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09300HB4127ham001

LRB093 17652 DRH 47852 a

1 AMENDMENT TO HOUSE BILL 4127

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 4127 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 and 3-302 and by adding Sections  
6 3-102.1 and 5-106.1 as follows:

7 (625 ILCS 5/3-102.1 new)

8 Sec. 3-102.1. Purchase of vehicles by specified offenders  
9 prohibited.

10 (a) A person may not purchase a motor vehicle while that  
11 person's driving privileges are suspended or revoked as result  
12 of a conviction for violating Section 9-3 of the Criminal Code  
13 of 1961 relating to the offense of reckless homicide, or a  
14 conviction for violating Section 11-501 of this Code or a  
15 similar provision of a local ordinance, or have been suspended  
16 in accordance with a statutory summary suspension as authorized  
17 by Section 11-501.1 of this Code, unless the purchaser has been  
18 issued a driving permit as authorized by this Code that is in  
19 effect at the time of the purchase.

20 (b) Violation of this Section is a Class C misdemeanor.

21 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

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

23 (a) The application for a certificate of title for a

1 vehicle in this State must be made by the owner to the  
2 Secretary of State on the form prescribed and must contain:

3 1. The name, Illinois residence and mail address of the  
4 owner, and the drivers license number of the owner if the  
5 owner has previously been issued a driver's license;

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

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

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

24 4.1. A certification that, at the time of the  
25 application for title, the owner's driving privileges are  
26 not suspended or revoked as result of a conviction for  
27 violating Section 9-3 of the Criminal Code of 1961 relating  
28 to the offense of reckless homicide, or a conviction for  
29 violating Section 11-501 of this Code or a similar  
30 provision of a local ordinance, or suspended pursuant to a  
31 statutory summary suspension as authorized by Section  
32 11-501.1 of this Code or, if the owner's driving privileges  
33 have been suspended or revoked, that the owner has been  
34 issued a driving permit as authorized by this Code that is

1       in effect at the time of the application for title; and

2           5. Any further information the Secretary of State  
3 reasonably requires to identify the vehicle and to enable  
4 him to determine whether the owner is entitled to a  
5 certificate of title and the existence or nonexistence of  
6 security interests in the vehicle.

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

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

14           1. Any certified document of ownership so recognized  
15 and issued by the other State or country and acceptable to  
16 the Secretary of State, and

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

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

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

30           (f) An application for a certificate of title for any  
31 vehicle, whether purchased in Illinois or outside Illinois, and  
32 even if previously registered in another State, must be  
33 accompanied by either an exemption determination from the  
34 Department of Revenue showing that no tax imposed pursuant to

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

15 If the proof of payment of the tax or of nonliability  
16 therefor is, after the issuance of the certificate of title and  
17 display certificate of title, found to be invalid, the  
18 Secretary of State shall revoke the certificate and require  
19 that the certificate of title and, when applicable, the display  
20 certificate of title be returned to him.

21 (g) If the application refers to a vehicle not manufactured  
22 in accordance with federal safety and emission standards, the  
23 application must be accompanied by all documents required by  
24 federal governmental agencies to meet their standards before a  
25 vehicle is allowed to be issued title and registration.

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

34 (i) If the application refers to a vehicle for which a

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

7 (j) If the application refers to a vehicle sold at public  
8 auction pursuant to the Labor and Storage Lien (Small Amount)  
9 Act, it must be accompanied by an affidavit or affirmation  
10 furnished by the Secretary of State along with the documents  
11 described in the affidavit or affirmation and the required fee.  
12 (Source: P.A. 90-212, eff. 1-1-98; 90-422, eff. 8-15-97;  
13 90-655, eff. 7-30-98.)

14 (625 ILCS 5/3-302) (from Ch. 95 1/2, par. 3-302)

15 Sec. 3-302. Application for title; contents. Every  
16 application for a certificate of title for a rebuilt vehicle  
17 shall be made upon a form prescribed by the Secretary of State,  
18 and shall include the following:

19 1. The name, residence and mailing address of the  
20 owner, and the driver's license number of the owner if the  
21 owner has been previously issued a driver's license;

22 2. A description of the vehicle including, so far as  
23 the following data exists: its make, year-model,  
24 identifying number, type of body, whether new or used, and  
25 as to vehicles of the second division, whether for-hire,  
26 not-for-hire, or both for-hire and not-for-hire;

27 3. The date of purchase by applicant, the name and  
28 address of the person from whom the vehicle was acquired  
29 and the names and addresses of any lienholders in the order  
30 of their priority;

31 4.1. A certification that at the time of the  
32 application for title the owner's driving privileges are  
33 not suspended or revoked pursuant to a conviction for

1 violating Section 9-3 of the Criminal Code of 1961 relating  
2 to the offense of reckless homicide, or a conviction for  
3 violating Section 11-501 of this Code or a similar  
4 provision of a local ordinance, or suspended pursuant to a  
5 statutory summary suspension as authorized by Section  
6 11-501.1 of this Code or, if the owner's driving privileges  
7 have been suspended or revoked, that the owner has been  
8 issued a driving permit as authorized by this Code that is  
9 in effect at the time of the application for title;

10 4. The current odometer reading at the time of transfer  
11 and that the stated odometer reading is one of the  
12 following: actual mileage, not the actual mileage or  
13 mileage is in excess of its mechanical limits; and

14 5. Any further information the Secretary of State  
15 reasonably requires to identify the vehicle and to enable  
16 him to determine whether the owner is entitled to a  
17 certificate of title and the existence or nonexistence of  
18 security interests in the vehicle.

19 (Source: P.A. 92-651, eff. 7-11-02.)

20 (625 ILCS 5/5-106.1 new)

21 Sec. 5-106.1. Sales to certain offenders prohibited. A new  
22 or used motor vehicle dealer may not sell a motor vehicle to  
23 any individual whose driving privileges are suspended or  
24 revoked as result of a conviction for violating Section 9-3 of  
25 the Criminal Code of 1961 relating to the offense of reckless  
26 homicide, or a conviction for violating Section 11-501 of this  
27 Code or a similar provision of a local ordinance, or suspended  
28 in accordance with a statutory summary suspension as authorized  
29 by Section 11-501.1 of this Code, unless the individual has  
30 been issued a driving permit as authorized by this Code that is  
31 in effect at the time of the purchase.

32 Section 10. The Criminal Code of 1961 is amended by

1 changing Section 36-1 as follows:

2 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

3 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
4 with the knowledge and consent of the owner in the commission  
5 of, or in the attempt to commit as defined in Section 8-4 of  
6 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
7 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,  
8 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,  
9 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,  
10 or 28-1 of this Code, paragraph (a) of Section 12-4 of this  
11 Code, paragraph (a) of Section 12-15 or paragraphs (a), (c) or  
12 (d) of Section 12-16 of this Code, or paragraph (a)(6) or  
13 (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23, 24  
14 or 26 of the Cigarette Tax Act if the vessel, vehicle or  
15 aircraft contains more than 10 cartons of such cigarettes; (c)  
16 Section 28, 29 or 30 of the Cigarette Use Tax Act if the  
17 vessel, vehicle or aircraft contains more than 10 cartons of  
18 such cigarettes; (d) Section 44 of the Environmental Protection  
19 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) the  
20 offenses described in the following provisions of the Illinois  
21 Vehicle Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),  
22 (c-1)(3), (d)(1)(A), or (d)(1)(D); (g) an offense described in  
23 subsection (g) of Section 6-303 of the Illinois Vehicle Code;  
24 or (h) an offense described in subsection (e) of Section 6-101  
25 of the Illinois Vehicle Code; or any vehicle purchased in  
26 violation of Section 3-102.1 of the Illinois Vehicle Code may  
27 be seized and delivered forthwith to the sheriff of the county  
28 of seizure.

29 Within 15 days after such delivery the sheriff shall give  
30 notice of seizure to each person according to the following  
31 method: Upon each such person whose right, title or interest is  
32 of record in the office of the Secretary of State, the  
33 Secretary of Transportation, the Administrator of the Federal

1 Aviation Agency, or any other Department of this State, or any  
2 other state of the United States if such vessel, vehicle or  
3 aircraft is required to be so registered, as the case may be,  
4 by mailing a copy of the notice by certified mail to the  
5 address as given upon the records of the Secretary of State,  
6 the Department of Aeronautics, Department of Public Works and  
7 Buildings or any other Department of this State or the United  
8 States if such vessel, vehicle or aircraft is required to be so  
9 registered. Within that 15 day period the sheriff shall also  
10 notify the State's Attorney of the county of seizure about the  
11 seizure.

12 In addition, any mobile or portable equipment used in the  
13 commission of an act which is in violation of Section 7g of the  
14 Metropolitan Water Reclamation District Act shall be subject to  
15 seizure and forfeiture under the same procedures provided in  
16 this Article for the seizure and forfeiture of vessels,  
17 vehicles and aircraft, and any such equipment shall be deemed a  
18 vessel, vehicle or aircraft for purposes of this Article.

19 When a person discharges a firearm at another individual  
20 from a vehicle with the knowledge and consent of the owner of  
21 the vehicle and with the intent to cause death or great bodily  
22 harm to that individual and as a result causes death or great  
23 bodily harm to that individual, the vehicle shall be subject to  
24 seizure and forfeiture under the same procedures provided in  
25 this Article for the seizure and forfeiture of vehicles used in  
26 violations of clauses (a), (b), (c), or (d) of this Section.

27 If the spouse of the owner of a vehicle seized for an  
28 offense described in subsection (g) of Section 6-303 of the  
29 Illinois Vehicle Code, a violation of subdivision (c-1)(1),  
30 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501  
31 of the Illinois Vehicle Code, or Section 9-3 of this Code makes  
32 a showing that the seized vehicle is the only source of  
33 transportation and it is determined that the financial hardship  
34 to the family as a result of the seizure outweighs the benefit



1 to the State from the seizure, the vehicle may be forfeited to  
2 the spouse or family member and the title to the vehicle shall  
3 be transferred to the spouse or family member who is properly  
4 licensed and who requires the use of the vehicle for employment  
5 or family transportation purposes. A written declaration of  
6 forfeiture of a vehicle under this Section shall be sufficient  
7 cause for the title to be transferred to the spouse or family  
8 member. The provisions of this paragraph shall apply only to  
9 one forfeiture per vehicle. If the vehicle is the subject of a  
10 subsequent forfeiture proceeding by virtue of a subsequent  
11 conviction of either spouse or the family member, the spouse or  
12 family member to whom the vehicle was forfeited under the first  
13 forfeiture proceeding may not utilize the provisions of this  
14 paragraph in another forfeiture proceeding. If the owner of the  
15 vehicle seized owns more than one vehicle, the procedure set  
16 out in this paragraph may be used for only one vehicle.

17 Property declared contraband under Section 40 of the  
18 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
19 seized and forfeited under this Article.

20 (Source: P.A. 92-57, eff. 1-1-02; 92-688, eff. 7-16-02; 93-187,  
21 eff. 7-11-03.)

22 Section 99. Effective date. This Act takes effect January  
23 1, 2005."