



Sen. Andy Manar

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1 AMENDMENT TO SENATE BILL 1934

2 AMENDMENT NO. _____. Amend Senate Bill 1934 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-117.2, 3-308, 5-301, and 5-803 as follows:

6 (625 ILCS 5/3-117.2) (from Ch. 95 1/2, par. 3-117.2)

7 Sec. 3-117.2. Junk Vehicle Notification. Beginning July 1,
8 1989 a person licensed as an automotive parts recycler or a
9 scrap processor pursuant to Section 5-301 of this Code who
10 acquires a properly assigned Certificate of Title, a Salvage
11 Certificate, a Certificate of Purchase, or a similarly
12 acceptable out-of-state document of ownership pursuant to
13 Section 5-401.3 of this Code, shall within 15 days of acquiring
14 such document, submit it to the Secretary of State along with a
15 Junk Vehicle Notification, the form and manner for which shall
16 be as prescribed by Secretary of State rule or regulation. An

1 automotive parts recycler or a ~~A~~ scrap processor who acquires
2 the above named documents of ownership pursuant to Section
3 5-401.3 shall not be required to apply for or obtain a junking
4 certificate. The information contained on a Junk Vehicle
5 Notification shall be duly recorded by the Secretary of State
6 upon the receipt of such Notification. The Secretary of State
7 shall not again issue a Certificate of Title or Salvage
8 Certificate for any vehicle listed on a Junk Vehicle
9 Notification.

10 (Source: P.A. 85-1204.)

11 (625 ILCS 5/3-308) (from Ch. 95 1/2, par. 3-308)

12 Sec. 3-308. Inspection of rebuilt vehicles.

13 (a) The Secretary of State shall inspect any vehicle 3 ~~8~~
14 model years of age or newer for which an application for a
15 certificate of title for a rebuilt vehicle will be submitted,
16 or any foreign vehicle which is or may have been salvage as
17 defined under the provisions of this Code.

18 (b) The inspection of the vehicle shall include an
19 examination of the vehicle and its parts and of the application
20 and proof of notification, if applicable, to determine that:

21 (1) the identification numbers of the vehicle or its
22 parts have not been removed, falsified, altered, defaced,
23 destroyed, or tampered with;

24 (2) all information contained in the application for a
25 certificate of title is true and correct; and

1 (3) there are no indications that the vehicle or any of
2 its parts have been stolen.

3 (c) The Secretary of State shall: ~~by rule or regulation,~~
4 ~~carry out and implement the provisions contained in this~~
5 ~~Section.~~

6 (1) Authorize an individual having been consecutively
7 licensed as an automotive parts recycler and a rebuilder
8 under Section 5-301 for a minimum of 5 years to carry out
9 and implement the provisions contained in this Section.

10 (2) Except as provided in paragraph (1), carry out and
11 implement by rule the provisions contained in this Section.

12 (d) All fees received by the Secretary of State from the
13 inspection of vehicles under this Section shall be applied
14 towards the maintenance of the vehicle inspection program and
15 the personnel costs required for the operation of such program.

16 (Source: P.A. 89-433, eff. 12-15-95.)

17 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

18 Sec. 5-301. Automotive parts recyclers, scrap processors,
19 repairers and rebuilders must be licensed.

20 (a) No person in this State shall, except as an incident to
21 the servicing of vehicles, carry on or conduct the business of
22 an automotive parts recycler, a scrap processor, a repairer, or
23 a rebuilder, unless licensed to do so in writing by the
24 Secretary of State under this Section. No person shall rebuild
25 a salvage vehicle unless such person is licensed as a rebuilder

1 by the Secretary of State under this Section. No person shall
2 engage in the business of acquiring 5 or more previously owned
3 vehicles in one calendar year for the primary purpose of
4 disposing of those vehicles in the manner described in the
5 definition of a "scrap processor" in this Code unless the
6 person is licensed as an automotive parts recycler by the
7 Secretary of State under this Section. No person shall engage
8 in the act of dismantling, crushing, or altering a vehicle into
9 another form using machinery or equipment unless licensed to do
10 so and only from the fixed location identified on the license
11 issued by the Secretary. Each license shall be applied for and
12 issued separately, except that a license issued to a new
13 vehicle dealer under Section 5-101 of this Code shall also be
14 deemed to be a repairer license.

15 (b) Any application filed with the Secretary of State,
16 shall be duly verified by oath, in such form as the Secretary
17 of State may by rule or regulation prescribe and shall contain:

18 1. The name and type of business organization of the
19 applicant and his principal or additional places of
20 business, if any, in this State.

21 2. The kind or kinds of business enumerated in
22 subsection (a) of this Section to be conducted at each
23 location.

24 3. If the applicant is a corporation, a list of its
25 officers, directors, and shareholders having a ten percent
26 or greater ownership interest in the corporation, setting

1 forth the residence address of each; if the applicant is a
2 sole proprietorship, a partnership, an unincorporated
3 association, a trust, or any similar form of business
4 organization, the names and residence address of the
5 proprietor or of each partner, member, officer, director,
6 trustee or manager.

7 4. A statement that the applicant's officers,
8 directors, shareholders having a ten percent or greater
9 ownership interest therein, proprietor, partner, member,
10 officer, director, trustee, manager, or other principals
11 in the business have not committed in the past three years
12 any one violation as determined in any civil or criminal or
13 administrative proceedings of any one of the following
14 Acts:

15 (a) the Anti-Theft Laws of the Illinois Vehicle
16 Code;

17 (b) the "Certificate of Title Laws" of the Illinois
18 Vehicle Code;

19 (c) the "Offenses against Registration and
20 Certificates of Title Laws" of the Illinois Vehicle
21 Code;

22 (d) the "Dealers, Transporters, Wreckers and
23 Rebuilders Laws" of the Illinois Vehicle Code;

24 (e) Section 21-2 of the Criminal Code of 1961 or
25 the Criminal Code of 2012, Criminal Trespass to
26 Vehicles; or

1 (f) the Retailers Occupation Tax Act.

2 5. A statement that the applicant's officers,
3 directors, shareholders having a ten percent or greater
4 ownership interest therein, proprietor, partner, member,
5 officer, director, trustee, manager or other principals in
6 the business have not committed in any calendar year 3 or
7 more violations, as determined in any civil or criminal or
8 administrative proceedings, of any one or more of the
9 following Acts:

10 (a) the Consumer Finance Act;

11 (b) the Consumer Installment Loan Act;

12 (c) the Retail Installment Sales Act;

13 (d) the Motor Vehicle Retail Installment Sales
14 Act;

15 (e) the Interest Act;

16 (f) the Illinois Wage Assignment Act;

17 (g) Part 8 of Article XII of the Code of Civil
18 Procedure; or

19 (h) the Consumer Fraud Act.

20 6. An application for a license shall be accompanied by
21 the following fees: \$50 for applicant's established place
22 of business; \$25 for each additional place of business, if
23 any, to which the application pertains; provided, however,
24 that if such an application is made after June 15 of any
25 year, the license fee shall be \$25 for applicant's
26 established place of business plus \$12.50 for each

1 additional place of business, if any, to which the
2 application pertains. License fees shall be returnable
3 only in the event that such application shall be denied by
4 the Secretary of State.

5 7. A statement that the applicant understands Chapter 1
6 through Chapter 5 of this Code.

7 8. A statement that the applicant shall comply with
8 subsection (e) of this Section.

9 9. A statement indicating if the applicant, including
10 any of the applicant's affiliates or predecessor
11 corporations, has been subject to the revocation or
12 nonrenewal of a business license by a municipality under
13 Section 5-501.5 of this Code.

14 10. The applicant's National Motor Vehicle Title
15 Information System number and a statement of compliance if
16 applicable.

17 (c) Any change which renders no longer accurate any
18 information contained in any application for a license filed
19 with the Secretary of State shall be amended within 30 days
20 after the occurrence of such change on such form as the
21 Secretary of State may prescribe by rule or regulation,
22 accompanied by an amendatory fee of \$2.

23 (d) Anything in this Chapter to the contrary,
24 notwithstanding, no person shall be licensed under this Section
25 unless such person shall maintain an established place of
26 business as defined in this Chapter.

1 (e) The Secretary of State shall within a reasonable time
2 after receipt thereof, examine an application submitted to him
3 under this Section and unless he makes a determination that the
4 application submitted to him does not conform with the
5 requirements of this Section or that grounds exist for a denial
6 of the application, as prescribed in Section 5-501 of this
7 Chapter, grant the applicant an original license as applied for
8 in writing for his established place of business and a
9 supplemental license in writing for each additional place of
10 business in such form as he may prescribe by rule or regulation
11 which shall include the following:

12 1. the name of the person licensed;

13 2. if a corporation, the name and address of its
14 officers or if a sole proprietorship, a partnership, an
15 unincorporated association or any similar form of business
16 organization, the name and address of the proprietor or of
17 each partner, member, officer, director, trustee or
18 manager;

19 3. a designation of the kind or kinds of business
20 enumerated in subsection (a) of this Section to be
21 conducted at each location;

22 4. in the case of an original license, the established
23 place of business of the licensee;

24 5. in the case of a supplemental license, the
25 established place of business of the licensee and the
26 additional place of business to which such supplemental

1 license pertains.

2 (f) The appropriate instrument evidencing the license or a
3 certified copy thereof, provided by the Secretary of State
4 shall be kept, posted, conspicuously in the established place
5 of business of the licensee and in each additional place of
6 business, if any, maintained by such licensee. The licensee
7 also shall post conspicuously in the established place of
8 business and in each additional place of business a notice
9 which states that such business is required to be licensed by
10 the Secretary of State under Section 5-301, and which provides
11 the license number of the business and the license expiration
12 date. This notice also shall advise the consumer that any
13 complaints as to the quality of service may be brought to the
14 attention of the Attorney General. The information required on
15 this notice also shall be printed conspicuously on all
16 estimates and receipts for work by the licensee subject to this
17 Section. The Secretary of State shall prescribe the specific
18 format of this notice.

19 (g) Except as provided in subsection (h) hereof, licenses
20 granted under this Section shall expire by operation of law on
21 December 31 of the calendar year for which they are granted
22 unless sooner revoked, nonrenewed, or cancelled under the
23 provisions of Section 5-501 or 5-501.5 of this Chapter.

24 (h) Any license granted under this Section may be renewed
25 upon application and payment of the fee required herein as in
26 the case of an original license, provided, however, that in

1 case an application for the renewal of an effective license is
2 made during the month of December, such effective license shall
3 remain in force until such application is granted or denied by
4 the Secretary of State.

5 (i) All automotive repairers and rebuilders shall, in
6 addition to the requirements of subsections (a) through (h) of
7 this Section, meet the following licensing requirements:

8 1. provide proof that the property on which first time
9 applicants plan to do business is in compliance with local
10 zoning laws and regulations, and a listing of zoning
11 classification;

12 2. provide proof that the applicant for a repairer's
13 license complies with the proper workers' compensation
14 rate code or classification, and listing the code of
15 classification for that industry;

16 3. provide proof that the applicant for a rebuilder's
17 license complies with the proper workers' compensation
18 rate code or classification for the repair industry or the
19 auto parts recycling industry and listing the code of
20 classification;

21 4. provide proof that the applicant has obtained or
22 applied for a hazardous waste generator number, and listing
23 the actual number if available or certificate of exemption;

24 5. provide proof that applicant has proper liability
25 insurance, and listing the name of the insurer and the
26 policy number; and

1 6. provide proof that the applicant has obtained or
2 applied for the proper State sales tax classification and
3 federal identification tax number, and listing the actual
4 numbers if available.

5 (i-1) All automotive repairers shall provide proof that
6 they comply with all requirements of the Automotive Collision
7 Repair Act.

8 (j) All automotive parts recyclers shall, in addition to
9 the requirements of subsections (a) through (h) of this
10 Section, meet the following licensing requirements:

11 1. provide a statement that the applicant purchases 5
12 vehicles per year or has 5 hulks or chassis in stock;

13 2. provide proof that the property on which all first
14 time applicants will do business does comply to the proper
15 local zoning laws in existence, and a listing of zoning
16 classifications;

17 3. provide proof that applicant complies with the
18 proper workers' compensation rate code or classification,
19 and listing the code of classification; and

20 4. provide proof that applicant has obtained or applied
21 for the proper State sales tax classification and federal
22 identification tax number, and listing the actual numbers
23 if available.

24 (Source: P.A. 100-409, eff. 8-25-17.)

25 (625 ILCS 5/5-803)

1 Sec. 5-803. Administrative penalties. Instead of filing a
2 criminal complaint against a new or used vehicle dealer, or
3 against any other entity licensed by the Secretary under this
4 Code, or any other unlicensed entity acting in violation of
5 this Code, a Secretary of State Police investigator may issue
6 administrative citations for violations of any of the
7 provisions of this Code or any administrative rule adopted by
8 the Secretary under this Code. A party receiving a citation
9 shall have the right to contest the citation in proceedings
10 before the Secretary of State Department of Administrative
11 Hearings. Penalties imposed by issuance of an administrative
12 citation shall not exceed \$50 per violation. A penalty may not
13 be imposed unless, during the course of a single investigation
14 or upon review of the party's records, the party is found to
15 have committed at least 3 separate violations of one or more of
16 the provisions of this Code or any administrative rule adopted
17 by the Secretary under this Code. Penalties paid as a result of
18 the issuance of administrative citations shall be deposited in
19 the Secretary of State Police Services Fund.

20 (Source: P.A. 97-838, eff. 7-20-12; 98-177, eff. 1-1-14.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law."