

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  
5 changing 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, age, Illinois residence and mail  
12 address of the owner;

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

27 4. The current odometer reading at the time of  
28 transfer and that the stated odometer reading is one of  
29 the 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

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

5 (a-1) If the owner listed on the application is a person  
6 under the age of 18 years or, if multiple owners are listed,  
7 any of the owners is a person under the age of 18 years and  
8 no other owner is the parent or legal guardian of that  
9 person, the application must be accompanied by one of the  
10 following:

11 (1) written documentation, acceptable to the  
12 Secretary of State, establishing that the person under 18  
13 years of age is legally an emancipated minor; or

14 (2) A statement, signed by the parent or legal  
15 guardian of the person under 18 years of age, consenting  
16 to the application.

17 The Secretary shall adopt rules for implementing this  
18 subsection (a-1).

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

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

27 1. Any certified document of ownership so  
28 recognized and issued by the other State or country and  
29 acceptable to the Secretary of State, and

30 2. Any other information and documents the  
31 Secretary of State reasonably requires to establish the  
32 ownership of the vehicle and the existence or  
33 nonexistence of security interests in it.

34 (d) If the application refers to a new vehicle it must

1 be accompanied by the Manufacturer's Statement of Origin, or  
2 other documents as required and acceptable by the Secretary  
3 of State, with such assignments as may be necessary to show  
4 title in the applicant.

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

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

29 If the proof of payment of the tax or of nonliability  
30 therefor is, after the issuance of the certificate of title  
31 and display certificate of title, found to be invalid, the  
32 Secretary of State shall revoke the certificate and require  
33 that the certificate of title and, when applicable, the  
34 display certificate of title be returned to him.

1 (g) If the application refers to a vehicle not  
2 manufactured in accordance with federal safety and emission  
3 standards, the application must be accompanied by all  
4 documents required by federal governmental agencies to meet  
5 their standards before a vehicle is allowed to be issued  
6 title and registration.

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

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

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

29 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;  
30 90-655, eff. 7-30-98.)