



Rep. Daniel V. Beiser

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LRB097 10865 HEP 53491 a

1 AMENDMENT TO HOUSE BILL 3340

2 AMENDMENT NO. _____. Amend House Bill 3340 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-105.3, 1-171.01a, 1-171.01c, 3-117.1,
6 3-901, 3-902, 3-903, 3-904, 3-906, 3-907, 3-913, and 5-301 as
7 follows:

8 (625 ILCS 5/1-105.3)

9 Sec. 1-105.3. Automotive parts recycler. A person who is in
10 the business of acquiring previously owned vehicles and vehicle
11 parts for the primary purpose of disposing of parts of vehicles
12 in a manner other than that described in the definition of a
13 "scrap processor" in this Code or disposing of previously owned
14 vehicles in the manner described in the definition of a "scrap
15 processor" in this Code.

16 (Source: P.A. 90-89, eff. 1-1-98.)

1 (625 ILCS 5/1-171.01a)

2 Sec. 1-171.01a. Remittance agent. For the purposes of
3 Article IX of Chapter 3, the term "remittance agent" means any
4 person who holds himself or herself out to the public as being
5 engaged in or who engages in accepting money for remittance to
6 the State of Illinois or any of its instrumentalities or
7 political subdivisions, or to any of their officials, for the
8 payment of registration plates, vehicle certificates of title,
9 taxes, ~~vehicle taxes or vehicle license~~ or registration fees
10 regardless of when the money is accepted from the public or
11 remitted to the State, whether or not the person renders any
12 other service in connection with the making of any such
13 remittance or is engaged in any other endeavor. The term
14 "remittance agent" does not include any licensed dealer in
15 motor vehicles who accepts money for remittance to the State of
16 Illinois for the payment of registration plates, vehicle
17 certificates of title, taxes, ~~vehicle taxes or vehicle licenses~~
18 or registration fees as an incident to his or her business as a
19 motor vehicle dealer.

20 (Source: P.A. 90-89, eff. 1-1-98.)

21 (625 ILCS 5/1-171.01c)

22 Sec. 1-171.01c. Remitter. Any person who gives money to a
23 remittance agent to submit to the State of Illinois and its
24 licensing and taxing agencies for the payment of registration

1 plates, vehicle certificates of title, taxes, or ~~vehicle taxes~~
2 ~~or vehicle license and~~ registration fees.

3 (Source: P.A. 90-89, eff. 1-1-98.)

4 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

5 Sec. 3-117.1. When junking certificates or salvage
6 certificates must be obtained.

7 (a) Except as provided in Chapter 4 of this Code, a person
8 who possesses a junk vehicle shall within 15 days cause the
9 certificate of title, salvage certificate, certificate of
10 purchase, or a similarly acceptable out of state document of
11 ownership to be surrendered to the Secretary of State along
12 with an application for a junking certificate, except as
13 provided in Section 3-117.2, whereupon the Secretary of State
14 shall issue to such a person a junking certificate, which shall
15 authorize the holder thereof to possess, transport, or, by an
16 endorsement, transfer ownership in such junked vehicle, and a
17 certificate of title shall not again be issued for such
18 vehicle.

19 A licensee who possesses a junk vehicle and a Certificate
20 of Title, Salvage Certificate, Certificate of Purchase, or a
21 similarly acceptable out-of-state document of ownership for
22 such junk vehicle, may transport the junk vehicle to another
23 licensee prior to applying for or obtaining a junking
24 certificate, by executing a uniform invoice. The licensee
25 transferor shall furnish a copy of the uniform invoice to the

1 licensee transferee at the time of transfer. In any case, the
2 licensee transferor shall apply for a junking certificate in
3 conformance with Section 3-117.1 of this Chapter. The following
4 information shall be contained on a uniform invoice:

5 (1) The business name, address and dealer license
6 number of the person disposing of the vehicle, junk vehicle
7 or vehicle cowl;

8 (2) The name and address of the person acquiring the
9 vehicle, junk vehicle or vehicle cowl, and if that person
10 is a dealer, the Illinois or out-of-state dealer license
11 number of that dealer;

12 (3) The date of the disposition of the vehicle, junk
13 vehicle or vehicle cowl;

14 (4) The year, make, model, color and description of
15 each vehicle, junk vehicle or vehicle cowl disposed of by
16 such person;

17 (5) The manufacturer's vehicle identification number,
18 Secretary of State identification number or Illinois
19 Department of State Police number, for each vehicle, junk
20 vehicle or vehicle cowl part disposed of by such person;

21 (6) The printed name and legible signature of the
22 person or agent disposing of the vehicle, junk vehicle or
23 vehicle cowl; and

24 (7) The printed name and legible signature of the
25 person accepting delivery of the vehicle, junk vehicle or
26 vehicle cowl.

1 The Secretary of State may certify a junking manifest in a
2 form prescribed by the Secretary of State that reflects those
3 vehicles for which junking certificates have been applied or
4 issued. A junking manifest may be issued to any person and it
5 shall constitute evidence of ownership for the vehicle listed
6 upon it. A junking manifest may be transferred only to a person
7 licensed under Section 5-301 of this Code as a scrap processor.
8 A junking manifest will allow the transportation of those
9 vehicles to a scrap processor prior to receiving the junk
10 certificate from the Secretary of State.

11 (b) An application for a salvage certificate shall be
12 submitted to the Secretary of State in any of the following
13 situations:

14 (1) When an insurance company makes a payment of
15 damages on a total loss claim for a vehicle, the insurance
16 company shall be deemed to be the owner of such vehicle and
17 the vehicle shall be considered to be salvage except that
18 ownership of (i) a vehicle that has incurred only hail
19 damage that does not affect the operational safety of the
20 vehicle or (ii) any vehicle 9 model years of age or older
21 may, by agreement between the registered owner and the
22 insurance company, be retained by the registered owner of
23 such vehicle. The insurance company shall promptly deliver
24 or mail within 20 days the certificate of title along with
25 proper application and fee to the Secretary of State, and a
26 salvage certificate shall be issued in the name of the

1 insurance company. Notwithstanding the foregoing, an
2 insurer making payment of damages on a total loss claim for
3 the theft of a vehicle shall not be required to apply for a
4 salvage certificate unless the vehicle is recovered and has
5 incurred damage that initially would have caused the
6 vehicle to be declared a total loss by the insurer.

7 (1.1) When a vehicle of a self-insured company is to be
8 sold in the State of Illinois and has sustained damaged by
9 collision, fire, theft, rust corrosion, or other means so
10 that the self-insured company determines the vehicle to be
11 a total loss, or if the cost of repairing the damage,
12 including labor, would be greater than 33 1/3% ~~50%~~ of its
13 fair market value without that damage, the vehicle shall be
14 considered salvage. The self-insured company shall
15 promptly deliver the certificate of title along with proper
16 application and fee to the Secretary of State, and a
17 salvage certificate shall be issued in the name of the
18 self-insured company. A self-insured company making
19 payment of damages on a total loss claim for the theft of a
20 vehicle may exchange the salvage certificate for a
21 certificate of title if the vehicle is recovered without
22 damage. In such a situation, the self-insured shall fill
23 out and sign a form prescribed by the Secretary of State
24 which contains an affirmation under penalty of perjury that
25 the vehicle was recovered without damage and the Secretary
26 of State may, by rule, require photographs to be submitted.

1 (2) When a vehicle the ownership of which has been
2 transferred to any person through a certificate of purchase
3 from acquisition of the vehicle at an auction, other
4 dispositions as set forth in Sections 4-208 and 4-209 of
5 this Code, a lien arising under Section 18a-501 of this
6 Code, or a public sale under the Abandoned Mobile Home Act
7 shall be deemed salvage or junk at the option of the
8 purchaser. The person acquiring such vehicle in such manner
9 shall promptly deliver or mail, within 20 days after the
10 acquisition of the vehicle, the certificate of purchase,
11 the proper application and fee, and, if the vehicle is an
12 abandoned mobile home under the Abandoned Mobile Home Act,
13 a certification from a local law enforcement agency that
14 the vehicle was purchased or acquired at a public sale
15 under the Abandoned Mobile Home Act to the Secretary of
16 State and a salvage certificate or junking certificate
17 shall be issued in the name of that person. The salvage
18 certificate or junking certificate issued by the Secretary
19 of State under this Section shall be free of any lien that
20 existed against the vehicle prior to the time the vehicle
21 was acquired by the applicant under this Code.

22 (3) A vehicle which has been repossessed by a
23 lienholder shall be considered to be salvage only when the
24 repossessed vehicle, on the date of repossession by the
25 lienholder, has sustained damage by collision, fire,
26 theft, rust corrosion, or other means so that the cost of

1 repairing such damage, including labor, would be greater
2 than 33 1/3% of its fair market value without such damage.
3 If the lienholder determines that such vehicle is damaged
4 in excess of 33 1/3% of such fair market value, the
5 lienholder shall, before sale, transfer or assignment of
6 the vehicle, make application for a salvage certificate,
7 and shall submit with such application the proper fee and
8 evidence of possession. If the facts required to be shown
9 in subsection (f) of Section 3-114 are satisfied, the
10 Secretary of State shall issue a salvage certificate in the
11 name of the lienholder making the application. In any case
12 wherein the vehicle repossessed is not damaged in excess of
13 33 1/3% of its fair market value, the lienholder shall
14 comply with the requirements of subsections (f), (f-5), and
15 (f-10) of Section 3-114, except that the affidavit of
16 repossession made by or on behalf of the lienholder shall
17 also contain an affirmation under penalty of perjury that
18 the vehicle on the date of sale is not damaged in excess of
19 33 1/3% of its fair market value. If the facts required to
20 be shown in subsection (f) of Section 3-114 are satisfied,
21 the Secretary of State shall issue a certificate of title
22 as set forth in Section 3-116 of this Code. The Secretary
23 of State may by rule or regulation require photographs to
24 be submitted.

25 (4) A vehicle which is a part of a fleet of more than 5
26 commercial vehicles registered in this State or any other

1 state or registered proportionately among several states
2 shall be considered to be salvage when such vehicle has
3 sustained damage by collision, fire, theft, rust,
4 corrosion or similar means so that the cost of repairing
5 such damage, including labor, would be greater than 33 1/3%
6 of the fair market value of the vehicle without such
7 damage. If the owner of a fleet vehicle desires to sell,
8 transfer, or assign his interest in such vehicle to a
9 person within this State other than an insurance company
10 licensed to do business within this State, and the owner
11 determines that such vehicle, at the time of the proposed
12 sale, transfer or assignment is damaged in excess of 33
13 1/3% of its fair market value, the owner shall, before such
14 sale, transfer or assignment, make application for a
15 salvage certificate. The application shall contain with it
16 evidence of possession of the vehicle. If the fleet vehicle
17 at the time of its sale, transfer, or assignment is not
18 damaged in excess of 33 1/3% of its fair market value, the
19 owner shall so state in a written affirmation on a form
20 prescribed by the Secretary of State by rule or regulation.
21 The Secretary of State may by rule or regulation require
22 photographs to be submitted. Upon sale, transfer or
23 assignment of the fleet vehicle the owner shall mail the
24 affirmation to the Secretary of State.

25 (5) A vehicle that has been submerged in water to the
26 point that rising water has reached over the door sill and

1 has entered the passenger or trunk compartment is a "flood
2 vehicle". A flood vehicle shall be considered to be salvage
3 only if the vehicle has sustained damage so that the cost
4 of repairing the damage, including labor, would be greater
5 than 33 1/3% of the fair market value of the vehicle
6 without that damage. The salvage certificate issued under
7 this Section shall indicate the word "flood", and the word
8 "flood" shall be conspicuously entered on subsequent
9 titles for the vehicle. A person who possesses or acquires
10 a flood vehicle that is not damaged in excess of 33 1/3% of
11 its fair market value shall make application for title in
12 accordance with Section 3-116 of this Code, designating the
13 vehicle as "flood" in a manner prescribed by the Secretary
14 of State. The certificate of title issued shall indicate
15 the word "flood", and the word "flood" shall be
16 conspicuously entered on subsequent titles for the
17 vehicle.

18 (6) When any licensed rebuilder, repairer, new or used
19 vehicle dealer, or remittance agent has submitted an
20 application for title to a vehicle that he or she knows or
21 reasonably should have known to have sustained damages in
22 excess of 33 1/3% of the vehicle's fair market value
23 without that damage; provided, however, that any
24 application for a salvage certificate for a vehicle
25 recovered from theft and acquired from an insurance company
26 shall be made as required by paragraph (1) of this

1 subsection (b).

2 (c) Any person who without authority acquires, sells,
3 exchanges, gives away, transfers or destroys or offers to
4 acquire, sell, exchange, give away, transfer or destroy the
5 certificate of title to any vehicle which is a junk or salvage
6 vehicle shall be guilty of a Class 3 felony.

7 (d) Any person who knowingly fails to surrender to the
8 Secretary of State a certificate of title, salvage certificate,
9 certificate of purchase or a similarly acceptable out-of-state
10 document of ownership as required under the provisions of this
11 Section is guilty of a Class A misdemeanor for a first offense
12 and a Class 4 felony for a subsequent offense; except that a
13 person licensed under this Code who violates paragraph (5) of
14 subsection (b) of this Section is guilty of a business offense
15 and shall be fined not less than \$1,000 nor more than \$5,000
16 for a first offense and is guilty of a Class 4 felony for a
17 second or subsequent violation.

18 (e) Any vehicle which is salvage or junk may not be driven
19 or operated on roads and highways within this State. A
20 violation of this subsection is a Class A misdemeanor. A
21 salvage vehicle displaying valid special plates issued under
22 Section 3-601(b) of this Code, which is being driven to or from
23 an inspection conducted under Section 3-308 of this Code, is
24 exempt from the provisions of this subsection. A salvage
25 vehicle for which a short term permit has been issued under
26 Section 3-307 of this Code is exempt from the provisions of

1 this subsection for the duration of the permit.

2 (Source: P.A. 95-495, eff. 1-1-08; 95-783, eff. 1-1-09.)

3 (625 ILCS 5/3-901) (from Ch. 95 1/2, par. 3-901)

4 Sec. 3-901. Purpose of Article.

5 Many persons throughout the State hold themselves out to
6 the public as being engaged in, and have engaged in, accepting
7 money from members of the public for remittance to the State of
8 Illinois, and its licensing and taxing agencies in payment of
9 registration plates, vehicle certificates of title, taxes,
10 ~~vehicle taxes or vehicle license~~ or registration fees. Some of
11 these persons have failed to make such remittance with the
12 consequent loss to the remitters. It is the public policy of
13 this State that its people be protected against such hazards.

14 (Source: P.A. 76-1705.)

15 (625 ILCS 5/3-902) (from Ch. 95 1/2, par. 3-902)

16 Sec. 3-902. Application of Article.

17 This Article shall not apply to ~~(1) any person who accepts~~
18 ~~for remittance only such sums as he is authorized to collect by~~
19 ~~the remittee as its agent, and (2) to any person who, in~~
20 connection with the issuance of a license to him to conduct a
21 business in this State other than a remitter's license, shall
22 have filed, pursuant to a statutory requirement, a surety bond
23 covering the proper discharge of any liability incurred by him
24 in connection with the acceptance for remittance of money for

1 the purposes designated in the Article pursuant to which he or
2 she is licensed; ~~provided he does not accept any money for~~
3 ~~remittance, as a remittance agent, the proper transmittal of~~
4 ~~which is not covered by said bond.~~

5 (Source: P.A. 76-1705.)

6 (625 ILCS 5/3-903) (from Ch. 95 1/2, par. 3-903)

7 Sec. 3-903. License.

8 It shall be unlawful for any person, ~~either as principal or~~
9 ~~agent,~~ to act as a "remittance agent" in the State of Illinois
10 without first having obtained or renewed, ~~as the case may be,~~ a
11 license and posted a bond, as hereafter provided.

12 (Source: P.A. 76-1705.)

13 (625 ILCS 5/3-904) (from Ch. 95 1/2, par. 3-904)

14 Sec. 3-904. Application - Contents - Affidavits. Any person
15 who desires to act as a "remittance agent" shall first file
16 with the Secretary of State a written application for a
17 license. The application shall be under oath and shall contain
18 the following:

19 1. The name and address of the applicant.

20 2. The address of each location at which the applicant
21 intends to act as a remittance agent.

22 3. The applicant's business, occupation or profession.

23 4. A statement disclosing whether he has been involved in
24 any civil or criminal litigation and if so, the material facts

1 pertaining thereto.

2 5. A statement that the applicant has not committed in the
3 past 3 years any violation as determined in any civil,
4 criminal, or administrative proceedings under the Retailers'
5 Occupation Tax Act or under Article I or VII of Chapter 3 of
6 this Code.

7 6. Any other information concerning the business of the
8 applicant that the Secretary of State may prescribe.

9 The application shall be accompanied by the affidavits of
10 two persons residing in the city or town of such applicant's
11 residence. Such affiants shall state that they have known the
12 applicant for a period of at least two years; that the
13 applicant is of good moral character and that his reputation
14 for honesty and business integrity in the community in which he
15 resides is good. If the applicant is not an individual, the
16 requirements of this paragraph shall apply to each of its
17 officers or members.

18 (Source: P.A. 83-387.)

19 (625 ILCS 5/3-906) (from Ch. 95 1/2, par. 3-906)
20 Sec. 3-906. Denial.

21 The Secretary of State shall deny any application under
22 this Article upon any of the following grounds:

23 (1) That the application contains any false or fraudulent
24 statement; or

25 (2) That the applicant has failed to furnish the

1 information required by the Secretary or to file a bond as
2 required; or

3 (3) That the required fee has not been paid; or

4 (4) That the applicant has failed to remit fees to the
5 Secretary of State or the Department of Revenue; or

6 (5) That the applicant has engaged in fraudulent practices;
7 or

8 (6) That the applicant or a member of his immediate family
9 is an employee of the Secretary of State; or

10 (7) That the Secretary of State is authorized under any
11 other provision of law.

12 If the Secretary of State denies the application for a
13 license, or renewal thereof, ~~or revokes a license,~~ he shall so
14 order in writing and notify the applicant thereof by certified
15 mail. Upon the denial of an application for a license, or
16 renewal thereof, he shall return the license fee. An applicant
17 may contest the denial of an application for a license or
18 renewal thereof by requesting an administrative hearing
19 pursuant to Section 2-118 of this Code ~~No application shall be~~
20 ~~denied unless the applicant has had an opportunity for a fair~~
21 ~~hearing in connection therewith.~~

22 (Source: P.A. 77-84.)

23 (625 ILCS 5/3-907) (from Ch. 95 1/2, par. 3-907)

24 Sec. 3-907. Suspension or revocation.

25 Such license may be suspended or revoked by the Secretary

1 of State for the violation of any provision of this Act or any
2 rule or regulation of the Secretary of State and for any reason
3 which, had it existed or been known to the Secretary of State
4 at the time of the filing of the application for such license,
5 would have been good cause for the denial of such application.
6 The Secretary of State shall order such license suspended or
7 revoked in writing and shall notify the licensee of the order
8 by certified mail. A licensee may, upon receipt of an order of
9 suspension or revocation seek a hearing to review such order
10 pursuant to Section 2-118 of this Code.

11 (Source: P.A. 77-84.)

12 (625 ILCS 5/3-913) (from Ch. 95 1/2, par. 3-913)

13 Sec. 3-913. Hearings ~~Hearing~~ ~~Subpoenas~~. Hearings under
14 this Article shall be governed by Section 2-118 of this Act and
15 the Administrative Review Law as amended, shall apply to and
16 govern all proceedings for judicial review of any final order
17 issued by the Secretary of State. ~~For the purposes of this Act,~~
18 ~~the Secretary of State, or the hearing officer as hereinafter~~
19 ~~provided, has power to require by subpoena the attendance and~~
20 ~~testimony of witnesses, and the production of all documentary~~
21 ~~evidence relating to any matter under hearing pursuant to this~~
22 ~~Act, and shall issue such subpoenas at the request of an~~
23 ~~interested party. The hearing officer may sign subpoenas in the~~
24 ~~name of the Secretary of State.~~

25 ~~The Secretary of State may, in his discretion, direct that~~

1 ~~any hearing pursuant to this Act, shall be held before a~~
2 ~~competent and qualified agent of the Secretary of State, whom~~
3 ~~the Secretary of State shall designate as the hearing officer~~
4 ~~in such matter. The Secretary of State and the hearing officer~~
5 ~~are hereby empowered to, and shall, administer oaths and~~
6 ~~affirmations to all witnesses appearing before them. The~~
7 ~~hearing officer, upon the conclusion of the hearing before him,~~
8 ~~shall certify the evidence to the Secretary of State, and may~~
9 ~~make recommendations in connection therewith.~~

10 ~~Any Circuit Court of this State, within the jurisdiction of~~
11 ~~which such hearing is carried on, may, in case of contumacy, or~~
12 ~~refusal of a witness to obey a subpoena, issue an order~~
13 ~~requiring such witness to appear before the Secretary of State,~~
14 ~~or the hearing officer, or to produce documentary evidence, or~~
15 ~~to give testimony touching the matter in question, and any~~
16 ~~failure to obey such order of the court may be punished by such~~
17 ~~court as a contempt thereof.~~

18 (Source: P.A. 82-783.)

19 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

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

22 (a) No person in this State shall, except as an incident to
23 the servicing of vehicles, carry on or conduct the business of
24 a automotive parts recyclers, a scrap processor, a repairer, or
25 a rebuilder, unless licensed to do so in writing by the

1 Secretary of State under this Section. No person shall rebuild
2 a salvage vehicle unless such person is licensed as a rebuilder
3 by the Secretary of State under this Section. No person shall
4 engage in the business of acquiring previously owned vehicles
5 for the primary purpose of disposing of those vehicles in the
6 manner described in the definition of a "scrap processor" in
7 this Code, nor shall any person acquire 5 or more vehicles in
8 one calendar year for such primary purpose, unless such person
9 is licensed as an automotive parts recycler by the Secretary of
10 State under this Section. Each license shall be applied for and
11 issued separately, except that a license issued to a new
12 vehicle dealer under Section 5-101 of this Code shall also be
13 deemed to be a repairer license.

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

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

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

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

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

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

14 (a) The Anti Theft Laws of the Illinois Vehicle
15 Code;

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

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

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

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

25 (f) The Retailers Occupation Tax Act.

26 5. A statement that the applicant's officers,

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

8 (a) The Consumer Finance Act;

9 (b) The Consumer Installment Loan Act;

10 (c) The Retail Installment Sales Act;

11 (d) The Motor Vehicle Retail Installment Sales
12 Act;

13 (e) The Interest Act;

14 (f) The Illinois Wage Assignment Act;

15 (g) Part 8 of Article XII of the Code of Civil
16 Procedure; or

17 (h) The Consumer Fraud Act.

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

1 only in the event that such application shall be denied by
2 the Secretary of State.

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

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

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

13 (d) Anything in this chapter to the contrary,
14 notwithstanding, no person shall be licensed under this Section
15 unless such person shall maintain an established place of
16 business as defined in this Chapter.

17 (e) The Secretary of State shall within a reasonable time
18 after receipt thereof, examine an application submitted to him
19 under this Section and unless he makes a determination that the
20 application submitted to him does not conform with the
21 requirements of this Section or that grounds exist for a denial
22 of the application, as prescribed in Section 5-501 of this
23 Chapter, grant the applicant an original license as applied for
24 in writing for his established place of business and a
25 supplemental license in writing for each additional place of
26 business in such form as he may prescribe by rule or regulation

1 which shall include the following:

2 1. The name of the person licensed;

3 2. If a corporation, the name and address of its
4 officers or if a sole proprietorship, a partnership, an
5 unincorporated association or any similar form of business
6 organization, the name and address of the proprietor or of
7 each partner, member, officer, director, trustee or
8 manager;

9 3. A designation of the kind or kinds of business
10 enumerated in subsection (a) of this Section to be
11 conducted at each location;

12 4. In the case of an original license, the established
13 place of business of the licensee;

14 5. In the case of a supplemental license, the
15 established place of business of the licensee and the
16 additional place of business to which such supplemental
17 license pertains.

18 (f) The appropriate instrument evidencing the license or a
19 certified copy thereof, provided by the Secretary of State
20 shall be kept, posted, conspicuously in the established place
21 of business of the licensee and in each additional place of
22 business, if any, maintained by such licensee. The licensee
23 also shall post conspicuously in the established place of
24 business and in each additional place of business a notice
25 which states that such business is required to be licensed by
26 the Secretary of State under Section 5-301, and which provides

1 the license number of the business and the license expiration
2 date. This notice also shall advise the consumer that any
3 complaints as to the quality of service may be brought to the
4 attention of the Attorney General. The information required on
5 this notice also shall be printed conspicuously on all
6 estimates and receipts for work by the licensee subject to this
7 Section. The Secretary of State shall prescribe the specific
8 format of this notice.

9 (g) Except as provided in subsection (h) hereof, licenses
10 granted under this Section shall expire by operation of law on
11 December 31 of the calendar year for which they are granted
12 unless sooner revoked or cancelled under the provisions of
13 Section 5-501 of this Chapter.

14 (h) Any license granted under this Section may be renewed
15 upon application and payment of the fee required herein as in
16 the case of an original license, provided, however, that in
17 case an application for the renewal of an effective license is
18 made during the month of December, such effective license shall
19 remain in force until such application is granted or denied by
20 the Secretary of State.

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

- 24 1. Provide proof that the property on which first time
25 applicants plan to do business is in compliance with local
26 zoning laws and regulations, and a listing of zoning

1 classification;

2 2. Provide proof that the applicant for a repairer's
3 license complies with the proper workers' compensation
4 rate code or classification, and listing the code of
5 classification for that industry;

6 3. Provide proof that the applicant for a rebuilder's
7 license complies with the proper workers' compensation
8 rate code or classification for the repair industry or the
9 auto parts recycling industry and listing the code of
10 classification;

11 4. Provide proof that the applicant has obtained or
12 applied for a hazardous waste generator number, and listing
13 the actual number if available or certificate of exemption;

14 5. Provide proof that applicant has proper liability
15 insurance, and listing the name of the insurer and the
16 policy number; and

17 6. Provide proof that the applicant has obtained or
18 applied for the proper State sales tax classification and
19 federal identification tax number, and listing the actual
20 numbers if available.

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

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

1 1. A statement that the applicant purchases 5 vehicles
2 per year or has 5 hulks or chassis in stock;

3 2. Provide proof that the property on which all first
4 time applicants will do business does comply to the proper
5 local zoning laws in existence, and a listing of zoning
6 classifications;

7 3. Provide proof that applicant complies with the
8 proper workers' compensation rate code or classification,
9 and listing the code of classification; and

10 4. Provide proof that applicant has obtained or applied
11 for the proper State sales tax classification and federal
12 identification tax number, and listing the actual numbers
13 if available.

14 (Source: P.A. 94-784, eff. 1-1-07.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."