

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1010
CERTIFICATES OF TITLE, REGISTRATION OF VEHICLES

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SUBPART B: TITLES

Section 1010.150 Transferring Certificates of Title Upon the Owner's Death

- a) This Section sets forth the required documentation to be submitted to the Vehicle Services Department within the Office of the Secretary of State to transfer decedents' certificates of title to vehicles. Upon the death of a vehicle owner, the procedure for transferring the vehicle title depends on whether the title was held individually by the decedent or held in joint tenancy. If the title was in the decedent's name only, the procedure depends on whether the decedent's estate is being probated. If the title was held jointly by the decedent and another person, the procedures in subsection (c) apply.
- b) **Original Title in Decedent's Name Only**
One of the following three procedures shall be used to transfer the decedent's title to an heir, legatee or any third party.
 - 1) **Probate**
If the decedent's estate is probated, the Secretary of State requires the following documents to transfer the decedent's certificate of title.

- A) A certified copy of the letters of administration, letters testamentary, or letters of guardianship naming the legal representative of the decedent's estate.
- B) The decedent's title must be surrendered, and it must be assigned by the legal representative of the estate to the transferee.
- C) An application for title must be completed and signed by the transferee.
- D) The applicant must submit the required \$3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax (see 86 Ill. Adm. Code 151).

2) Small ~~Estate~~Estates Affidavit

A Small ~~Estate~~Estates Affidavit can be used to transfer the decedent's certificate of title if the conditions of Section 25-1 of the Probate Act of 1975 [755 ILCS 5] are satisfied, the estate was not probated, and the following documents are submitted to the Secretary of State.

- A) A Small ~~Estate~~Estates Affidavit describing the vehicle by model year, make, and vehicle identification number. If the vehicle owner dies on or after September 16, 1985, a copy of the death certificate must be attached.
- B) A certified copy of the will if the vehicle owner died testate.
- C) The decedent's title must be surrendered.
- D) An application for title must be completed and signed by the transferee.
- E) The applicant must submit the required \$3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax.

3) Attorney's Affidavit

The Attorney's Affidavit can be used to transfer the decedent's certificate of title if the following documents are submitted.

- A) Attorney's Affidavit on the attorney's letterhead stationery, stating:

- i) The name and last address of the decedent.
 - ii) The model year, make and vehicle identification number of the vehicle.
 - iii) To whom the vehicle is being transferred and the relationship between the transferee and the decedent, if any.
 - B) A copy of the death certificate.
 - C) The decedent's title must be surrendered.
 - D) An application for title must be completed and signed by the transferee.
 - E) The applicant must submit the required \$3 title fee, any applicable registration fees, and proof of compliance with, or exemption from, the Vehicle Use Tax.
- c) Original Title Held Jointly in Decedent's and Surviving Joint Tenant's Names
 - 1) If the title applicant is the surviving joint tenant, the following documents are required to correct the title.
 - A) A copy of the death certificate.
 - B) The original title must be surrendered but need not be assigned.
 - C) An application for a corrected title to remove the decedent's name from the original title.
 - D) If the applicant plans to operate the vehicle, the applicant must submit an application to correct the registration. A current registration shall be assigned to the surviving joint tenant.
 - E) The applicant must submit the required \$3 title fee and, if applicable, the \$2 corrected registration fee.
 - 2) If the surviving joint tenant chooses to transfer the vehicle to a third party, the following documents are required to transfer title.
 - A) A copy of the death certificate.

- B) The original title must be assigned by the surviving tenant to the transferee.
- C) An application for title must be completed and signed by the transferee.
- D) The applicant must submit the required \$3 title fee and show proof of compliance with, or exemption from, the Vehicle Use Tax.
- E) If the transferee intends to operate the vehicle upon the public highways, the transferee must pay the applicable registration fees. The application for title will serve as an application for registration.

d) Beneficiary Designated on Title

1) Requirements to register a beneficiary on the Illinois certificate of title:

- A) The Illinois title must be registered as a sole owner with no lienholder.
- B) The vehicle owner must be an individual and not a business (this business prohibition includes governmental bodies and lessees).
- C) Titles showing a lienholder, lessor, or titled as joint tenancy (title held jointly by more than one person) may not carry a transfer on death beneficiary.
- D) Only one beneficiary is allowed on the Illinois title.
- E) A business can be listed as a beneficiary; however, ownership of the vehicle may not be reassigned to the business upon death of the legal owner if the business is dissolved or no longer exists as an entity at the time of the business beneficiary's application for title.
- F) A notarized Beneficiary Affidavit will be required to apply for a title reflecting a beneficiary.
- G) Ownership of the vehicle passes to the beneficiary upon death of the legal owner. The beneficiary must apply for a new title to complete the process. The beneficiary does not have rights to the deceased owner's plate registration. The new owner must obtain a new registration in order to drive the vehicle on public streets.

- H) The signature or consent of the beneficiary shall not be required for any transaction relating to the motor vehicle or trailer for which a certificate of title with beneficiary has been issued.
- I) The beneficiary may be changed at any time before death of a sole owner only by the following methods:
- i) The registered owner may sell the motor vehicle before his or her death. With the proper reassignment and delivery of the certificate of ownership to another person.
- ii) By filing an application for corrected title to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary, along with the notarized affidavit of beneficiary and applicable fee for corrected title.
- J) Upon the death of the sole owner of the vehicle when a beneficiary has been established on a certificate of title, the beneficiary may not be changed or revoked by a will, any other instrument, or a change in circumstances, or otherwise be changed or revoked, except by a court of law.
- K) If a beneficiary is deceased before the owner, then upon the death of the owner, the motor vehicle or trailer shall be included in the probate estate of the deceased owner. The death certificate for the owner and beneficiary will be required at time of application for title.
- 2) Requirements for requesting a new title with a beneficiary after the sole owner has become deceased. The following documents are required:
- A) An application for title and registration, along with applicable fees. A beneficiary applicant may choose not to request registration; however, the beneficiary does not have rights to the deceased plate registration.
- B) A Beneficiary Claim Form to claim beneficiary rights.
- C) The decedent's certificate of title must be surrendered.
- D) A copy of the decedent's death certificate.

E) The appropriate tax form and check payable to the Illinois Department of Revenue.

3) If the beneficiary does not want to take possession of the vehicle after death of the sole owner, the beneficiary must title the vehicle under their name before selling the vehicle to another person.

4) If the beneficiary listed is not an Illinois resident, the beneficiary may title the vehicle in their state of residency with the death certificate.

5) If the executor cannot locate the beneficiary upon death of the vehicle owner, the executor will be required to complete a notarized Unable to Locate Beneficiary Affidavit stating the fact that they have exhausted all resources to locate the beneficiary.

ed) Miscellaneous

1) If the original title is lost, an affidavit explaining that the title cannot be located must be submitted by the transferor.

2) Surviving joint tenants and surviving spouses need not pay vehicle registration fees until the current registration expires. If the surviving spouse is not listed as a joint tenant on the decedent's title, a copy of the death certificate is required to show the marital relationship.

3) Title and registration fees may be combined in one check, electronic payment or money order made payable to the Secretary of State. Applicable title, registration and transfer fees are set forth in IVC Chapter 3 [625 ILCS 5].

4) Transferees who do not operate the vehicle upon the public highways need not apply for registration at the time of acquisition. (See 92 Ill. Adm. Code 1010.510.)

5) Proof of compliance with the Vehicle Use Tax shall consist of the Illinois Department of Revenue form RUT 50, or such other form used by that agency.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 1010.185 Specially Constructed Vehicles - Required Documentation for Title and Registration

- a) The following shall be forwarded to the Office of the Secretary of State:
 - 1) A statement detailing how the vehicle was constructed, which must include the origin, make, model, year and identification numbers of the major component parts (as defined in Section 1010.180) used to construct the specially constructed vehicle.
 - 2) The ownership document of the first make used to assemble the chassis, frame, or other major component parts.
 - A) For the purpose of this Section, "first make" means the manufacturer make of the chassis, frame, or other major component part used to construct the specially constructed vehicle, unless the part is manufactured by someone other than the recognized automobile, motorcycle or kit manufacturer or the part is without the assigned vehicle identification number. Ownership documents include the following:
 - i) assigned Manufacturer's Certificate of Origin, or
 - ii) assigned certificate of title, or
 - iii) assigned salvage certificate, or
 - iv) assigned junking certificate, or
 - v) copy of certificate of title in the name of the applicant for the specially constructed vehicle, or
 - vi) copy of salvage certificate in the name of the applicant for the specially constructed vehicle, or
 - vii) copy of junking certificate in the name of the applicant for the specially constructed vehicle.
 - B) If the frame is a part of the new kit assembly and only other major component parts from the original vehicle are being used to construct the vehicle, a copy of one of the above items is required. The copy must show the vehicle properly assigned to the applicant. Bills of sale or an affirmation statement may be submitted for the major component parts. The bill of sale/affirmation statement must include the year, make and vehicle identification number.

C) A specially constructed vehicle shall not use a frame acquired from a vehicle for which a junk certificate has been issued. Any vehicle constructed with a frame acquired from a junk vehicle is ineligible for title and registration as specially constructed vehicle.~~If the ownership document of the major component parts used to assemble the first and second make (as defined in subsection (d)) of the specially constructed vehicle are supported by junking certificates, the major component parts used to assemble the first and second make must be from two or more different vehicles of a different year, make or model, which contain two or more different vehicle identification numbers.~~

3) If the frame/body is constructed from various materials or the major component parts are from various materials/vehicles, bills of sale for those materials. An affirmation statement indicating the frame or major component parts were built from materials the applicant had previously owned may be submitted in lieu of bills of sale. The bill of sale/affirmation statement must include the year, make and the vehicle identification number. The frame year and make will be considered as the physical year of application and reflect "SPECIALLY CONSTRUCTED" as the make.

4) The ownership document of the second make used to assemble the body, car kit, glider kit, motorcycle kit, or motorcycle major component parts.

A) For the purpose of this ~~subsection~~Section, "second make" means the manufacturer make of the body, car kit, glider kit, motorcycle kit or motorcycle major component parts used to construct the specially constructed vehicle. Ownership documents include:

- i) Assigned Manufacturer's Certificate of Origin, or
- ii) assigned copy of certificate of title, or
- iii) assigned copy of salvage certificate, or
- iv) assigned copy of junking certificate, or
- v) copy of certificate of title in the name of the applicant for the specially constructed vehicle, or
- vi) copy of salvage certificate in the name of the applicant for

- 517 the specially constructed vehicle, or
- 518
- 519 vii) copy of junking certificate in the name of the applicant for
- 520 the specially constructed vehicle, or
- 521
- 522 viii) bills of sale for parts to build body portion. These must
- 523 include the year, make and the vehicle identification
- 524 number.
- 525
- 526 B) If the above ownership documents cannot be furnished by the
- 527 owner, the specially constructed vehicle may be issued a certificate
- 528 of title in accordance with Section 3-109 of the Illinois Vehicle
- 529 Code. Bonding includes those cases in which an owner builds a
- 530 vehicle from different materials and can neither furnish ownership
- 531 documents nor identify the specific model year. Specially
- 532 constructed vehicles which must be bonded will be issued a
- 533 certificate of title with the make as "SPECIALLY
- 534 CONSTRUCTED" and reflect only the Secretary of State assigned
- 535 vehicle identification number. The year model will be determined
- 536 according to the date of application.
- 537
- 538 5) An application for certificate of title and ~~or~~ registration accompanied by
- 539 the appropriate fees.
- 540
- 541 6) Illinois sales tax or vehicle use tax, if applicable.
- 542
- 543 7) Three pictures of the completed vehicle, from the front, side and rear.
- 544
- 545 b) Upon approval of the documentation provided, the Secretary of State Department
- 546 of Police, at their discretion, may inspect the vehicle to ascertain whether all
- 547 safety items have been installed and are operating properly, and whether the
- 548 vehicle contains any stolen parts.
- 549

550 (Source: Amended at 50 Ill. Reg. _____, effective _____)

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Section 1010.APPENDIX E Acceptable Identification and Residency Documents – Title and Registration Transactions

- a) Identification. Any vehicle-related transaction that alters or creates a vehicle record or any portion of a vehicle record must be accompanied by at least one form of government-issued photo identification as follows:
- 1) Driver's License or Identification Card issued by an agency of the U.S. government;
 - 2) Illinois Driver's License (current or expired less than one year);
 - 3) Illinois Identification Card (current or expired less than one year);
 - 4) Out-of-State Driver's License or Identification Card (current);
 - 5) Passport (valid U.S. or foreign) or Matricula;
 - 6) Temporary Driver's License, Commercial Learner's Permit, or Identification Card;
 - 7) U.S. Citizenship and Immigration Services (USCIS) Forms:
 - A) I-551 (Permanent Resident Card);
 - B) I-571 (Refugee Travel Document);
 - C) I-766 (Employment Authorization Card); and
 - D) I-94 (Arrival/Departure Record) with Valid Passport;
 - 8) U.S. Department of State Travel Letter (Refugees);
 - 9) U.S. Military Driver's License or Identification Card;
 - 10) U.S. Visa; or
 - 11) Any other acceptable form of identification in the discretion of the Secretary of State.
- b) Residency. Any vehicle-related transaction requiring proof of address must be accompanied by one document containing the applicant's full name and full

residential address as follows. If the transaction specifically requires proof of Illinois residency, such documentation shall only be acceptable to that extent:

- 1) Any item listed in subsection (a) that contains the applicant's full name and full residential address is acceptable as proof of residency;
- 2) Bank Statement (dated within 90 days prior to application);
- 3) Cancelled Check (dated within 90 days prior to application);
- 4) Certified Grade/High School/College/University Transcript;
- 5) Credit Report issued by a credit reporting bureau – dated within 12 months prior to application;
- 6) Deed/Title, Mortgage, Rental/Lease Agreement;
- 7) Insurance Policy (Homeowner's or Renter's);
- 8) Letter on Official School Letterhead – dated within 90 days prior to application;
- 9) Medical claim or statement of benefits from private insurance company or public (government) agency, dated within 90 days prior to application;
- 10) Official mail received from a state, county, city or village, or a federal governmental agency that includes first and last name of the applicant and complete current address. This may include, but is not limited to:
 - A) Homestead Exemption Receipt;
 - B) Jury Duty Notice issued within 90 days prior to application;
 - C) Selective Service Card; (iv) Social Security Annual Statement;
 - D) Social Security Disability Insurance (SSDI) Statement; and
 - E) Supplemental Security Income (SSI) Benefits Statement;
- 11) Voter Registration Card;
- 12) Pay Stub or Electronic Deposit Receipt;

- 13) Pension or Retirement Statement;
 - 14) Phone book currently produced by a phone book publisher;
 - 15) Report Card from Elementary, Middle or Secondary School, or College/University;
 - 16) Tuition invoice or other official mail from a college or university dated within the 12 months prior to application; or
 - 17) Utility Bill – electric, water, refuse, telephone (land or cell), cable or gas, issued within 90 days prior to application;
- c) Unacceptable Documentation. Unacceptable identification documents include, but are not limited to:
- 1) Bond Receipt or Bail/Bond Card;
 - 2) Business Cards;
 - 3) Check Cashing Cards;
 - 4) Club or Fraternal Membership Cards;
 - 5) College or University Identification Cards;
 - 6) Commercially Produced (non-State or unofficial) ID Cards;
 - 7) DHS (Department of Human Services) Cards or documents issued by DHS;
 - 8) Fishing License;
 - 9) HFS (Healthcare and Family Services) Cards;
 - 10) Handwritten ID or Employment Cards;
 - 11) Hunting License;
 - 12) Illinois Concealed Carry Card ;
 - 13) Illinois FOID Card;

- 14) Instruction Permit/Receipts;
- 15) Insurance Card;
- 16) Library Card;
- 17) Personal Mail;
- 18) Traffic Citation (Arrest Ticket);
- 19) Video Club Membership Cards;
- 20) Wallet IDs; and
- 21) Unlicensed Financial Institution Loan Papers.

(Source: Added at 50 Ill. Reg. _____, effective _____)