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FILE NO. S-711

MOTOR VEHICLES:
Licenses, Registrations
and Changes of Name

Honorable Michael J. Howlett
Secretary of State
State of Illinois
213 State House
Springfield, Illinois 62706

Dear Secretary Howlett:

I have your letter of recent date in which you state
as follows:

"Please furnish me an opinion concerning
Section 6-116 of the Illinois Motor Vehicle
Code. If a woman divorces and assumes the
use of her maiden name or former name, what
if anything, should the Secretary require of
her?"

COMMENT: In the State of Illinois we still
have the right under the common law to be known
by any name we wish to be known by as long as

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we are not committing fraud upon our creditors or anyone else.

Under Section 3-416 of the Illinois Motor Vehicle Code, is it mandatory that a woman upon her marriage, notify the Secretary of State of her new name?

COMMENT: There are many women who marry who have no desire or inclination to use their husband's name for any purpose whatsoever.

Kindly advise."

The provisions of the Illinois Motor Vehicle Code which concern you, are as follows:

"Whenever any person after applying for or receiving a drivers license or permit moves from the address named in such application or on the license or permit issued to him or when the name of a licensee or permittee is changed by marriage or otherwise such person shall within 10 days thereafter notify the Secretary of State in writing of his old and new addresses or of such former and new names and of the number of any license or permit then held by him. Such person may obtain a corrected license or permit as provided in Section 6-114." Ill. Rev. Stat. 1971, ch. 95 1/2, par. 6-116.

"(a) Whenever any person after making application for or obtaining the registration of a vehicle shall move from the address named in the application or shown upon a registration card or certificate of title such person shall within 10 days thereafter notify the Secretary of State in writing of his old and new address.

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(b) Whenever the name of any person who has made application for or obtained the registration of a vehicle is thereafter changed by marriage or otherwise such person shall within 10 days notify the Secretary of State of such former and new name.

(c) In either event, any such person may obtain a corrected registration card or certificate of title upon application and payment of the statutory fee." Ill. Rev. Stat. 1971, ch. 95 1/2, par. 3-416.

Both of these provisions require a person to notify the Secretary of State when he changes his name, thus in answer to your specific questions, if a woman upon divorce changes her name by assuming the use of her maiden name or a former name, or if a woman upon marriage assumes her husband's surname, then she must notify you.

However, these provisions do not require persons to change their names; they apply only when a person does, in fact, make the change. Thus, if a woman upon marriage does not assume her husband's surname but retains her maiden name, she is not required to notify the Secretary of State.

The issues raised by your questions are fully discussed

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in my Opinion No. S-695, a copy of which is enclosed.

Very truly yours,

A T T O R N E Y G E N E R A L