

# HB2320



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB2320

Introduced 2/18/2009, by Rep. Rich Brauer

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/3-113

from Ch. 95 1/2, par. 3-113

Amends the Illinois Vehicle Code to provide that if all spaces provided for execution of an assignment on a certificate of title of a motor vehicle are filled, a dealer may execute an assignment and warranty of title to a buyer by attaching an affidavit, which must be sworn to by the dealer and contain all necessary information to complete the assignment, to the filled title and mailing the documents to the Secretary of State with the transferee's application for a new certificate. Effective immediately.

LRB096 08442 AJT 18559 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 3-113 as follows:

6 (625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)

7 Sec. 3-113. Transfer to or from dealer; records.

8 (a) After a dealer buys a vehicle and holds it for resale,  
9 the dealer must procure the certificate of title from the owner  
10 or the lienholder. The dealer may hold the certificate until he  
11 or she transfers the vehicle to another person. Upon  
12 transferring the vehicle to another person, the dealer shall  
13 promptly and within 20 days execute the assignment and warranty  
14 of title by a dealer, showing the names and addresses of the  
15 transferee and of any lienholder holding a security interest  
16 created or reserved at the time of the resale, in the spaces  
17 provided therefor on the certificate or as the Secretary of  
18 State prescribes, and mail or deliver the certificate to the  
19 Secretary of State with the transferee's application for a new  
20 certificate, except as provided in Section 3-117.2. If all  
21 spaces provided for execution of an assignment on the  
22 certificate of title are filled, then the dealer may execute to  
23 the transferee an assignment and warranty of title by attaching

1 an affidavit, which must be sworn to by the dealer and contain  
2 all necessary information to complete the assignment, to the  
3 filled title and mailing the documents to the Secretary of  
4 State with the transferee's application for a new certificate.

5 A dealer has complied with this Section if the date of the  
6 mailing of the certificate, as indicated by the postmark, is  
7 within 20 days of the date on which the vehicle was transferred  
8 to another person.

9 (b) The Secretary of State may decline to process any  
10 application for a transfer of an interest in a vehicle if any  
11 fees or taxes due under this Code from the transferor or the  
12 transferee have not been paid upon reasonable notice and  
13 demand.

14 (c) Any person who violates this Section shall be guilty of  
15 a petty offense.

16 (Source: P.A. 94-239, eff. 1-1-06; 95-284, eff. 1-1-08.)

17 Section 99. Effective date. This Act takes effect upon  
18 becoming law.