



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1958

Introduced 2/20/2009, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/1-113.1	
625 ILCS 5/1-202.1	
625 ILCS 5/3-107	from Ch. 95 1/2, par. 3-107
625 ILCS 5/3-406	from Ch. 95 1/2, par. 3-406
625 ILCS 5/3-804.1	
625 ILCS 5/3-804.2	
625 ILCS 5/12-201	from Ch. 95 1/2, par. 12-201
625 ILCS 5/12-208	from Ch. 95 1/2, par. 12-208
625 ILCS 5/12-301	from Ch. 95 1/2, par. 12-301

Amends the Illinois Vehicle Code. Changes the definitions of "custom vehicle" and "street rod" in the Illinois Vehicle Code to exclude certain vehicles that have been certified by an inspector of the National Street Rod Association. Provides that upon initial application for title and registration as a custom vehicle or street rod, the owner must have the vehicle inspected by the Secretary of State Department of Police rather than providing proof acceptable to the Secretary of State that, no more than 3 months before the date of the application for registration, the custom vehicle passed a safety inspection that (i) has been approved by the Secretary and (ii) is equivalent to the National Street Rod Association's prescribed vehicle safety inspection. Provides title and registration content requirements for a custom vehicle or street rod. Provides that a vehicle previously titled as other than a custom vehicle or street rod may be issued a corrected title reflecting the custom vehicle or street rod model if it otherwise meets the requirements for the designation. Effective January 1, 2010.

LRB096 10578 AJT 20750 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 1-113.1, 1-202.1, 3-107, 3-406, 3-804.1, 3-804.2,
6 12-201, 12-208, and 12-301 as follows:

7 (625 ILCS 5/1-113.1)

8 Sec. 1-113.1. Custom vehicle. A motor vehicle that is at
9 least 25 years of age and of a model year after 1948 or a
10 ~~vehicle that has been certified by an inspector of the National~~
11 ~~Street Rod Association, on a form prescribed by the Secretary~~
12 ~~of State, to be a~~ custom vehicle manufactured to resemble a
13 vehicle at least 25 years of age and of a model year after 1948
14 and has been altered from the manufacturer's original design or
15 has a body constructed from non-original materials and which is
16 maintained for occasional transportation, exhibitions, club
17 activities, parades, tours, and similar uses and which is not
18 used for general daily transportation.

19 (Source: P.A. 92-668, eff. 1-1-03.)

20 (625 ILCS 5/1-202.1)

21 Sec. 1-202.1. Street rod. A motor vehicle that is a 1948 or
22 older vehicle or a vehicle ~~that has been certified by an~~

1 ~~inspector of the National Street Rod Association, on a form~~
2 ~~prescribed by the Secretary of State, to be a street rod that~~
3 was manufactured after 1948 to resemble a vehicle that was
4 manufactured before 1949 and has been altered from the
5 manufacturer's original design or has a body constructed from
6 non-original materials and which is maintained for occasional
7 transportation, exhibitions, club activities, parades, tours,
8 and similar uses and which is not used for general daily
9 transportation.

10 (Source: P.A. 92-668, eff. 1-1-03.)

11 (625 ILCS 5/3-107) (from Ch. 95 1/2, par. 3-107)

12 Sec. 3-107. Contents and effect.

13 (a) Each certificate of title issued by the Secretary of
14 State shall contain:

- 15 1. the date issued;
- 16 2. the name and address of the owner;
- 17 3. the names and addresses of any lienholders, in the
18 order of priority as shown on the application or, if the
19 application is based on a certificate of title, as shown on
20 the certificate;
- 21 4. the title number assigned to the vehicle;
- 22 5. a description of the vehicle including, so far as
23 the following data exists: its make, year-model,
24 identifying number, type of body, whether new or used, as
25 to house trailers as defined in Section 1-128 of this Code,

1 the square footage of the vehicle based upon the outside
2 dimensions of the house trailer excluding the length of the
3 tongue and hitch, and, if a new vehicle, the date of the
4 first sale of the vehicle for use;

5 6. an odometer certification as provided for in this
6 Code; and

7 7. any other data the Secretary of State prescribes.

8 (a-5) In the event the applicant seeks to have the vehicle
9 titled as a custom vehicle or street rod, that fact must be
10 stated in the application. The custom vehicle or street rod
11 must be inspected as required by Section 3-406 of this Code
12 prior to issuance of the title. Upon successful completion of
13 the inspection, the vehicle may be titled in the following
14 manner. The make of the vehicle shall be listed as the make of
15 the actual vehicle or the make it is designed to resemble
16 (e.g., Ford or Chevrolet); the model of the vehicle shall be
17 listed as custom vehicle or street rod; and the year of the
18 vehicle shall be listed as the year the actual vehicle was
19 manufactured or the year it is designed to resemble. A vehicle
20 previously titled as other than a custom vehicle or street rod
21 may be issued a corrected title reflecting the custom vehicle
22 or street rod model if it otherwise meets the requirements for
23 the designation.

24 (b) The certificate of title shall contain forms for
25 assignment and warranty of title by the owner, and for
26 assignment and warranty of title by a dealer, and may contain

1 forms for applications for a certificate of title by a
2 transferee, the naming of a lienholder and the assignment or
3 release of the security interest of a lienholder.

4 (b-5) The Secretary of State shall designate on a
5 certificate of title a space where the owner of a vehicle may
6 designate a beneficiary, to whom ownership of the vehicle shall
7 pass in the event of the owner's death.

8 (c) A certificate of title issued by the Secretary of State
9 is prima facie evidence of the facts appearing on it.

10 (d) A certificate of title for a vehicle is not subject to
11 garnishment, attachment, execution or other judicial process,
12 but this subsection does not prevent a lawful levy upon the
13 vehicle.

14 (e) Any certificate of title issued by the Secretary of
15 State is subject to a lien in favor of the State of Illinois
16 for any fees or taxes required to be paid under this Act and as
17 have not been paid, as provided for in this Code.

18 (Source: P.A. 95-784, eff. 1-1-09.)

19 (625 ILCS 5/3-406) (from Ch. 95 1/2, par. 3-406)

20 Sec. 3-406. Application for specially constructed,
21 reconstructed, custom, street rod, or foreign vehicles.

22 (a) In the event the vehicle to be registered is a
23 specially constructed, reconstructed or foreign vehicle, such
24 fact shall be stated in the application and with reference to
25 every foreign vehicle which has been registered heretofore

1 outside of this State the owner shall surrender to the
2 Secretary of State all registration plates, registration cards
3 or other evidence of such foreign registration as may be in his
4 possession or under his control except as provided in
5 subdivision (b) hereof.

6 (b) Where in the course of interstate operation of a
7 vehicle registered in another State, it is desirable to retain
8 registration of said vehicle in such other State, such
9 applicant need not surrender but shall submit for inspection
10 said evidences of such foreign registration and the Secretary
11 of State upon a proper showing shall register said vehicle in
12 this State but shall not issue a certificate of title for such
13 vehicle.

14 (c) In the event the applicant seeks to have the vehicle
15 registered as a custom vehicle or street rod, that fact must be
16 stated in the application. Prior to registration, custom
17 vehicles or street rods must be inspected by the Secretary of
18 State Department of Police. Upon successful completion of the
19 inspection, the vehicle may be registered in the following
20 manner. The make of the vehicle shall be listed as the make of
21 the actual vehicle or the make it is designed to resemble
22 (e.g., Ford or Chevrolet); the model of the vehicle shall be
23 listed as custom vehicle or street rod; and the year of the
24 vehicle shall be listed as the year the actual vehicle was
25 manufactured or the year it is designed to resemble.

26 (Source: P.A. 76-1586.)

1 (625 ILCS 5/3-804.1)

2 Sec. 3-804.1. Custom vehicles.

3 (a) The owner of a custom vehicle may register that vehicle
4 for the standard registration fee for a vehicle of the first
5 division, other than a motorcycle, motor driven cycle, or
6 pedalcycle, and obtain a custom vehicle plate. An applicant for
7 the special plate shall be charged, in addition to the standard
8 registration fee, \$15 for original issuance to be deposited
9 into the Secretary of State Special License Plate Fund, to be
10 used by the Secretary to help defray administrative costs. For
11 each renewal period, in addition to the standard registration
12 fee, the applicant shall be charged \$2, which shall be
13 deposited into the Secretary of State Special License Plate
14 Fund. The application for registration must be accompanied by
15 an affirmation of the owner that the vehicle will be maintained
16 for occasional transportation, exhibitions, club activities,
17 parades, tours, and similar uses and will not be used for
18 general daily transportation. The Secretary may, in his or her
19 discretion, prescribe that custom vehicle plates be issued for
20 a definite or an indefinite term, the term to correspond to the
21 term of registration plates issued generally, as provided in
22 Section 3-414.1. Any person requesting custom vehicle plates
23 under this Section may also apply to have vanity or
24 personalized plates as provided under Section 3-405.1.

25 (b) Upon initial registration of a custom vehicle, the

1 owner of the custom vehicle must have the vehicle inspected as
2 required by Section 3-406 of this Code ~~provide proof acceptable~~
3 ~~to the Secretary that, no more than 3 months before the date of~~
4 ~~the application for registration, the custom vehicle passed a~~
5 ~~safety inspection that (i) has been approved by the Secretary~~
6 ~~and (ii) is equivalent to the National Street Rod Association's~~
7 ~~prescribed vehicle safety inspection.~~

8 Except where otherwise provided, custom vehicles are
9 considered to be in compliance with all vehicle equipment
10 requirements if they have passed the approved vehicle safety
11 inspection.

12 (Source: P.A. 92-668, eff. 1-1-03.)

13 (625 ILCS 5/3-804.2)

14 Sec. 3-804.2. Street rods.

15 (a) The owner of a street rod may register the vehicle for
16 the standard registration fee for a vehicle of the first
17 division, other than a motorcycle, motor driven cycle, or
18 pedalcycle, and obtain a street rod plate. An applicant for the
19 special plate shall be charged, in addition to the standard
20 registration fee, \$15 for original issuance to be deposited
21 into the Secretary of State Special License Plate Fund, to be
22 used by the Secretary to help defray administrative costs. For
23 each renewal period, in addition to the standard registration
24 fee, the applicant shall be charged \$2, which shall be
25 deposited into the Secretary of State Special License Plate

1 Fund. The application for registration must be accompanied by
2 an affirmation of the owner that the vehicle will be maintained
3 for occasional transportation, exhibitions, club activities,
4 parades, tours, and similar uses and will not be used for
5 general daily transportation. The Secretary may, in his or her
6 discretion, prescribe that street rod plates be issued for a
7 definite or an indefinite term, the term to correspond to the
8 term of registration plates issued generally, as provided in
9 Section 3-414.1. Any person requesting street rod plates under
10 this Section may also apply to have vanity or personalized
11 plates as provided under Section 3-405.1.

12 (b) Upon initial registration of a street rod, the owner of
13 the street rod must have the vehicle inspected as required by
14 Section 3-406 of this Code ~~provide proof acceptable to the~~
15 ~~Secretary that, no more than 3 months before the date of the~~
16 ~~application for registration, the street rod passed a safety~~
17 ~~inspection that (i) has been approved by the Secretary and (ii)~~
18 ~~is equivalent to the National Street Rod Association's~~
19 ~~prescribed vehicle safety inspection.~~

20 ~~Except where otherwise provided, street rods are~~
21 ~~considered to be in compliance with all vehicle equipment~~
22 ~~requirements if they have passed the approved vehicle safety~~
23 ~~inspection.~~

24 (Source: P.A. 92-668, eff. 1-1-03.)

25 (625 ILCS 5/12-201) (from Ch. 95 1/2, par. 12-201)

1 Sec. 12-201. When lighted lamps are required.

2 (a) When operated upon any highway in this State, every
3 motorcycle shall at all times exhibit at least one lighted
4 lamp, showing a white light visible for at least 500 feet in
5 the direction the motorcycle is proceeding. However, in lieu of
6 such lighted lamp, a motorcycle may be equipped with and use a
7 means of modulating the upper beam of the head lamp between
8 high and a lower brightness. No such head lamp shall be
9 modulated, except to otherwise comply with this Code, during
10 times when lighted lamps are required for other motor vehicles.

11 (b) All other motor vehicles shall exhibit at least 2
12 lighted head lamps, with at least one on each side of the front
13 of the vehicle, which satisfy United States Department of
14 Transportation requirements, showing white lights, including
15 that emitted by high intensity discharge (HID) lamps, or lights
16 of a yellow or amber tint, during the period from sunset to
17 sunrise, at times when rain, snow, fog, or other atmospheric
18 conditions require the use of windshield wipers, and at any
19 other times when, due to insufficient light or unfavorable
20 atmospheric conditions, persons and vehicles on the highway are
21 not clearly discernible at a distance of 1000 feet. Parking
22 lamps may be used in addition to but not in lieu of such head
23 lamps. Every motor vehicle, trailer, or semi-trailer shall also
24 exhibit at least 2 lighted lamps, commonly known as tail lamps,
25 which shall be mounted on the left rear and right rear of the
26 vehicle so as to throw a red light visible for at least 500

1 feet in the reverse direction, except that a truck tractor or
2 road tractor manufactured before January 1, 1968 and all
3 motorcycles need be equipped with only one such tail lamp.

4 (c) Either a tail lamp or a separate lamp shall be so
5 constructed and placed as to illuminate with a white light a
6 rear registration plate when required and render it clearly
7 legible from a distance of 50 feet to the rear. Any tail lamp
8 or tail lamps, together with any separate lamp or lamps for
9 illuminating a rear registration plate, shall be so wired as to
10 be lighted whenever the head lamps or auxiliary driving lamps
11 are lighted.

12 (d) A person shall install only head lamps that satisfy
13 United States Department of Transportation regulations and
14 show white light, including that emitted by HID lamps, or light
15 of a yellow or amber tint for use by a motor vehicle.

16 (e) (Blank). ~~For purposes of this Section, a custom vehicle~~
17 ~~or street rod is considered to be in compliance with all~~
18 ~~vehicle lamp requirements if it has passed the approved safety~~
19 ~~inspection provided for in Section 3-804.1 or 3-804.2.~~

20 (Source: P.A. 91-130, eff. 1-1-00; 91-135, eff. 1-1-00; 92-16,
21 eff. 6-28-01; 92-668, eff. 1-1-03.)

22 (625 ILCS 5/12-208) (from Ch. 95 1/2, par. 12-208)

23 Sec. 12-208. Signal lamps and signal devices.

24 (a) Every vehicle other than an antique vehicle displaying
25 an antique plate operated in this State shall be equipped with

1 a stop lamp or lamps on the rear of the vehicle which shall
2 display a red or amber light visible from a distance of not
3 less than 500 feet to the rear in normal sunlight and which
4 shall be actuated upon application of the service (foot) brake,
5 and which may but need not be incorporated with other rear
6 lamps. During times when lighted lamps are not required, an
7 antique vehicle may be equipped with a stop lamp or lamps on
8 the rear of such vehicle of the same type originally installed
9 by the manufacturer as original equipment and in working order.
10 However, at all other times, except as provided in subsection
11 (a-1), such antique vehicle must be equipped with stop lamps
12 meeting the requirements of Section 12-208 of this Act.

13 (a-1) An antique vehicle, including an antique motorcycle,
14 may display a blue light or lights of up to one inch in
15 diameter as part of the vehicle's rear stop lamp or lamps.

16 (b) Every motor vehicle other than an antique vehicle
17 displaying an antique plate shall be equipped with an electric
18 turn signal device which shall indicate the intention of the
19 driver to turn to the right or to the left in the form of
20 flashing lights located at and showing to the front and rear of
21 the vehicle on the side of the vehicle toward which the turn is
22 to be made. The lamps showing to the front shall be mounted on
23 the same level and as widely spaced laterally as practicable
24 and, when signaling, shall emit a white or amber light, or any
25 shade of light between white and amber. The lamps showing to
26 the rear shall be mounted on the same level and as widely

1 spaced laterally as practicable and, when signaling, shall emit
2 a red or amber light. An antique vehicle shall be equipped with
3 a turn signal device of the same type originally installed by
4 the manufacturer as original equipment and in working order.

5 (c) Every trailer and semitrailer shall be equipped with an
6 electric turn signal device which indicates the intention of
7 the driver in the power unit to turn to the right or to the left
8 in the form of flashing red or amber lights located at the rear
9 of the vehicle on the side toward which the turn is to be made
10 and mounted on the same level and as widely spaced laterally as
11 practicable.

12 (d) Turn signal lamps must be visible from a distance of
13 not less than 300 feet in normal sunlight.

14 (e) Motorcycles and motor-driven cycles need not be
15 equipped with electric turn signals. Antique vehicles need not
16 be equipped with turn signals unless such were installed by the
17 manufacturer as original equipment.

18 (f) (Blank). ~~For purposes of this Section, a custom vehicle~~
19 ~~or street rod is considered to be in compliance with all signal~~
20 ~~lamp and signal device requirements if it has passed the~~
21 ~~approved safety inspection provided for in Section 3-804.1 or~~
22 ~~3-804.2.~~

23 (Source: P.A. 94-299, eff. 7-21-05.)

24 (625 ILCS 5/12-301) (from Ch. 95 1/2, par. 12-301)

25 Sec. 12-301. Brakes.

1 (a) Brake equipment required.

2 1. Every motor vehicle, other than a motor-driven cycle
3 and an antique vehicle displaying an antique plate, when
4 operated upon a highway shall be equipped with brakes
5 adequate to control the movement of and to stop and hold
6 such vehicle, including 2 separate means of applying the
7 brakes, each of which means shall be effective to apply the
8 brakes to at least one wheel on a motorcycle and at least 2
9 wheels on all other first division and second division
10 vehicles. If these 2 separate means of applying the brakes
11 are connected in any way, they shall be so constructed that
12 failure of any one part of the operating mechanism shall
13 not leave the motor vehicle without brakes.

14 2. Every motor-driven cycle when operated upon a
15 highway shall be equipped with at least one brake which may
16 be operated by hand or foot.

17 3. Every antique vehicle shall be equipped with the
18 brakes of the same type originally installed by the
19 manufacturer as original equipment and in working order.

20 4. Except as provided in paragraph 4.1, every trailer
21 or semitrailer of a gross weight of over 3,000 pounds, when
22 operated upon a highway must be equipped with brakes
23 adequate to control the movement of, to stop and to hold
24 such vehicle, and designed so as to be operable by the
25 driver of the towing vehicle from its cab. Such brakes must
26 be so designed and connected that in case of an accidental

1 breakaway of a towed vehicle over 5,000 pounds, the brakes
2 are automatically applied.

3 4.1. Every boat trailer of a gross weight of over 3,000
4 pounds, when operated upon a highway, must be equipped with
5 brakes adequate to control the movement of, to stop, and to
6 hold that boat trailer. The brakes must be designed to
7 ensure that, in case of an accidental breakaway of a towed
8 boat trailer over 5,000 pounds, the brakes are
9 automatically applied.

10 5. Every motor vehicle, trailer, pole trailer or
11 semitrailer, sold in this State or operated upon the
12 highways shall be equipped with service brakes upon all
13 wheels of every such vehicle, except any motor-driven
14 cycle, and except that any trailer, pole trailer or
15 semitrailer 3,000 pounds gross weight or less need not be
16 equipped with brakes, and except that any trailer or
17 semitrailer with gross weight over 3,000 pounds but under
18 5,001 pounds need be equipped with brakes on only one wheel
19 on each side of the vehicle. Any motor vehicle and truck
20 tractor having 3 or more axles and manufactured prior to
21 July 25, 1980 need not have brakes on the front wheels,
22 except when such vehicles are equipped with at least 2
23 steerable axles, the wheels of one such axle need not be
24 equipped with brakes. However, a vehicle that is more than
25 30 years of age and which is driven on the highways only in
26 going to and returning from an antique auto show or for

1 servicing or for a demonstration need be equipped with 2
2 wheel brakes only.

3 (b) Performance ability of brakes.

4 1. The service brakes upon any motor vehicle or
5 combination of vehicles operating on a level surface shall
6 be adequate to stop such vehicle or vehicles when traveling
7 20 miles per hour within a distance of 30 feet when upon
8 dry asphalt or concrete pavement surface free from loose
9 material.

10 2. Under the above conditions the hand brake shall be
11 adequate to stop such vehicle or vehicles, except any
12 motorcycle, within a distance of 55 feet and the hand brake
13 shall be adequate to hold such vehicle or vehicles
14 stationary on any grade upon which operated.

15 3. Under the above conditions the service brakes upon
16 an antique vehicle shall be adequate to stop the vehicle
17 within a distance of 40 feet and the hand brake adequate to
18 stop the vehicle within a distance of 55 feet.

19 4. All braking distances specified in this Section
20 apply to all vehicles mentioned, whether such vehicles are
21 unloaded or are loaded to the maximum capacity permitted
22 under this Act.

23 5. All brakes shall be maintained in good working order
24 and shall be so adjusted as to operate as equally as
25 practicable with respect to the wheels on opposite sides of
26 the vehicle.

1 6. Brake assembly requirements for mobile homes shall
2 be the standards required by the United States Department
3 of Housing and Urban Development adopted under Title VI of
4 the Housing and Community Development Act of 1974.

5 (c) (Blank). ~~For purposes of this Section, a custom vehicle~~
6 ~~or street rod is considered to be in compliance with all brake~~
7 ~~equipment requirements if it has passed the approved vehicle~~
8 ~~safety inspection provided for in Section 3-804.1 or 3-804.2.~~

9 (Source: P.A. 92-668, eff. 1-1-03; 93-344, eff. 1-1-04.)

10 Section 99. Effective date. This Act takes effect January
11 1, 2010.