

HB0039



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0039

Introduced 12/15/2004, by Rep. Timothy L. Schmitz

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-104

from Ch. 95 1/2, par. 3-104

Amends the Illinois Vehicle Code. Provides that an application for a certificate of title must include the vehicle's color at the time of acquisition.

LRB094 03635 DRH 33640 b

A BILL FOR

1 AN ACT in relation to vehicles.

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 Section 3-104 as follows:

6 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

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

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

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

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

22 3. The date of purchase by applicant and, if
23 applicable, the name and address of the person from whom
24 the vehicle was acquired and the names and addresses of any
25 lienholders in the order of their priority and signatures
26 of owners;

27 4. The current odometer reading at the time of transfer
28 and that the stated odometer reading is one of the
29 following: actual mileage, not the actual mileage or
30 mileage is in excess of its mechanical limits; and

31 5. Any further information the Secretary of State
32 reasonably requires to identify the vehicle and to enable

1 him to determine whether the owner is entitled to a
2 certificate of title and the existence or nonexistence of
3 security interests in the vehicle.

4 (b) If the application refers to a vehicle purchased from a
5 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 of
15 State reasonably requires to establish the ownership of the
16 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 other
20 documents as required and acceptable by the Secretary of State,
21 with such assignments as may be necessary to show title in the
22 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.

27 (f) An application for a certificate of title for any
28 vehicle, whether purchased in Illinois or outside Illinois, and
29 even if previously registered in another State, must be
30 accompanied by either an exemption determination from the
31 Department of Revenue showing that no tax imposed pursuant to
32 the Use Tax Act or the vehicle use tax imposed by Section
33 3-1001 of the Illinois Vehicle Code is owed by anyone with
34 respect to that vehicle, or a receipt from the Department of
35 Revenue showing that any tax so imposed has been paid. An
36 application for a certificate of title for any vehicle

1 purchased outside Illinois, even if previously registered in
2 another state, must be accompanied by either an exemption
3 determination from the Department of Revenue showing that no
4 tax imposed pursuant to the Municipal Use Tax Act or the County
5 Use Tax Act is owed by anyone with respect to that vehicle, or
6 a receipt from the Department of Revenue showing that any tax
7 so imposed has been paid. In the absence of such a receipt for
8 payment or determination of exemption from the Department, no
9 certificate of title shall be issued to the applicant.

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

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

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

29 (i) If the application refers to a vehicle for which a
30 court of law determined the ownership, it must be accompanied
31 with a certified copy of such court order and the required fee.
32 The court order must indicate the new owner's name and address,
33 the complete description of the vehicle, if known, the name and
34 address of the lienholder, if any, and must be signed and dated
35 by the judge issuing such order.

36 (j) If the application refers to a vehicle sold at public

1 auction pursuant to the Labor and Storage Lien (Small Amount)
2 Act, it must be accompanied by an affidavit or affirmation
3 furnished by the Secretary of State along with the documents
4 described in the affidavit or affirmation and the required fee.
5 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;
6 90-655, eff. 7-30-98.)