



Rep. Natalie A. Manley

Filed: 3/14/2023

10300HB3747ham001

LRB103 30059 MXP 58768 a

1 AMENDMENT TO HOUSE BILL 3747

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3747 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by  
5 changing Sections 3-104, 3-117.3, and 3-116.1 and by adding  
6 Section 4-208.1 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 or Illinois place of  
13 business, mail address, and, if available, email address  
14 of the owner. For the purposes of this subsection  
15 "Illinois place of business" means an Illinois location  
16 leased or owned by a business, or in the case of an

1       insurance carrier, their contracted salvage disposal  
2       vendor;

3           2. A description of the vehicle including, so far as  
4       the following data exists: Its make, year-model,  
5       identifying number, type of body, whether new or used, as  
6       to house trailers as defined in Section 1-128 of this  
7       Code, and as to manufactured homes as defined in Section  
8       1-144.03 of this Code, the square footage based upon the  
9       outside dimensions excluding the length of the tongue and  
10      hitch, and, as to vehicles of the second division, whether  
11      for-hire, not-for-hire, or both for-hire and not-for-hire;

12           3. The date of purchase by applicant and, if  
13      applicable, the name and address of the person from whom  
14      the vehicle was acquired and the names and addresses of  
15      any lienholders in the order of their priority and  
16      signatures of owners;

17           4. The current odometer reading at the time of  
18      transfer and that the stated odometer reading is one of  
19      the following: actual mileage, not the actual mileage or  
20      mileage is in excess of its mechanical limits; and

21           5. Any further information the Secretary of State  
22      reasonably requires to identify the vehicle and to enable  
23      him to determine whether the owner is entitled to a  
24      certificate of title and the existence or nonexistence of  
25      security interests in the vehicle.

26      (a-5) The Secretary of State shall designate on the

1 prescribed application form a space where the owner of a  
2 vehicle may designate a beneficiary, to whom ownership of the  
3 vehicle shall pass in the event of the owner's death.

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

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

11 1. Any certified document of ownership so recognized  
12 and issued by the other State or country and acceptable to  
13 the Secretary of State, and

14 2. Any other information and documents the Secretary  
15 of State reasonably requires to establish the ownership of  
16 the vehicle and the existence or nonexistence of security  
17 interests in it.

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

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

1           (f) An application for a certificate of title for any  
2 vehicle, whether purchased in Illinois or outside Illinois,  
3 and even if previously registered in another State, must be  
4 accompanied by either an exemption determination from the  
5 Department of Revenue showing that no tax imposed pursuant to  
6 the Use Tax Act or the vehicle use tax imposed by Section  
7 3-1001 of the Illinois Vehicle Code is owed by anyone with  
8 respect to that vehicle, or a receipt from the Department of  
9 Revenue showing that any tax so imposed has been paid. An  
10 application for a certificate of title for any vehicle  
11 purchased outside Illinois, even if previously registered in  
12 another state, must be accompanied by either an exemption  
13 determination from the Department of Revenue showing that no  
14 tax imposed pursuant to the Municipal Use Tax Act or the County  
15 Use Tax Act is owed by anyone with respect to that vehicle, or  
16 a receipt from the Department of Revenue showing that any tax  
17 so imposed has been paid. In the absence of such a receipt for  
18 payment or determination of exemption from the Department, no  
19 certificate of title shall be issued to the applicant.

20           If the proof of payment of the tax or of nonliability  
21 therefor is, after the issuance of the certificate of title  
22 and display certificate of title, found to be invalid, the  
23 Secretary of State shall revoke the certificate and require  
24 that the certificate of title and, when applicable, the  
25 display certificate of title be returned to him.

26           (g) If the application refers to a vehicle not

1 manufactured in accordance with federal safety and emission  
2 standards, the application must be accompanied by all  
3 documents required by federal governmental agencies to meet  
4 their standards before a vehicle is allowed to be issued title  
5 and registration.

6 (h) If the application refers to a vehicle sold at public  
7 sale by a sheriff, it must be accompanied by the required fee  
8 and a bill of sale issued and signed by a sheriff. The bill of  
9 sale must identify the new owner's name and address, the year  
10 model, make and vehicle identification number of the vehicle,  
11 court order document number authorizing such sale, if  
12 applicable, and the name and address of any lienholders in  
13 order of priority, if applicable.

14 (i) If the application refers to a vehicle for which a  
15 court of law determined the ownership, it must be accompanied  
16 with a certified copy of such court order and the required fee.  
17 The court order must indicate the new owner's name and  
18 address, the complete description of the vehicle, if known,  
19 the name and address of the lienholder, if any, and must be  
20 signed and dated by the judge issuing such order.

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

1           (k) The Secretary may provide an expedited process for the  
2 issuance of vehicle titles. Expedited title applications must  
3 be delivered to the Secretary of State's Vehicle Services  
4 Department in Springfield by express mail service or hand  
5 delivery. Applications must be complete, including necessary  
6 forms, fees, and taxes. Applications received before noon on a  
7 business day will be processed and shipped that same day.  
8 Applications received after noon on a business day will be  
9 processed and shipped the next business day. The Secretary  
10 shall charge an additional fee of \$30 for this service, and  
11 that fee shall cover the cost of return shipping via an express  
12 mail service. All fees collected by the Secretary of State for  
13 expedited services shall be deposited into the Motor Vehicle  
14 License Plate Fund. In the event the Vehicle Services  
15 Department determines that the volume of expedited title  
16 requests received on a given day exceeds the ability of the  
17 Vehicle Services Department to process those requests in an  
18 expedited manner, the Vehicle Services Department may decline  
19 to provide expedited services, and the additional fee for the  
20 expedited service shall be refunded to the applicant.

21           (1) If the application refers to a homemade trailer, (i)  
22 it must be accompanied by the appropriate documentation  
23 regarding the source of materials used in the construction of  
24 the trailer, as required by the Secretary of State, (ii) the  
25 trailer must be inspected by a Secretary of State employee  
26 prior to the issuance of the title, and (iii) upon approval of

1 the Secretary of State, the trailer must have a vehicle  
2 identification number, as provided by the Secretary of State,  
3 stamped or riveted to the frame.

4 (m) The holder of a Manufacturer's Statement of Origin to  
5 a manufactured home may deliver it to any person to facilitate  
6 conveying or encumbering the manufactured home. Any person  
7 receiving any such Manufacturer's Statement of Origin so  
8 delivered holds it in trust for the person delivering it.

9 (n) Within 45 days after the completion of the first  
10 retail sale of a manufactured home, the Manufacturer's  
11 Statement of Origin to that manufactured home must be  
12 surrendered to the Secretary of State either in conjunction  
13 with an application for a certificate of title for that  
14 manufactured home or in accordance with Section 3-116.1.

15 (o) Each application for certificate of title for a motor  
16 vehicle shall be verified by the National Motor Vehicle Title  
17 Information System (NMVTIS) for a vehicle history report prior  
18 to the Secretary issuing a certificate of title.

19 (p) The Secretary, at the Secretary's discretion, may use  
20 any commercially available title history service to assist in  
21 determining the proper title designation of a motor vehicle  
22 before the issuance of a certificate of title.

23 (Source: P.A. 102-154, eff. 1-1-22.)

24 (625 ILCS 5/3-117.3)

25 Sec. 3-117.3. Junking or salvage certificates; insurance

1 company; salvage dealer.

2 (a) For purposes of this Section, "salvage dealer" means a  
3 licensed dealer who primarily sells salvage vehicles on behalf  
4 of insurance companies and obtains a "salvage dealer"  
5 designation through the used dealer application process under  
6 Section 5-102 of this Code.

7 (b) Notwithstanding any other provision of law to the  
8 contrary, an insurance company or salvage dealer may, after  
9 completing a record search for any owner of a vehicle or a  
10 lienholder of record, obtain free of any lien a junking  
11 certificate or salvage certificate in the insurance company's  
12 name by submitting an application for a junking certificate or  
13 salvage certificate to the Secretary of State. The application  
14 shall include, ~~but is not limited to,~~ proof of full payment, in  
15 whole or in part, to the vehicle owner or, if applicable, any  
16 lienholder of record and proof of notice to the vehicle owner  
17 and any lienholder via certified mail or other proof of  
18 service that a transfer of title shall occur no earlier than 30  
19 days after the date the notice is sent. Upon approval of the  
20 application, the Secretary shall issue to the insurance  
21 company a junking certificate or salvage certificate free of  
22 any lien in the insurance company's name. For the purposes of  
23 this subsection, "proof of full payment" means either a  
24 photocopy of a deposited insurance claim check or, for an  
25 electronic claims payment, a screen shot from the insurer's  
26 proprietary claim system that shows the payee, the amount



1 paid, and the date of payment. No other additional  
2 requirements shall be required of the insurer.

3 An insurance company or salvage dealer shall not sell a  
4 salvage vehicle with a title obtained under this subsection  
5 (b) to anyone not authorized to buy salvage vehicles under  
6 this Code.

7 This subsection (b) shall apply only to a motor vehicle  
8 titled in this State that has been through an insurance claims  
9 process and the owner of the vehicle or lienholder, if  
10 applicable, has received compensation in exchange for  
11 relinquishing the ownership rights of the vehicle to an  
12 insurance company licensed under the Illinois Insurance Code  
13 and the insurance company is unable to obtain an endorsed  
14 certificate of title within 30 days of payment to the owner or  
15 lienholder.

16 (c) Notwithstanding any other provision of law to the  
17 contrary, a salvage dealer may, after completing a record  
18 search for any owner of a vehicle or a lienholder of record,  
19 obtain free of any lien a junking certificate or salvage  
20 certificate in his or her name by submitting an application  
21 for a junking certificate or a salvage certificate to the  
22 Secretary of State which shall include, but is not limited to,  
23 proof of notice via certified mail or other proof of service to  
24 the vehicle owner or any lienholder that a transfer of title  
25 shall occur no earlier than 30 days after the date the notice  
26 is sent. The notice shall inform the vehicle owner or

1 lienholder that upon payment of any applicable charges, the  
2 vehicle may be removed from the salvage dealer's facility.  
3 Upon approval of the application, the Secretary shall issue to  
4 the salvage dealer a junking certificate or salvage  
5 certificate free of any lien in the salvage dealer's name.

6 A salvage dealer shall not sell a salvage vehicle with a  
7 title obtained under this subsection (c) to anyone not  
8 authorized to buy salvage vehicles under this Code.

9 This subsection (c) shall apply only to a motor vehicle  
10 titled in this State and in possession of a salvage dealer by  
11 request of an insurance company licensed under the Illinois  
12 Insurance Code to take possession of the motor vehicle subject  
13 to an insurance claim and the insurance company denies  
14 coverage of the vehicle or does not take ownership of the  
15 vehicle within 45 days of possession by the salvage dealer.

16 (d) A vehicle owner or lienholder may send notice of  
17 dispute of the transfer of title under this Section within 30  
18 days after the required notice is sent by the insurance  
19 company or salvage dealer. If a dispute between a vehicle  
20 owner or lienholder and an insurance company or salvage dealer  
21 cannot be resolved within 45 days after the required notice to  
22 the vehicle owner or lienholder is sent, the vehicle owner or  
23 lienholder, within 90 days after sending notice of dispute,  
24 shall petition a court of competent jurisdiction for an order  
25 to determine ownership of the vehicle and shall notify the  
26 Secretary of State of the filing of the petition. If a vehicle

1 owner or lienholder does not file a petition within the 90-day  
2 period, the title to the vehicle shall be issued to the  
3 insurance company or salvage dealer under this Section.

4 (e) Any person who without authority acquires, sells,  
5 exchanges, gives away, transfers, or destroys or offers to  
6 acquire, sell, exchange, give away, transfer, or destroy the  
7 certificate of title to any vehicle which is a junk or salvage  
8 vehicle shall be guilty of a Class 3 felony.

9 (f) Any person who knowingly fails to surrender to the  
10 Secretary of State a certificate of title, salvage  
11 certificate, or certificate of purchase is guilty of a Class A  
12 misdemeanor for a first offense and a Class 4 felony for a  
13 second and subsequent offense.

14 (g) Any vehicle which is salvage or junk may not be driven  
15 or operated on roads and highways within this State. A  
16 violation of this subsection (g) is a Class A misdemeanor. A  
17 salvage vehicle displaying valid special plates issued under  
18 subsection (b) of Section 3-601 of this Code, which is being  
19 driven to or from an inspection conducted under Section 3-308  
20 of this Code, is exempt from the provisions of this subsection  
21 (g). A salvage vehicle for which a short term permit has been  
22 issued under Section 3-307 of this Code is exempt from the  
23 provisions of this subsection (g) for the duration of the  
24 permit.

25 (h) The Secretary of State may adopt any rules necessary  
26 to implement this Section.

1 (Source: P.A. 100-104, eff. 11-9-17.)".