



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

HB0364

by Rep. Emanuel Chris Welch

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-801	from Ch. 95 1/2, par. 3-801
625 ILCS 5/3-905	from Ch. 95 1/2, par. 3-905
625 ILCS 5/15-314	from Ch. 95 1/2, par. 15-314

Amends the Illinois Vehicle Code. Allows the Secretary of State to decline to accept personal or company electronic payments for payment of fees and taxes on new resident vehicle registration applications submitted by mail (currently only payments made by personal or company check may be declined). Provides remittances made in the form of electronic payments which are payable directly to the Secretary of State or the Department of Revenue are not to be included in the determination of the aggregate sum of remittances for bond amounts required of licensed remitters submitting payments on behalf of other persons for registration plates, vehicle certificates of title, taxes, or registration fees (currently the provision only applies to remittances in the form of money orders or checks). Allows the Department of Transportation to charge a service fee of \$3 for all dishonored payments returned for any reason for permits for operating or moving vehicles or combination of vehicles of a size or weight of vehicle or load exceeding the maximum specified by law (rather than just for returned checks).

LRB099 03994 RJF 24011 b

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 3-801, 3-905, and 15-314 as follows:

6 (625 ILCS 5/3-801) (from Ch. 95 1/2, par. 3-801)

7 Sec. 3-801. Registration.

8 (a) Except as provided herein for new residents, every  
9 owner of any vehicle which shall be operated upon the public  
10 highways of this State shall, within 24 hours after becoming  
11 the owner or at such time as such vehicle becomes subject to  
12 registration under the provisions of this Act, file in an  
13 office of the Secretary of State, an application for  
14 registration properly completed and executed. New residents  
15 need not secure registration until 30 days after establishing  
16 residency in this State, provided the vehicle is properly  
17 registered in another jurisdiction. By the expiration of such  
18 30 day statutory grace period, a new resident shall comply with  
19 the provisions of this Act and apply for Illinois vehicle  
20 registration. All applications for registration shall be  
21 accompanied by all documentation required under the provisions  
22 of this Act. The appropriate registration fees and taxes  
23 provided for in this Article of this Chapter shall be paid to

1 the Secretary of State with the application for registration of  
2 vehicles subject to registration under this Act.

3 (b) Any resident of this State, who has been serving as a  
4 member of the United States Armed Services outside of the State  
5 of Illinois, need not secure registration until 45 days after  
6 returning to this State, provided the vehicle displays  
7 temporary military registration.

8 (c) When an application is submitted by mail, the applicant  
9 may not submit cash or postage stamps for payment of fees or  
10 taxes due. The Secretary in his discretion, may decline to  
11 accept a personal or company check or electronic payment in  
12 payment of fees or taxes. An application submitted to a dealer,  
13 or a remittance made to the Secretary of State shall be deemed  
14 in compliance with this Section.

15 (Source: P.A. 85-1209.)

16 (625 ILCS 5/3-905) (from Ch. 95 1/2, par. 3-905)

17 Sec. 3-905. Bond; fee; duration of license. Such applicant  
18 shall, with his application, deposit with the Secretary of  
19 State a bond as hereinafter provided, for each location at  
20 which the applicant intends to act as a remittance agent. The  
21 application shall be accompanied by the payment of a license  
22 fee in the sum of \$50.00 (or \$25.00 if such application is  
23 filed after July 1) for each location at which he proposes to  
24 act as a remittance agent. If the applicant shall have complied  
25 with all of the requirements of this Section and the Secretary

1 of State shall find after investigation that the applicant is  
2 financially sound and of good business integrity, he shall  
3 issue the required license. Such license shall terminate on  
4 December 31 of the year for which it is issued, but upon  
5 application prior to November 15 of any year for which a  
6 license is in effect may be renewed for the next succeeding  
7 calendar year. Such application shall be accompanied by the  
8 payment of an annual license fee of \$50.00 for each location at  
9 which the applicant proposes to act as a remittance agent and  
10 the posting of the bond herein provided, for each such  
11 location.

12 The bond required by this Section shall be for the term of  
13 the license, or renewal thereof, for which application is made,  
14 and shall run to the People of the State of Illinois, with  
15 surety by a bonding or insurance company authorized to do  
16 business in this State, to be approved by the Secretary of  
17 State. It shall be conditioned upon the proper transmittal of  
18 all remittances by the applicant as a remittance agent and the  
19 performance of all undertakings in connection therewith. It  
20 shall be in the minimum sum of \$10,000, or in an amount equal  
21 to the aggregate sum of money transmitted to the State by the  
22 applicant during the highest 15 day period in the fiscal year  
23 immediately preceding the one for which application is made  
24 (rounded to the nearest \$1,000), whichever is the greater.  
25 However, for the purpose of determining the bond requirements  
26 hereunder, remittances made by applicants in the form of money

1 orders, ~~or~~ checks, or electronic payments which are made  
2 payable directly to the Secretary of State or the Illinois  
3 Department of Revenue by the remitter, shall not be considered  
4 in the aggregate. The bond requirement of this Section shall  
5 not apply to banks, savings and loan associations, and credit  
6 unions chartered by the State of Illinois or the United States;  
7 provided that the banks, savings and loan associations, and  
8 credit unions provide to the Secretary of State an affidavit  
9 stating that the bank, savings and loan association, or credit  
10 union is sufficiently bonded to meet the requirements as  
11 required above. Such affidavit shall be signed by an officer of  
12 the bank, savings and loan association, or credit union and  
13 shall be notarized.

14 (Source: P.A. 87-206; 88-470; 88-643, eff. 1-1-95.)

15 (625 ILCS 5/15-314) (from Ch. 95 1/2, par. 15-314)

16 Sec. 15-314. Payment of Fees. The Department shall  
17 prescribe the time and method of payment of all appropriate  
18 fees authorized by Section 15-302 through 15-313.

19 The Department may, at its discretion, establish credit  
20 accounts with billing to be made at intervals not exceeding one  
21 month.

22 Failure to pay invoices in full within a period of 30 days  
23 after the billing date shall be sufficient cause for the  
24 Department to withhold issuance of any further permits or  
25 credit to the individual, company, or subsidiary firm.

1           The Department is authorized to charge a service fee of \$3  
2   for a dishonored payment ~~check~~ returned for any reason. All  
3   money received by the Department under the provisions of this  
4   Section shall be deposited in the Road Fund. No refund shall be  
5   made to applicant following issuance of a permit if move is not  
6   completed.

7   (Source: P.A. 81-199.)