



Rep. Patricia R. Bellock

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09700HB4984ham002

LRB097 14792 HEP 67865 a

1 AMENDMENT TO HOUSE BILL 4984

2 AMENDMENT NO. _____. Amend House Bill 4984, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 3-110 and 3-116 as follows:

7 (625 ILCS 5/3-110) (from Ch. 95 1/2, par. 3-110)

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

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

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

15 (c) the applicant fails to furnish required
16 information or documents or any additional information the

1 Secretary of State reasonably requires; or

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

5 If the application refers to a vehicle sold at public
6 auction under the Labor and Storage Lien Act, the Labor and
7 Storage Lien (Small Amount) Act, or the Sale of Unclaimed
8 Property Act and the Secretary of State refuses to issue a
9 certificate of title, the Secretary of State shall provide the
10 applicant with a written explanation for the refusal and any
11 proof supporting the explanation.

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

13 (625 ILCS 5/3-116) (from Ch. 95 1/2, par. 3-116)

14 Sec. 3-116. When Secretary of State to issue a certificate
15 of title.

16 (a) The Secretary of State, upon receipt of a properly
17 assigned certificate of title, with an application for a
18 certificate of title, the required fee and any other documents
19 required by law, shall issue a new certificate of title in the
20 name of the transferee as owner and mail it to the first
21 lienholder named in it or, if none, to the owner or owner's
22 designee.

23 (b) The Secretary of State, upon receipt of an application
24 for a new certificate of title by a transferee other than by
25 voluntary transfer, with proof of the transfer, the required

1 fee and any other documents required by law, shall issue a new
2 certificate of title in the name of the transferee as owner.

3 (c) Any person, firm or corporation, who shall knowingly
4 possess, buy, sell, exchange or give away, or offer to buy,
5 sell, exchange or give away the certificate of title to any
6 motor vehicle which is a junk or salvage, or who shall fail to
7 surrender the certificate of title to the Secretary of State as
8 required under the provisions of this Section and Section
9 3-117.2, shall be guilty of Class 3 felony.

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

15 (e) The Secretary of State, upon receipt of an application
16 for corrected certificate of title, with the original title,
17 the required fee and any other required documents, shall issue
18 a corrected certificate of title in the name of the owner and
19 mail it to the first lienholder named in it or, if none, to the
20 owner or owner's designee.

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

25 (g) If the application refers to a vehicle sold at public
26 auction pursuant to the Labor and Storage Lien Act, the Labor

1 and Storage Lien (Small Amount) Act, or the Sale of Unclaimed
2 Property Act, the Secretary of State shall, within 30 days
3 after receiving the application, either issue the certificate
4 of title in accordance with this Section or notify the
5 applicant of the refusal to issue a certificate of title under
6 Section 3-110.

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

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

10 (770 ILCS 45/1) (from Ch. 82, par. 40)

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

1 surrendered to the owner, or lawful possessor thereof.

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

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

9 Section 15. The Labor and Storage Lien (Small Amount) Act
10 is amended by changing Sections 2 and 3 as follows:

11 (770 ILCS 50/2) (from Ch. 82, par. 47b)

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

19 (b) Notwithstanding the provisions of subsection (a), if
20 the chattel is a motor vehicle, a lien may be enforced under
21 subsection (a) on or after the 16th day after the completion of
22 the expenditure of labor, services, skill, or material or
23 furnishing of storage or on or after the 16th day after the
24 date agreed upon for redemption.

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

2 (770 ILCS 50/3) (from Ch. 82, par. 47c)

3 Sec. 3. Such sale shall be held only after giving 30 days'
4 notice of the time and place of such sale, by publication once
5 in some newspaper of general circulation in the city, village,
6 or incorporated town in which such lienor expended such labor,
7 services, skill, or material or furnished such storage, or if
8 there be none, or if the labor, service, skill or material was
9 not expended in a city, village, or incorporated town, then in
10 some newspaper of general circulation in the county in which
11 such lienor expended such labor, service, skill, or material or
12 furnished such storage, and also by certified mailing, 30 days
13 before such sale, a copy of such notice addressed to the person
14 requesting or consenting to such expenditure of labor,
15 services, skill, or material or furnishing of storage, if his
16 address is known, or if his address is unknown, to the last
17 known address of such person. If no address is known or
18 discoverable after reasonable inquiry, the sale may be made
19 without mailing such notice. The published notice required by
20 this Section shall be in substantially the following form:

21 -----

22 NOTICE IS HEREBY GIVEN

23 That on (insert date), a sale will be held at (insert
24 place), to sell the following articles to enforce a lien
25 existing under the laws of the State of Illinois against such

1 articles for labor, services, skill or material expended upon a
 2 storage furnished for such articles at the request of the
 3 following designated persons, unless such articles are
 4 redeemed within thirty days of the publication of this notice.

5 -----

6 Name of Person	Description of Article	Amount of lien
7	\$.....
8	\$.....

9 A separate notice need not be published for each lien to be
 10 enforced, but several may be combined in one publication.

11 If the chattel is a motor vehicle, the sale shall be held
 12 only after giving notice as required above and after giving
 13 written notice by certified mail to all lienholders of the
 14 vehicle. The notice must contain the name of the vehicle owner
 15 and the names of all lienholders; the year, make, and vehicle
 16 identification number of the vehicle; and the amount due and
 17 owing. The notice shall state the intent of the person having
 18 possession of the vehicle to enforce a lien under this Act
 19 unless the owner or a lienholder claims the vehicle within 10
 20 days of receipt of the letter, and shall provide the date and
 21 location of the sale. The amount due and owing must be
 22 reasonable and may not exceed the usual and customary fees
 23 charged for the labor, services, skill, material, or storage.
 24 The lienholder claiming the vehicle shall be liable for no more
 25 than 15 days of storage fees. Proper documentation supporting
 26 the fees must be provided to the lienholder claiming the

1 vehicle. If the lienholder does not claim the vehicle within 30
2 days of the date of the certified letter, the lienholder
3 surrenders interest in the vehicle.

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

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. The lien may be enforced only
17 after giving written notice by certified mail to all
18 lienholders of the vehicle. The notice must contain the name of
19 the vehicle owner and the names of all lienholders; the year,
20 make, and vehicle identification number of the vehicle; and the
21 amount due and owing. The notice shall state the intent of the
22 person having possession of the vehicle to enforce a lien under
23 this Act unless the owner or a lienholder claims the vehicle
24 within 10 days of receipt of the letter, and shall provide the
25 date and location of the sale. The amount due and owing must be
26 reasonable and may not exceed the usual and customary fees

1 charged for the labor, services, skill, material, or storage.
2 The lienholder claiming the vehicle shall be liable for no more
3 than 15 days of storage fees. Proper documentation supporting
4 the fees must be provided to the lienholder claiming the
5 vehicle. If the lienholder does not claim the vehicle within 30
6 days of the date of the certified letter, the lienholder
7 surrenders interest in the vehicle.
8 (Source: P.A. 87-206.)".