



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB4984

by Rep. Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-110	from Ch. 95 1/2, par. 3-110
625 ILCS 5/3-116	from Ch. 95 1/2, par. 3-116
625 ILCS 5/3-122 new	
770 ILCS 45/1	from Ch. 82, par. 40
770 ILCS 50/2	from Ch. 82, par. 47b
770 ILCS 90/3	from Ch. 141, par. 3

Amends the Illinois Vehicle Code. Provides that if an application for a certificate of title for a vehicle refers to a vehicle sold at public auction under the Labor and Storage Lien Act, the Labor and Storage Lien (Small Amount) Act, or the Sale of Unclaimed Property Act and the Secretary of State refuses to issue a certificate of title, the Secretary of State shall provide the applicant with a written explanation for the refusal and any proof supporting the explanation. Provides that if an application for a certificate of title for a vehicle refers to a vehicle sold at public auction under the Labor and Storage Lien Act, the Labor and Storage Lien (Small Amount) Act, or the Sale of Unclaimed Property Act, the Secretary of State shall, within 30 days after receiving the application, either issue the certificate of title or notify the applicant of the refusal to issue a certificate of title. Provides that each edition of the "Rules of the Road" published by the Secretary of State shall contain a statement explaining that a vehicle owner does not have the right to leave the vehicle on the property of another person and that a vehicle left on the property of another person for more than 15 days shall be subject to a lien under the Sale of Unclaimed Property Act that may be enforced by the owner or lessor of the property. Amends the Labor and Storage Lien Act, the Labor and Storage Lien (Small Amount) Act, or the Sale of Unclaimed Property Act. Provides that a lien on a motor vehicle may be enforced on or after the 16th day after the completion of the expenditure of labor, services, skill, or material or furnishing of storage on or after the 16th day after the date agreed upon for redemption.

LRB097 14792 HEP 62897 b

1 AN ACT concerning property.

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 3-110 and 3-116 and adding Section 3-122 as follows:

6 (625 ILCS 5/3-110) (from Ch. 95 1/2, par. 3-110)

7 Sec. 3-110. Refusing certificate of title. The Secretary of
8 State shall refuse issuance of a certificate of title if any
9 required fee is not paid or if he has reasonable grounds to
10 believe that:

11 (a) the applicant is not the owner of the vehicle;

12 (b) the application contains a false or fraudulent
13 statement;

14 (c) the applicant fails to furnish required
15 information or documents or any additional information the
16 Secretary of State reasonably requires; or

17 (d) the applicant has not paid to the Secretary of
18 State any fees or taxes due under this Act and have not
19 been paid upon reasonable notice and demand.

20 If the application refers to a vehicle sold at public
21 auction under the Labor and Storage Lien Act, the Labor and
22 Storage Lien (Small Amount) Act, or the Sale of Unclaimed
23 Property Act and the Secretary of State refuses to issue a

1 certificate of title, the Secretary of State shall provide the
2 applicant with a written explanation for the refusal and any
3 proof supporting the explanation.

4 (Source: P.A. 97-333, eff. 8-12-11.)

5 (625 ILCS 5/3-116) (from Ch. 95 1/2, par. 3-116)

6 Sec. 3-116. When Secretary of State to issue a certificate
7 of title.

8 (a) The Secretary of State, upon receipt of a properly
9 assigned certificate of title, with an application for a
10 certificate of title, the required fee and any other documents
11 required by law, shall issue a new certificate of title in the
12 name of the transferee as owner and mail it to the first
13 lienholder named in it or, if none, to the owner or owner's
14 designee.

15 (b) The Secretary of State, upon receipt of an application
16 for a new certificate of title by a transferee other than by
17 voluntary transfer, with proof of the transfer, the required
18 fee and any other documents required by law, shall issue a new
19 certificate of title in the name of the transferee as owner.

20 (c) Any person, firm or corporation, who shall knowingly
21 possess, buy, sell, exchange or give away, or offer to buy,
22 sell, exchange or give away the certificate of title to any
23 motor vehicle which is a junk or salvage, or who shall fail to
24 surrender the certificate of title to the Secretary of State as
25 required under the provisions of this Section and Section

1 3-117.2, shall be guilty of Class 3 felony.

2 (d) The Secretary of State shall file and retain for four
3 (4) years a record of every surrendered certificate of title or
4 proof of ownership accepted by the Secretary of State, the file
5 to be maintained so as to permit the tracing of title of the
6 vehicle designated therein.

7 (e) The Secretary of State, upon receipt of an application
8 for corrected certificate of title, with the original title,
9 the required fee and any other required documents, shall issue
10 a corrected certificate of title in the name of the owner and
11 mail it to the first lienholder named in it or, if none, to the
12 owner or owner's designee.

13 (f) The Secretary of State, upon receipt of a certified
14 copy of a court order awarding ownership to an applicant along
15 with an application for a certificate of title and the required
16 fee, shall issue a certificate of title to the applicant.

17 (g) If the application refers to a vehicle sold at public
18 auction pursuant to the Labor and Storage Lien Act, the Labor
19 and Storage Lien (Small Amount) Act, or the Sale of Unclaimed
20 Property Act, the Secretary of State shall, within 30 days
21 after receiving the application, either issue the certificate
22 of title in accordance with this Section or notify the
23 applicant of the refusal to issue a certificate of title under
24 Section 3-110.

25 (Source: P.A. 90-212, eff. 1-1-98.)

1 (625 ILCS 5/3-122 new)

2 Sec. 3-122. "Rules of the Road"; statement. Each edition of
3 the "Rules of the Road" published by the Secretary of State on
4 or after the effective date of this amendatory Act of the 97th
5 General Assembly shall contain a statement explaining that a
6 vehicle owner does not have the right to leave the vehicle on
7 the property of another person and that a vehicle left on the
8 property of another person for more than 15 days shall be
9 subject to a lien under the Sale of Unclaimed Property Act that
10 may be enforced by the owner or lessor of the property.

11 Section 10. The Labor and Storage Lien Act is amended by
12 changing Section 1 as follows:

13 (770 ILCS 45/1) (from Ch. 82, par. 40)

14 Sec. 1. (a) Every person, firm or corporation who has
15 expended labor, skill or materials upon any chattel, or has
16 furnished storage for said chattel, at the request of its
17 owner, reputed owner, or authorized agent of the owner, or
18 lawful possessor thereof, shall have a lien upon such chattel
19 beginning on the date of the commencement of such expenditure
20 of labor, skill and materials or of such storage for the
21 contract price for all such expenditure of labor, skill or
22 materials, or for all such storage, or in the absence of such
23 contract price, for the reasonable worth of such expenditure of
24 labor, skill and materials, or of such storage, for a period of

1 one year from and after the completion of such expenditure of
2 labor, skill or materials, or of such storage, notwithstanding
3 the fact that the possession of such chattel has been
4 surrendered to the owner, or lawful possessor thereof.

5 (b) If the chattel is a motor vehicle, a lien may be
6 enforced under Section 3 of the Sale of Unclaimed Property Act
7 on or after the 16th day after the completion of the
8 expenditure of labor, services, skill, or material or
9 furnishing of storage on or after the 16th day after the date
10 agreed upon for redemption.

11 (Source: Laws 1921, p. 508.)

12 Section 15. The Labor and Storage Lien (Small Amount) Act
13 is amended by changing Section 2 as follows:

14 (770 ILCS 50/2) (from Ch. 82, par. 47b)

15 Sec. 2. (a) Unless the chattel is redeemed within 90 days
16 of the completion of the expenditure of such labor, services,
17 skill, or material or furnishing of storage, or within 90 days
18 of the date agreed upon for redemption, the lien may be
19 enforced by a commercially reasonable public or private sale
20 conducted so as to maximize the net proceeds of said sale as
21 hereinafter provided.

22 (b) Notwithstanding the provisions of subsection (a), if
23 the chattel is a motor vehicle, a lien may be enforced under
24 subsection (a) on or after the 16th day after the completion of

1 the expenditure of labor, services, skill, or material or
2 furnishing of storage or on or after the 16th day after the
3 date agreed upon for redemption.

4 (Source: P.A. 85-1283.)

5 Section 20. The Sale of Unclaimed Property Act is amended
6 by changing Section 3 as follows:

7 (770 ILCS 90/3) (from Ch. 141, par. 3)

8 Sec. 3. (a) All persons other than common carriers having a
9 lien on personal property, by virtue of the Innkeepers Lien Act
10 or for more than \$2,000 by virtue of the Labor and Storage Lien
11 Act may enforce the lien by a sale of the property, on giving
12 to the owner thereof, if he and his residence be known to the
13 person having such lien, 30 days' notice by certified mail, in
14 writing of the time and place of such sale, and if the owner or
15 his place of residence be unknown to the person having such
16 lien, then upon his filing his affidavit to that effect with
17 the clerk of the circuit court in the county where such
18 property is situated; notice of the sale may be given by
19 publishing the same once in each week for 3 successive weeks in
20 some newspaper of general circulation published in the county,
21 and out of the proceeds of the sale all costs and charges for
22 advertising and making the same, and the amount of the lien
23 shall be paid, and the surplus, if any, shall be paid to the
24 owner of the property or, if not claimed by said owner, such

1 surplus, if any, shall be disposed under the Uniform
2 Disposition of Unclaimed Property Act. All sales pursuant to
3 this Section must be public and conducted in a commercially
4 reasonable manner so as to maximize the net proceeds of the
5 sale. Conformity to the requirements of this Act shall be a
6 perpetual bar to any action against such lienor by any person
7 for the recovery of such chattels or the value thereof or any
8 damages growing out of the failure of such person to receive
9 such chattels.

10 (b) Notwithstanding the provisions of subsection (a), if
11 the chattel is a motor vehicle, a person having a lien on the
12 vehicle by virtue of the Labor and Storage Lien Act may enforce
13 the lien on or after the 16th day after the completion of the
14 expenditure of labor, services, skill, or material or
15 furnishing of storage or on or after the 16th day after the
16 date agreed upon for redemption.

17 (Source: P.A. 87-206.)