

HB3123



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB3123

Introduced 2/22/2005, by Rep. Tom Cross

SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-402

from Ch. 95 1/2, par. 3-402

Amends the Illinois Vehicle Code. Makes a technical change in a Section concerning vehicles subject to registration.

LRB094 08500 DRH 38707 b

A BILL FOR

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 Section 3-402 as follows:

6 (625 ILCS 5/3-402) (from Ch. 95 1/2, par. 3-402)

7 Sec. 3-402. Vehicles subject to registration; exceptions.

8 A. Exemptions and ~~and~~ Policy. Every motor vehicle, trailer,
9 semitrailer and pole trailer when driven or moved upon a
10 highway shall be subject to the registration and certificate of
11 title provisions of this Chapter except:

12 (1) Any such vehicle driven or moved upon a highway in
13 conformance with the provisions of this Chapter relating to
14 manufacturers, transporters, dealers, lienholders or
15 nonresidents or under a temporary registration permit
16 issued by the Secretary of State;

17 (2) Any implement of husbandry whether of a type
18 otherwise subject to registration hereunder or not which is
19 only incidentally operated or moved upon a highway, which
20 shall include a not-for-hire movement for the purpose of
21 delivering farm commodities to a place of first processing
22 or sale, or to a place of storage;

23 (3) Any special mobile equipment as herein defined;

24 (4) Any vehicle which is propelled exclusively by
25 electric power obtained from overhead trolley wires though
26 not operated upon rails;

27 (5) Any vehicle which is equipped and used exclusively
28 as a pumper, ladder truck, rescue vehicle, searchlight
29 truck, or other fire apparatus, but not a vehicle of a type
30 which would otherwise be subject to registration as a
31 vehicle of the first division;

32 (6) Any vehicle which is owned and operated by the

1 federal government and externally displays evidence of
2 federal ownership. It is the policy of the State of
3 Illinois to promote and encourage the fullest use of its
4 highways and to enhance the flow of commerce thus
5 contributing to the economic, agricultural, industrial and
6 social growth and development of this State, by authorizing
7 the Secretary of State to negotiate and enter into
8 reciprocal or proportional agreements or arrangements with
9 other States, or to issue declarations setting forth
10 reciprocal exemptions, benefits and privileges with
11 respect to vehicles operated interstate which are properly
12 registered in this and other States, assuring nevertheless
13 proper registration of vehicles in Illinois as may be
14 required by this Code;

15 (7) Any converter dolly or tow dolly which merely
16 serves as substitute wheels for another legally licensed
17 vehicle. A title may be issued on a voluntary basis to a
18 tow dolly upon receipt of the manufacturer's certificate of
19 origin or the bill of sale;

20 (8) Any house trailer found to be an abandoned mobile
21 home under the Abandoned Mobile Home Act;

22 (9) Any vehicle that is not properly registered or does
23 not have registration plates issued to the owner or
24 operator affixed thereto, or that does have registration
25 plates issued to the owner or operator affixed thereto but
26 the plates are not appropriate for the weight of the
27 vehicle, provided that this exemption shall apply only
28 while the vehicle is being transported or operated by a
29 towing service and has a third tow plate affixed to it.

30 B. Reciprocity. Any motor vehicle, trailer, semitrailer or
31 pole trailer need not be registered under this Code provided
32 the same is operated interstate and in accordance with the
33 following provisions and any rules and regulations promulgated
34 pursuant thereto:

35 (1) A nonresident owner, except as otherwise provided
36 in this Section, owning any foreign registered vehicle of a

1 type otherwise subject to registration hereunder, may
2 operate or permit the operation of such vehicle within this
3 State in interstate commerce without registering such
4 vehicle in, or paying any fees to, this State subject to
5 the condition that such vehicle at all times when operated
6 in this State is operated pursuant to a reciprocity
7 agreement, arrangement or declaration by this State, and
8 further subject to the condition that such vehicle at all
9 times when operated in this State is duly registered in,
10 and displays upon it, a valid registration card and
11 registration plate or plates issued for such vehicle in the
12 place of residence of such owner and is issued and
13 maintains in such vehicle a valid Illinois reciprocity
14 permit as required by the Secretary of State, and provided
15 like privileges are afforded to residents of this State by
16 the State of residence of such owner.

17 Every nonresident including any foreign corporation
18 carrying on business within this State and owning and
19 regularly operating in such business any motor vehicle,
20 trailer or semitrailer within this State in intrastate
21 commerce, shall be required to register each such vehicle
22 and pay the same fees therefor as is required with
23 reference to like vehicles owned by residents of this
24 State.

25 (2) Any motor vehicle, trailer, semitrailer and pole
26 trailer operated interstate need not be registered in this
27 State, provided:

28 (a) that the vehicle is properly registered in
29 another State pursuant to law or to a reciprocity
30 agreement, arrangement or declaration; or

31 (b) that such vehicle is part of a fleet of
32 vehicles owned or operated by the same person who
33 registers such fleet of vehicles pro rata among the
34 various States in which such fleet operates; or

35 (c) that such vehicle is part of a fleet of
36 vehicles, a portion of which are registered with the

1 Secretary of State of Illinois in accordance with an
2 agreement or arrangement concurred in by the Secretary
3 of State of Illinois based on one or more of the
4 following factors: ratio of miles in Illinois as
5 against total miles in all jurisdictions; situs or base
6 of a vehicle, or where it is principally garaged, or
7 from whence it is principally dispatched or where the
8 movements of such vehicle usually originate; situs of
9 the residence of the owner or operator thereof, or of
10 his principal office or offices, or of his places of
11 business; the routes traversed and whether regular or
12 irregular routes are traversed, and the jurisdictions
13 traversed and served; and such other factors as may be
14 deemed material by the Secretary and the motor vehicle
15 administrators of the other jurisdictions involved in
16 such apportionment. Such vehicles shall maintain
17 therein any reciprocity permit which may be required by
18 the Secretary of State pursuant to rules and
19 regulations which the Secretary of State may
20 promulgate in the administration of this Code, in the
21 public interest.

22 (3) (a) In order to effectuate the purposes of this
23 Code, the Secretary of State of Illinois is empowered
24 to negotiate and execute written reciprocal agreements
25 or arrangements with the duly authorized
26 representatives of other jurisdictions, including
27 States, districts, territories and possessions of the
28 United States, and foreign states, provinces, or
29 countries, granting to owners or operators of vehicles
30 duly registered or licensed in such other
31 jurisdictions and for which evidence of compliance is
32 supplied, benefits, privileges and exemption from the
33 payment, wholly or partially, of any taxes, fees or
34 other charges imposed with respect to the ownership or
35 operation of such vehicles by the laws of this State
36 except the tax imposed by the Motor Fuel Tax Law,

1 approved March 25, 1929, as amended, and the tax
2 imposed by the Use Tax Act, approved July 14, 1955, as
3 amended.

4 The Secretary of State may negotiate agreements or
5 arrangements as are in the best interests of this State
6 and the residents of this State pursuant to the
7 policies expressed in this Section taking into
8 consideration the reciprocal exemptions, benefits and
9 privileges available and accruing to residents of this
10 State and vehicles registered in this State.

11 (b) Such reciprocal agreements or arrangements
12 shall provide that vehicles duly registered or
13 licensed in this State when operated upon the highways
14 of such other jurisdictions, shall receive exemptions,
15 benefits and privileges of a similar kind or to a
16 similar degree as extended to vehicles from such
17 jurisdictions in this State.

18 (c) Such agreements or arrangements may also
19 authorize the apportionment of registration or
20 licensing of fleets of vehicles operated interstate,
21 based on any or all of the following factors: ratio of
22 miles in Illinois as against total miles in all
23 jurisdictions; situs or base of a vehicle, or where it
24 is principally garaged or from whence it is principally
25 dispatched or where the movements of such vehicle
26 usually originate; situs of the residence of the owner
27 or operator thereof, or of his principal office or
28 offices, or of his places of business; the routes
29 traversed and whether regular or irregular routes are
30 traversed, and the jurisdictions traversed and served;
31 and such other factors as may be deemed material by the
32 Secretary and the motor vehicle administrators of the
33 other jurisdictions involved in such apportionment,
34 and such vehicles shall likewise be entitled to
35 reciprocal exemptions, benefits and privileges.

36 (d) Such agreements or arrangements shall also

1 provide that vehicles being operated in intrastate
2 commerce in Illinois shall comply with the
3 registration and licensing laws of this State, except
4 that vehicles which are part of an apportioned fleet
5 may conduct an intrastate operation incidental to
6 their interstate operations. Any motor vehicle
7 properly registered and qualified under any reciprocal
8 agreement or arrangement under this Code and not having
9 a situs or base within Illinois may complete the
10 inbound movement of a trailer or semitrailer to an
11 Illinois destination that was brought into Illinois by
12 a motor vehicle also properly registered and qualified
13 under this Code and not having a situs or base within
14 Illinois, or may complete an outbound movement of a
15 trailer or semitrailer to an out-of-state destination
16 that was originated in Illinois by a motor vehicle also
17 properly registered and qualified under this Code and
18 not having a situs or base in Illinois, only if the
19 operator thereof did not break bulk of the cargo laden
20 in such inbound or outbound trailer or semitrailer.
21 Adding or unloading intrastate cargo on such inbound or
22 outbound trailer or semitrailer shall be deemed as
23 breaking bulk.

24 (e) Such agreements or arrangements may also
25 provide for the determination of the proper State in
26 which leased vehicles shall be registered based on the
27 factors set out in subsection (c) above and for
28 apportionment of registration of fleets of leased
29 vehicles by the lessee or by the lessor who leases such
30 vehicles to persons who are not fleet operators.

31 (f) Such agreements or arrangements may also
32 include reciprocal exemptions, benefits or privileges
33 accruing under The Illinois Driver Licensing Law or The
34 Driver License Compact.

35 (4) The Secretary of State is further authorized to
36 examine the laws and requirements of other jurisdictions,

1 and, in the absence of a written agreement or arrangement,
2 to issue a written declaration of the extent and nature of
3 the exemptions, benefits and privileges accorded to
4 vehicles of this State by such other jurisdictions, and the
5 extent and nature of reciprocal exemptions, benefits and
6 privileges thereby accorded by this State to the vehicles
7 of such other jurisdictions. A declaration by the Secretary
8 of State may include any, part or all reciprocal
9 exemptions, benefits and privileges or provisions as may be
10 included within an agreement or arrangement.

11 (5) All agreements, arrangements, declarations and
12 amendments thereto, shall be in writing and become
13 effective when signed by the Secretary of State, and copies
14 of all such documents shall be available to the public upon
15 request.

16 (6) The Secretary of State is further authorized to
17 require the display by foreign registered trucks,
18 truck-tractors and buses, entitled to reciprocal benefits,
19 exemptions or privileges hereunder, a reciprocity permit
20 for external display before any such reciprocal benefits,
21 exemptions or privileges are granted. The Secretary of
22 State shall provide suitable application forms for such
23 permit and shall promulgate and publish reasonable rules
24 and regulations for the administration and enforcement of
25 the provisions of this Code including a provision for
26 revocation of such permit as to any vehicle operated
27 wilfully in violation of the terms of any reciprocal
28 agreement, arrangement or declaration or in violation of
29 the Illinois Motor Carrier of Property Law, as amended.

30 (7) (a) Upon the suspension, revocation or denial of
31 one or more of all reciprocal benefits, privileges and
32 exemptions existing pursuant to the terms and
33 provisions of this Code or by virtue of a reciprocal
34 agreement or arrangement or declaration thereunder;
35 or, upon the suspension, revocation or denial of a
36 reciprocity permit; or, upon any action or inaction of

1 the Secretary in the administration and enforcement of
2 the provisions of this Code, any person, resident or
3 nonresident, so aggrieved, may serve upon the
4 Secretary, a petition in writing and under oath,
5 setting forth the grievance of the petitioner, the
6 grounds and basis for the relief sought, and all
7 necessary facts and particulars, and request an
8 administrative hearing thereon. Within 20 days, the
9 Secretary shall set a hearing date as early as
10 practical. The Secretary may, in his discretion,
11 supply forms for such a petition. The Secretary may
12 require the payment of a fee of not more than \$50 for
13 the filing of any petition, motion, or request for
14 hearing conducted pursuant to this Section. These fees
15 must be deposited into the Secretary of State DUI
16 Administration Fund, a special fund that is hereby
17 created in the State treasury, and, subject to
18 appropriation and as directed by the Secretary of
19 State, shall be used to fund the operation of the
20 hearings department of the Office of the Secretary of
21 State and for no other purpose. The Secretary shall
22 establish by rule the amount and the procedures, terms,
23 and conditions relating to these fees.

24 (b) The Secretary may likewise, in his discretion
25 and upon his own petition, order a hearing, when in his
26 best judgment, any person is not entitled to the
27 reciprocal benefits, privileges and exemptions
28 existing pursuant to the terms and provisions of this
29 Code or under a reciprocal agreement or arrangement or
30 declaration thereunder or that a vehicle owned or
31 operated by such person is improperly registered or
32 licensed, or that an Illinois resident has improperly
33 registered or licensed a vehicle in another
34 jurisdiction for the purposes of violating or avoiding
35 the registration laws of this State.

36 (c) The Secretary shall notify a petitioner or any

1 other person involved of such a hearing, by giving at
2 least 10 days notice, in writing, by U.S. Mail,
3 Registered or Certified, or by personal service, at the
4 last known address of such petitioner or person,
5 specifying the time and place of such hearing. Such
6 hearing shall be held before the Secretary, or any
7 person as he may designate, and unless the parties
8 mutually agree to some other county in Illinois, the
9 hearing shall be held in the County of Sangamon or the
10 County of Cook. Appropriate records of the hearing
11 shall be kept, and the Secretary shall issue or cause
12 to be issued, his decision on the case, within 30 days
13 after the close of such hearing or within 30 days after
14 receipt of the transcript thereof, and a copy shall
15 likewise be served or mailed to the petitioner or
16 person involved.

17 (d) The actions or inactions or determinations, or
18 findings and decisions upon an administrative hearing,
19 of the Secretary, shall be subject to judicial review
20 in the Circuit Court of the County of Sangamon or the
21 County of Cook, and the provisions of the
22 Administrative Review Law, and all amendments and
23 modifications thereof and rules adopted pursuant
24 thereto, apply to and govern all such reviewable
25 matters.

26 Any reciprocal agreements or arrangements entered
27 into by the Secretary of State or any declarations
28 issued by the Secretary of State pursuant to any law in
29 effect prior to the effective date of this Code are not
30 hereby abrogated, and such shall continue in force and
31 effect until amended pursuant to the provisions of this
32 Code or expire pursuant to the terms or provisions
33 thereof.

34 (Source: P.A. 92-418, eff. 8-17-01; 92-651, eff. 7-11-02.)