  
6 title.

7 (e) Every owner of a motor vehicle not designed to be used  
8 on a public highway shall make application to the Secretary of  
9 State for a certificate of title if a person operates the motor  
10 vehicle on a public highway at any time.

11 (Source: P.A. 90-287, eff. 1-1-98.)

12 (625 ILCS 5/3-401) (from Ch. 95 1/2, par. 3-401)

13 Sec. 3-401. Effect of provisions.

14 (a) It shall be unlawful for any person to violate any  
15 provision of this Chapter or to drive or move or for an owner  
16 knowingly to permit to be driven or moved upon any highway any  
17 vehicle of a type required to be registered hereunder which is  
18 not registered or for which the appropriate fee has not been  
19 paid when and as required hereunder, except that when  
20 application accompanied by proper fee has been made for  
21 registration of a vehicle it may be operated temporarily  
22 pending complete registration upon displaying a duplicate  
23 application duly verified or other evidence of such application  
24 or otherwise under rules and regulations promulgated by the  
25 Secretary of State.

1 (b) The appropriate fees required to be paid under the  
2 various provisions of this Act for registration of vehicles  
3 shall mean the fee or fees which would have been paid  
4 initially, if proper and timely application had been made to  
5 the Secretary of State for the appropriate registration  
6 required, whether such registration be a flat weight  
7 registration, a single trip permit, a reciprocity permit or a  
8 supplemental application to an original prorated application  
9 together with payment of fees due under the supplemental  
10 application for prorated decals.

11 (c) Effective October 1, 1984, no vehicle required to pay a  
12 Federal Highway Users Tax shall be registered unless proof of  
13 payment, in a form prescribed and approved by the Secretary of  
14 State, is submitted with the appropriate registration.  
15 Notwithstanding any other provision of this Code, failure of  
16 the applicant to comply with this paragraph shall be deemed  
17 grounds for the Secretary to refuse registration.

18 (c-1) A vehicle may not be registered by the Secretary of  
19 State unless that vehicle:

20 (1) was originally manufactured for operation on  
21 highways;

22 (2) is a modification of a vehicle that was originally  
23 manufactured for operation on highways; ~~or~~

24 (3) was assembled from component parts designed for use  
25 in vehicles to be operated on highways; or ~~or~~

26 (4) was not originally manufactured for operation on

1 highways but the vehicle is used on a highway at any time.

2 (d) Second division vehicles.

3 (1) A vehicle of the second division moved or operated  
4 within this State shall have had paid for it the  
5 appropriate registration fees and flat weight tax, as  
6 evidenced by the Illinois registration issued for that  
7 vehicle, for the gross weight of the vehicle and load being  
8 operated or moved within this State. Second division  
9 vehicles of foreign jurisdictions operated within this  
10 State under a single trip permit, fleet reciprocity plan,  
11 prorate registration plan, or apportioned registration  
12 plan, instead of second division vehicle registration  
13 under Article VIII of this Chapter, must have had paid for  
14 it the appropriate registration fees and flat weight tax in  
15 the base jurisdiction of that vehicle, as evidenced by the  
16 maximum gross weight shown on the foreign registration  
17 cards, plus any appropriate fees required under this Code.

18 (2) If a vehicle and load are operated in this State  
19 and the appropriate fees and taxes have not been paid or  
20 the vehicle and load exceed the registered gross weight for  
21 which the required fees and taxes have been paid by 2001  
22 pounds or more, the operator or owner shall be fined as  
23 provided in Section 15-113 of this Code. However, an owner  
24 or operator shall not be subject to arrest under this  
25 subsection for any weight in excess of 80,000 pounds.  
26 Further, for any unregistered vehicle or vehicle

1 displaying expired registration, no fine shall exceed the  
2 actual cost of what the appropriate registration for that  
3 vehicle and load should have been as established in  
4 subsection (a) of Section 3-815 of this Chapter regardless  
5 of the route traveled.

6 (3) Any person operating a legal combination of  
7 vehicles displaying valid registration shall not be  
8 considered in violation of the registration provision of  
9 this subsection unless the total gross weight of the  
10 combination exceeds the total licensed weight of the  
11 vehicles in the combination. The gross weight of a vehicle  
12 exempt from the registration requirements of this Chapter  
13 shall not be included when determining the total gross  
14 weight of vehicles in combination.

15 (4) If the defendant claims that he or she had  
16 previously paid the appropriate Illinois registration fees  
17 and taxes for this vehicle before the alleged violation,  
18 the defendant shall have the burden of proving the  
19 existence of the payment by competent evidence. Proof of  
20 proper Illinois registration issued by the Secretary of  
21 State, or the appropriate registration authority from the  
22 foreign state, shall be the only competent evidence of  
23 payment.

24 (Source: P.A. 94-239, eff. 1-1-06.)

25 (625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

1           Sec. 6-101. Drivers must have licenses or permits.

2           (a) No person, except those expressly exempted by Section  
3           6-102, shall drive any motor vehicle upon a highway in this  
4           State unless such person has a valid license or permit, or a  
5           restricted driving permit, issued under the provisions of this  
6           Act. This subsection also applies to any person who drives a  
7           motor vehicle not designed to be used on a public highway if  
8           the person operates the motor vehicle on a public highway at  
9           any time.

10          (b) No person shall drive a motor vehicle unless he holds a  
11          valid license or permit, or a restricted driving permit issued  
12          under the provisions of Section 6-205, 6-206, or 6-113 of this  
13          Act. Any person to whom a license is issued under the  
14          provisions of this Act must surrender to the Secretary of State  
15          all valid licenses or permits. No drivers license shall be  
16          issued to any person who holds a valid Foreign State license,  
17          identification card, or permit unless such person first  
18          surrenders to the Secretary of State any such valid Foreign  
19          State license, identification card, or permit.

20          (b-5) Any person who commits a violation of subsection (a)  
21          or (b) of this Section is guilty of a Class A misdemeanor, if  
22          at the time of the violation the person's driver's license or  
23          permit was cancelled under clause (a)9 of Section 6-201 of this  
24          Code.

25          (c) Any person licensed as a driver hereunder shall not be  
26          required by any city, village, incorporated town or other

1 municipal corporation to obtain any other license to exercise  
2 the privilege thereby granted.

3 (d) In addition to other penalties imposed under this  
4 Section, any person in violation of this Section who is also in  
5 violation of Section 7-601 of this Code relating to mandatory  
6 insurance requirements shall have his or her motor vehicle  
7 immediately impounded by the arresting law enforcement  
8 officer. The motor vehicle may be released to any licensed  
9 driver upon a showing of proof of insurance for the motor  
10 vehicle that was impounded and the notarized written consent  
11 for the release by the vehicle owner.

12 (e) In addition to other penalties imposed under this  
13 Section, the vehicle of any person in violation of this Section  
14 who is also in violation of Section 7-601 of this Code relating  
15 to mandatory insurance requirements and who, in violating this  
16 Section, has caused death or personal injury to another person  
17 is subject to forfeiture under Sections 36-1 and 36-2 of the  
18 Criminal Code of 1961. For the purposes of this Section, a  
19 personal injury shall include any type A injury as indicated on  
20 the traffic accident report completed by a law enforcement  
21 officer that requires immediate professional attention in  
22 either a doctor's office or a medical facility. A type A injury  
23 shall include severely bleeding wounds, distorted extremities,  
24 and injuries that require the injured party to be carried from  
25 the scene.

26 (Source: P.A. 94-993, eff. 1-1-07; 95-578, eff. 6-1-08.)



1 (625 ILCS 5/7-601) (from Ch. 95 1/2, par. 7-601)

2 Sec. 7-601. Required liability insurance policy.

3 (a) No person shall operate, register or maintain  
4 registration of, and no owner shall permit another person to  
5 operate, register or maintain registration of, a motor vehicle  
6 designed to be used on a public highway unless the motor  
7 vehicle is covered by a liability insurance policy. This  
8 subsection also applies to a motor vehicle not designed to be  
9 used on a public highway if the person operates the motor  
10 vehicle on a public highway at any time.

11 The insurance policy shall be issued in amounts no less  
12 than the minimum amounts set for bodily injury or death and for  
13 destruction of property under Section 7-203 of this Code, and  
14 shall be issued in accordance with the requirements of Sections  
15 143a and 143a-2 of the Illinois Insurance Code, as amended. No  
16 insurer other than an insurer authorized to do business in this  
17 State shall issue a policy pursuant to this Section for any  
18 vehicle subject to registration under this Code. Nothing herein  
19 shall deprive an insurer of any policy defense available at  
20 common law.

21 (b) The following vehicles are exempt from the requirements  
22 of this Section:

23 (1) vehicles subject to the provisions of Chapters 8 or  
24 18a, Article III or Section 7-609 of Chapter 7, or Sections  
25 12-606 or 12-707.01 of Chapter 12 of this Code;

1           (2) vehicles required to file proof of liability  
2 insurance with the Illinois Commerce Commission;

3           (3) vehicles covered by a certificate of  
4 self-insurance under Section 7-502 of this Code;

5           (4) vehicles owned by the United States, the State of  
6 Illinois, or any political subdivision, municipality or  
7 local mass transit district;

8           (5) implements of husbandry;

9           (6) other vehicles complying with laws which require  
10 them to be insured in amounts meeting or exceeding the  
11 minimum amounts required under this Section; and

12           (7) inoperable or stored vehicles that are not  
13 operated, as defined by rules and regulations of the  
14 Secretary.

15           (c) Every employee of a State agency, as that term is  
16 defined in the Illinois State Auditing Act, who is assigned a  
17 specific vehicle owned or leased by the State on an ongoing  
18 basis shall provide the certification described in this Section  
19 annually to the director or chief executive officer of his or  
20 her agency.

21           The certification shall affirm that the employee is duly  
22 licensed to drive the assigned vehicle and that (i) the  
23 employee has liability insurance coverage extending to the  
24 employee when the assigned vehicle is used for other than  
25 official State business, or (ii) the employee has filed a bond  
26 with the Secretary of State as proof of financial

1 responsibility, in an amount equal to, or in excess of the  
2 requirements stated within this Section. Upon request of the  
3 agency director or chief executive officer, the employee shall  
4 present evidence to support the certification.

5 The certification shall be provided during the period July  
6 1 through July 31 of each calendar year, or within 30 days of  
7 any new assignment of a vehicle on an ongoing basis, whichever  
8 is later.

9 The employee's authorization to use the assigned vehicle  
10 shall automatically be rescinded upon:

11 (1) the revocation or suspension of the license  
12 required to drive the assigned vehicle;

13 (2) the cancellation or termination for any reason of  
14 the automobile liability insurance coverage as required in  
15 item (c) (i); or

16 (3) the termination of the bond filed with the  
17 Secretary of State.

18 All State employees providing the required certification  
19 shall immediately notify the agency director or chief executive  
20 officer in the event any of these actions occur.

21 All peace officers employed by a State agency who are  
22 primarily responsible for prevention and detection of crime and  
23 the enforcement of the criminal, traffic, or highway laws of  
24 this State, and prohibited by agency rule or policy to use an  
25 assigned vehicle owned or leased by the State for regular  
26 personal or off-duty use, are exempt from the requirements of

1 this Section.

2 (Source: P.A. 91-661, eff. 12-22-99.)