

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 3-104, 3-118, and 3-824 and by adding Section 3-104.5  
6 as follows:

7 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

8 Sec. 3-104. Application for certificate of title.

9 (a) The application for a certificate of title for a  
10 vehicle in this State must be made by the owner to the  
11 Secretary of State on the form prescribed and must contain:

12 1. The name, Illinois residence and mail address of the  
13 owner;

14 2. A description of the vehicle including, so far as  
15 the following data exists: Its make, year-model,  
16 identifying number, type of body, whether new or used, as  
17 to house trailers as defined in Section 1-128 of this Code,  
18 and as to manufactured homes as defined in Section 1-144.03  
19 of this Code, the square footage based upon the outside  
20 dimensions excluding the length of the tongue and hitch,  
21 and, as to vehicles of the second division, whether  
22 for-hire, not-for-hire, or both for-hire and not-for-hire;

23 3. The date of purchase by applicant and, if

1 applicable, the name and address of the person from whom  
2 the vehicle was acquired and the names and addresses of any  
3 lienholders in the order of their priority and signatures  
4 of owners;

5 4. The current odometer reading at the time of transfer  
6 and that the stated odometer reading is one of the  
7 following: actual mileage, not the actual mileage or  
8 mileage is in excess of its mechanical limits; and

9 5. Any further information the Secretary of State  
10 reasonably requires to identify the vehicle and to enable  
11 him to determine whether the owner is entitled to a  
12 certificate of title and the existence or nonexistence of  
13 security interests in the vehicle.

14 (a-5) The Secretary of State shall designate on the  
15 prescribed application form a space where the owner of a  
16 vehicle may designate a beneficiary, to whom ownership of the  
17 vehicle shall pass in the event of the owner's death.

18 (b) If the application refers to a vehicle purchased from a  
19 dealer, it must also be signed by the dealer as well as the  
20 owner, and the dealer must promptly mail or deliver the  
21 application and required documents to the Secretary of State.

22 (c) If the application refers to a vehicle last previously  
23 registered in another State or country, the application must  
24 contain or be accompanied by:

25 1. Any certified document of ownership so recognized  
26 and issued by the other State or country and acceptable to

1 the Secretary of State, and

2 2. Any other information and documents the Secretary of  
3 State reasonably requires to establish the ownership of the  
4 vehicle and the existence or nonexistence of security  
5 interests in it.

6 (d) If the application refers to a new vehicle it must be  
7 accompanied by the Manufacturer's Statement of Origin, or other  
8 documents as required and acceptable by the Secretary of State,  
9 with such assignments as may be necessary to show title in the  
10 applicant.

11 (e) If an application refers to a vehicle rebuilt from a  
12 vehicle previously salvaged, that application shall comply  
13 with the provisions set forth in Sections 3-302 through 3-304  
14 of this Code.

15 (f) An application for a certificate of title for any  
16 vehicle, whether purchased in Illinois or outside Illinois, and  
17 even if previously registered in another State, must be  
18 accompanied by either an exemption determination from the  
19 Department of Revenue showing that no tax imposed pursuant to  
20 the Use Tax Act or the vehicle use tax imposed by Section  
21 3-1001 of the Illinois Vehicle Code is owed by anyone with  
22 respect to that vehicle, or a receipt from the Department of  
23 Revenue showing that any tax so imposed has been paid. An  
24 application for a certificate of title for any vehicle  
25 purchased outside Illinois, even if previously registered in  
26 another state, must be accompanied by either an exemption

1 determination from the Department of Revenue showing that no  
2 tax imposed pursuant to the Municipal Use Tax Act or the County  
3 Use Tax Act is owed by anyone with respect to that vehicle, or  
4 a receipt from the Department of Revenue showing that any tax  
5 so imposed has been paid. In the absence of such a receipt for  
6 payment or determination of exemption from the Department, no  
7 certificate of title shall be issued to the applicant.

8 If the proof of payment of the tax or of nonliability  
9 therefor is, after the issuance of the certificate of title and  
10 display certificate of title, found to be invalid, the  
11 Secretary of State shall revoke the certificate and require  
12 that the certificate of title and, when applicable, the display  
13 certificate of title be returned to him.

14 (g) If the application refers to a vehicle not manufactured  
15 in accordance with federal safety and emission standards, the  
16 application must be accompanied by all documents required by  
17 federal governmental agencies to meet their standards before a  
18 vehicle is allowed to be issued title and registration.

19 (h) If the application refers to a vehicle sold at public  
20 sale by a sheriff, it must be accompanied by the required fee  
21 and a bill of sale issued and signed by a sheriff. The bill of  
22 sale must identify the new owner's name and address, the year  
23 model, make and vehicle identification number of the vehicle,  
24 court order document number authorizing such sale, if  
25 applicable, and the name and address of any lienholders in  
26 order of priority, if applicable.

1           (i) If the application refers to a vehicle for which a  
2 court of law determined the ownership, it must be accompanied  
3 with a certified copy of such court order and the required fee.  
4 The court order must indicate the new owner's name and address,  
5 the complete description of the vehicle, if known, the name and  
6 address of the lienholder, if any, and must be signed and dated  
7 by the judge issuing such order.

8           (j) If the application refers to a vehicle sold at public  
9 auction pursuant to the Labor and Storage Lien (Small Amount)  
10 Act, it must be accompanied by an affidavit or affirmation  
11 furnished by the Secretary of State along with the documents  
12 described in the affidavit or affirmation and the required fee.

13           (k) The Secretary may provide an expedited process for the  
14 issuance of vehicle titles. Expedited title applications must  
15 be delivered to the Secretary of State's Vehicle Services  
16 Department in Springfield by express mail service or hand  
17 delivery. Applications must be complete, including necessary  
18 forms, fees, and taxes. Applications received before noon on a  
19 business day will be processed and shipped that same day.  
20 Applications received after noon on a business day will be  
21 processed and shipped the next business day. The Secretary  
22 shall charge an additional fee of \$30 for this service, and  
23 that fee shall cover the cost of return shipping via an express  
24 mail service. All fees collected by the Secretary of State for  
25 expedited services shall be deposited into the Motor Vehicle  
26 License Plate Fund. In the event the Vehicle Services

1 Department determines that the volume of expedited title  
2 requests received on a given day exceeds the ability of the  
3 Vehicle Services Department to process those requests in an  
4 expedited manner, the Vehicle Services Department may decline  
5 to provide expedited services, and the additional fee for the  
6 expedited service shall be refunded to the applicant.

7 (l) If the application refers to a homemade trailer, (i) it  
8 must be accompanied by the appropriate documentation regarding  
9 the source of materials used in the construction of the  
10 trailer, as required by the Secretary of State, (ii) the  
11 trailer must be inspected by a Secretary of State employee  
12 prior to the issuance of the title, and (iii) upon approval of  
13 the Secretary of State, the trailer must have a vehicle  
14 identification number, as provided by the Secretary of State,  
15 stamped or riveted to the frame.

16 (m) The holder of a Manufacturer's Statement of Origin to a  
17 manufactured home may deliver it to any person to facilitate  
18 conveying or encumbering the manufactured home. Any person  
19 receiving any such Manufacturer's Statement of Origin so  
20 delivered holds it in trust for the person delivering it.

21 (n) Within 45 days after the completion of the first retail  
22 sale of a manufactured home, the Manufacturer's Statement of  
23 Origin to that manufactured home must be surrendered to the  
24 Secretary of State either in conjunction with an application  
25 for a certificate of title for that manufactured home or in  
26 accordance with Section 3-116.1.

1       (o) Each application for certificate of title for a motor  
2 vehicle shall be verified by the National Motor Vehicle Title  
3 Information System (NMVTIS) for a vehicle history report prior  
4 to the Secretary issuing a certificate of title.

5       (Source: P.A. 97-918, eff. 1-1-13; 98-749, eff. 7-16-14.)

6             (625 ILCS 5/3-104.5 new)

7       Sec. 3-104.5. Application NMVTIS warnings or errors.

8       (a) Each application for a certificate of title or a  
9 salvage certificate for a motor vehicle that is verified by the  
10 National Motor Vehicle Title Information System (NMVTIS) that  
11 is returned with a warning or error shall be reviewed by the  
12 Secretary of State, or his or her designees, as to whether the  
13 warning or error warrants a change to the type of title or  
14 brand that is issued to a motor vehicle. If the Secretary needs  
15 supplemental information to verify or corroborate the  
16 information received from a NMVTIS report, then the Secretary  
17 may use any available commercial title history services or  
18 other Secretary of State resources to assist in determining the  
19 vehicle's proper designation.

20       (b) Any motor vehicle application for a certificate of  
21 title or a salvage certificate that another state has  
22 previously issued a title or brand indicating that the status  
23 of the motor vehicle is equivalent to a junk vehicle, as  
24 defined in Section 1-134.1 of this Code, shall receive a title  
25 with a "prior out of state junk" brand if that history item was

1 issued 120 months or more before the date of the submission of  
2 the current application for title.

3 (c) Any motor vehicle application for a certificate of  
4 title or a salvage certificate that is returned with a NMVTIS  
5 warning or error indicating that another state has previously  
6 issued a title or brand indicating the status of the motor  
7 vehicle is equivalent to a junk vehicle, as defined in Section  
8 1-134.1 of this Code, shall be issued a junk certificate that  
9 reflects the motor vehicle's structural history, if the  
10 previously issued title or brand from another state was issued  
11 less than 120 months before the date of the submission of the  
12 current application for title.

13 (d) Any motor vehicle application for a certificate of  
14 title or a salvage certificate that is returned with a NMVTIS  
15 warning or error indicating a brand or label from another  
16 jurisdiction, that does not have a similar or comparable brand  
17 or label in this State, shall include a notation or brand on  
18 the certificate of title stating "previously branded".

19 (e) Any motor vehicle that is subject to the federal Truth  
20 in Mileage Act, and is returned with a NMVTIS warning or error  
21 indicating the stated mileage of the vehicle on the application  
22 for certificate of title is 1,500 or fewer miles less than a  
23 previously recorded mileage for the vehicle, shall be deemed as  
24 having an acceptable margin of error and the higher of the 2  
25 figures shall be indicated on the new certificate of title, if  
26 the previous mileage was recorded within 90 days of the date of



1 the current application for title and if there are no  
2 indications of fraud or malfeasance, or of altering or  
3 tampering with the odometer.

4 (f) Any applicant for a certificate of title or a salvage  
5 certificate who receives an alternative salvage or junk  
6 certificate, or who receives a certificate of title with a  
7 brand or label indicating the vehicle was previously rebuilt  
8 prior out of state junk, previously branded, or flood, may  
9 contest the Secretary's designations by requesting an  
10 administrative hearing under Section 2-116 of this Code.

11 (g) The Secretary may adopt any rules necessary to  
12 implement this Section.

13 (625 ILCS 5/3-118) (from Ch. 95 1/2, par. 3-118)

14 Sec. 3-118. Application for salvage or junking  
15 certificate; contents.

16 (a) An application for a salvage certificate or junking  
17 certificate shall be made upon the forms prescribed by the  
18 Secretary of State and contain:

- 19 1. The name and address of the owner;
- 20 2. A description of the vehicle including, so far as  
21 the following data exists: its make, year-model,  
22 identifying number, type of body, whether new or used;
- 23 3. The date of purchase by applicant; and
- 24 4. Any further information reasonably required by the  
25 Secretary of State.

1           (b) The application for salvage certificate must also  
2 contain the current odometer reading and that the stated  
3 odometer reading is one of the following: actual mileage, not  
4 the actual mileage or mileage is in excess of its mechanical  
5 limits.

6           (b-5) Each application for a salvage certificate for a  
7 motor vehicle shall be verified by the National Motor Vehicle  
8 Title Information System (NMVTIS) for a vehicle history report  
9 prior to the Secretary issuing a salvage certificate.

10           (c) A salvage certificate may be assigned to any person  
11 licensed under this Act as a rebuilder, automotive parts  
12 recycler, or scrap processor, or to an out-of-state salvage  
13 vehicle buyer. A salvage certificate for a vehicle that has  
14 come from a police impoundment may be assigned to a municipal  
15 fire department. A junking certificate may be assigned to  
16 anyone. The provisions for reassignment by dealers under  
17 paragraph (a) of Section 3-113 shall apply to salvage  
18 certificates, except as provided in Section 3-117.2. A salvage  
19 certificate may be reassigned to one other person to whom a  
20 salvage certificate may be assigned pursuant to this Section.

21           (Source: P.A. 95-301, eff. 1-1-08; 95-783, eff. 1-1-09.)

22           (625 ILCS 5/3-824) (from Ch. 95 1/2, par. 3-824)

23           Sec. 3-824. When fees returnable.

24           (a) Whenever any application to the Secretary of State is  
25 accompanied by any fee as required by law and such application

1 is refused or rejected, said fee shall be returned to said  
2 applicant.

3 (b) Whenever the Secretary of State collects any fee not  
4 required to be paid under the provisions of this Act, the same  
5 shall be refunded to the person paying the same upon  
6 application therefor made within 6 months after the date of  
7 such payment, except as follows: (1) whenever a refund is  
8 determined to be due and owing as a result of an audit, by this  
9 State or any other state or province, in accordance with  
10 Section 2-124 of this Code, of a prorate or apportion license  
11 fee payment pursuant to any reciprocal compact or agreement  
12 between this State and any other state or province, and the  
13 Secretary for any reason fails to promptly make such refund,  
14 the licensee shall have one year from the date of the  
15 notification of the audit result to file, with the Secretary,  
16 an application for refund found to be due and owing as a result  
17 of such audit; and (2) whenever a person eligible for a reduced  
18 registration fee pursuant to Section 3-806.3 of this Code has  
19 paid in excess of the reduced registration fee owed, the refund  
20 applicant shall have 2 years from the date of overpayment to  
21 apply with the Secretary for a refund of that part of payment  
22 made in excess of the established reduced registration fee.

23 (c) Whenever a person dies after making application for  
24 registration, application for a refund of the registration fees  
25 and taxes may be made if the vehicle is then sold or disposed  
26 of so that the registration plates, registration sticker and

1 card are never used. The Secretary of State shall refund the  
2 registration fees and taxes upon receipt within 6 months after  
3 the application for registration of an application for refund  
4 accompanied with the unused registration plates or  
5 registration sticker and card and proof of both the death of  
6 the applicant and the sale or disposition of the vehicle.

7 (d) Any application for refund received after the times  
8 specified in this Section shall be denied and the applicant in  
9 order to receive a refund must apply to the Court of Claims.

10 (d-5) Refunds may be granted for any title-related  
11 transaction if a title application has not been processed by  
12 the Secretary of State. If any application for a certificate of  
13 title under Section 3-104 or salvage title under Section 3-118  
14 is verified by the National Motor Vehicle Title Information  
15 System (NMVTIS), and receives a warning or error from the  
16 NMVTIS reporting that the vehicle requires either a salvage  
17 certificate or a junk certificate in lieu of the original  
18 applied certificate of title or salvage title, then the  
19 applicant shall have 6 months to apply for a refund of cost, or  
20 the difference of the certificate of title or salvage  
21 certificate.

22 (e) The Secretary of State is authorized to maintain a two  
23 signature revolving checking account with a suitable  
24 commercial bank for the purpose of depositing and  
25 withdrawal-for-return those monies received and determined  
26 upon receipt to be in excess of the amount or amounts required

1 by law.

2 (f) Refunds on audits performed by Illinois or another  
3 member of the International Registration Plan shall be made in  
4 accordance with the procedures as set forth in the agreement.

5 (Source: P.A. 92-69, eff. 7-12-01.)

6 Section 10. "AN ACT concerning transportation", approved  
7 August 5, 2013, (Public Act 98-176), as amended by "AN ACT  
8 concerning transportation", approved July 16, 2014, (Public  
9 Act 98-722), is amended by changing Section 99 as follows:

10 (P.A. 98-176, Sec. 99)

11 Sec. 99. Effective date. This Act takes effect July 1, 2015  
12 ~~July 8, 2015~~.

13 (Source: P.A. 98-176; 98-722)

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law.