

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 Sections 1-134.1, 1-171.01a, 3-107, 3-116, 3-802, 3-905,
6 5-101, 5-102, 5-107, 5-503, and 6-305 as follows:

7 (625 ILCS 5/1-134.1) (from Ch. 95 1/2, par. 1-134.1)

8 Sec. 1-134.1. Junk vehicle. A junk vehicle is a vehicle
9 which has been or is being disassembled, crushed, compressed,
10 flattened, destroyed or otherwise reduced to a state in which
11 it no longer can be returned to an operable state, or has been
12 branded or assigned as junk or a similar designation by another
13 state or jurisdiction.

14 (Source: P.A. 83-1473.)

15 (625 ILCS 5/1-171.01a)

16 Sec. 1-171.01a. Remittance agent. For the purposes of
17 Article IX of Chapter 3, the term "remittance agent" means any
18 person who holds himself or herself out to the public as being
19 engaged in or who engages in accepting money for remittance to
20 the State of Illinois or any of its instrumentalities or
21 political subdivisions, or to any of their officials, for the
22 payment of registration plates, vehicle certificates of title,

1 taxes, or registration fees regardless of when the money is
2 accepted from the public or remitted to the State, whether or
3 not the person renders any other service in connection with the
4 making of any such remittance or is engaged in any other
5 endeavor. The term "remittance agent" also includes any person
6 who holds himself or herself out to the public as being engaged
7 in or who engages in accepting money for consulting or advising
8 the public on matters concerning vehicle certificates of title,
9 taxes, registration renewals, registration plates, or
10 applications for title. The term "remittance agent" does not
11 include any licensed dealer in motor vehicles who accepts money
12 for remittance to the State of Illinois for the payment of
13 registration plates, vehicle certificates of title, taxes, or
14 registration fees as an incident to his or her business as a
15 motor vehicle dealer.

16 (Source: P.A. 97-832, eff. 7-20-12.)

17 (625 ILCS 5/3-107) (from Ch. 95 1/2, par. 3-107)

18 Sec. 3-107. Contents and effect.

19 (a) Each certificate of title issued by the Secretary of
20 State shall contain:

- 21 1. the date issued;
- 22 2. the name and address of the owner;
- 23 3. the names, ~~and~~ addresses, and fax numbers or
24 electronic addresses of any lienholders, in the order of
25 priority as shown on the application or, if the application

1 is based on a certificate of title, as shown on the
2 certificate, and an expiration date of 2 calendar years
3 after the end of term of the lien;

4 4. the title number assigned to the vehicle;

5 5. a description of the vehicle including, so far as
6 the following data exists: its make, year-model,
7 identifying number, type of body, whether new or used, as
8 to house trailers as defined in Section 1-128 of this Code,
9 and as to manufactured homes as defined in Section 1-144.03
10 of this Code, the square footage of the vehicle based upon
11 the outside dimensions excluding the length of the tongue
12 and hitch, and, if a new vehicle, the date of the first
13 sale of the vehicle for use;

14 6. an odometer certification as provided for in this
15 Code; and

16 7. any other data the Secretary of State prescribes.

17 (a-5) In the event the applicant seeks to have the vehicle
18 titled as a custom vehicle or street rod, that fact must be
19 stated in the application. The custom vehicle or street rod
20 must be inspected as required by Section 3-406 of this Code
21 prior to issuance of the title. Upon successful completion of
22 the inspection, the vehicle may be titled in the following
23 manner. The make of the vehicle shall be listed as the make of
24 the actual vehicle or the make it is designed to resemble
25 (e.g., Ford or Chevrolet); the model of the vehicle shall be
26 listed as custom vehicle or street rod; and the year of the

1 vehicle shall be listed as the year the actual vehicle was
2 manufactured or the year it is designed to resemble. A vehicle
3 previously titled as other than a custom vehicle or street rod
4 may be issued a corrected title reflecting the custom vehicle
5 or street rod model if it otherwise meets the requirements for
6 the designation.

7 (a-10) In the event the applicant seeks to have the vehicle
8 titled as a glider kit, that fact must be stated in the
9 application. The glider kit must be inspected under Section
10 3-406 of this Code prior to issuance of the title. Upon
11 successful completion of the inspection, the vehicle shall be
12 titled in the following manner: (1) the make of the vehicle
13 shall be listed as the make of the chassis or the make it is
14 designed to resemble; (2) the model of the vehicle shall be
15 listed as glider kit; and (3) the year of the vehicle shall be
16 listed as the year presented on the manufacturer's certificate
17 of origin for the chassis, unless no year is presented, then it
18 shall be listed as the year the application was received. The
19 vehicle identification number of the chassis shall be assigned
20 to the engine, transmission, and rear axle if the engine,
21 transmission, and rear axle were not previously assigned a
22 vehicle identification number after an inspection under
23 Section 3-406.

24 (b) The certificate of title shall contain forms for
25 assignment and warranty of title by the owner, and for
26 assignment and warranty of title by a dealer, and may contain

1 forms for applications for a certificate of title by a
2 transferee, the naming of a lienholder and the assignment or
3 release of the security interest of a lienholder.

4 (b-5) The Secretary of State shall designate on a
5 certificate of title a space where the owner of a vehicle may
6 designate a beneficiary, to whom ownership of the vehicle shall
7 pass in the event of the owner's death.

8 (c) A certificate of title issued by the Secretary of State
9 is prima facie evidence of the facts appearing on it.

10 (d) A certificate of title for a vehicle is not subject to
11 garnishment, attachment, execution or other judicial process,
12 but this subsection does not prevent a lawful levy upon the
13 vehicle.

14 (e) Any certificate of title issued by the Secretary of
15 State is subject to a lien in favor of the State of Illinois
16 for any fees or taxes required to be paid under this Act and as
17 have not been paid, as provided for in this Code.

18 (f) Notwithstanding any other provision of law, a
19 certificate of title issued by the Secretary of State to a
20 manufactured home is prima facie evidence of the facts
21 appearing on it, notwithstanding the fact that such
22 manufactured home, at any time, shall have become affixed in
23 any manner to real property.

24 (Source: P.A. 98-749, eff. 7-16-14; 99-748, eff. 8-5-16.)

25 (625 ILCS 5/3-116) (from Ch. 95 1/2, par. 3-116)

1 Sec. 3-116. When Secretary of State to issue a certificate
2 of title.

3 (a) The Secretary of State, upon receipt of a properly
4 assigned certificate of title, with an application for a
5 certificate of title, the required fee and any other documents
6 required by law, shall issue a new certificate of title in the
7 name of the transferee as owner and mail it to the first
8 lienholder named in it or, if none, to the owner or owner's
9 designee.

10 (b) The Secretary of State, upon receipt of an application
11 for a new certificate of title by a transferee other than by
12 voluntary transfer, with proof of the transfer, the required
13 fee and any other documents required by law, shall issue a new
14 certificate of title in the name of the transferee as owner.

15 (b-5) The Secretary of State, upon receipt of an
16 application for a certificate of title and the required fee,
17 may issue a certificate of title to an out-of-state resident if
18 the out-of-state resident is a bona fide purchaser of a vehicle
19 or a manufactured home from a dealer licensed in this State
20 under Section 5-101, 5-101.2, or 5-102 of this Code and the
21 licensed dealer files for bankruptcy, surrenders his or her
22 license, or is otherwise no longer operating as a licensed
23 dealer and does not properly transfer the title application to
24 the bona fide purchaser prior to the licensed dealer's business
25 closure.

26 (c) Any person, firm or corporation, who shall knowingly

1 possess, buy, sell, exchange or give away, or offer to buy,
2 sell, exchange or give away the certificate of title to any
3 motor vehicle which is a junk or salvage, or who shall fail to
4 surrender the certificate of title to the Secretary of State as
5 required under the provisions of this Section and Section
6 3-117.2, shall be guilty of Class 3 felony.

7 (d) The Secretary of State shall file and retain for four
8 (4) years a record of every surrendered certificate of title or
9 proof of ownership accepted by the Secretary of State, the file
10 to be maintained so as to permit the tracing of title of the
11 vehicle designated therein. Such filing and retention
12 requirements shall be in addition to and not in substitution
13 for the recordkeeping requirements set forth in Section 3-106
14 of this Code, which recordkeeping requirements are not limited
15 to any period of time.

16 (e) The Secretary of State, upon receipt of an application
17 for corrected certificate of title, with the original title,
18 the required fee and any other required documents, shall issue
19 a corrected certificate of title in the name of the owner and
20 mail it to the first lienholder named in it or, if none, to the
21 owner or owner's designee.

22 (f) The Secretary of State, upon receipt of a certified
23 copy of a court order awarding ownership to an applicant along
24 with an application for a certificate of title and the required
25 fee, shall issue a certificate of title to the applicant.

26 (Source: P.A. 98-749, eff. 7-16-14.)

1 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

2 Sec. 3-802. Reclassifications and upgrades.

3 (a) Definitions. For the purposes of this Section, the
4 following words shall have the meanings ascribed to them as
5 follows:

6 "Reclassification" means changing the registration of
7 a vehicle from one plate category to another.

8 "Upgrade" means increasing the registered weight of a
9 vehicle within the same plate category.

10 (b) When reclassing the registration of a vehicle from one
11 plate category to another, the owner shall receive credit for
12 the unused portion of the present plate and be charged the
13 current portion fees for the new plate. In addition, the
14 appropriate replacement plate and replacement sticker fees
15 shall be assessed.

16 (b-5) Beginning with the 2019 ~~2018~~ registration year, any
17 individual who has a registration issued under either Section
18 3-405 or 3-405.1 that qualifies for a special license plate
19 under Sections 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623,
20 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
21 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680,
22 3-681, 3-683, 3-686, 3-688, ~~or~~ 3-693, 3-698, or 3-699.12 may
23 reclass his or her registration upon acquiring a special
24 license plate listed in this subsection (b-5) without a
25 replacement plate fee or registration sticker cost.

1 (c) When upgrading the weight of a registration within the
2 same plate category, the owner shall pay the difference in
3 current period fees between the two plates. In addition, the
4 appropriate replacement plate and replacement sticker fees
5 shall be assessed. In the event new plates are not required,
6 the corrected registration card fee shall be assessed.

7 (d) In the event the owner of the vehicle desires to change
8 the registered weight and change the plate category, the owner
9 shall receive credit for the unused portion of the registration
10 fee of the current plate and pay the current portion of the
11 registration fee for the new plate, and in addition, pay the
12 appropriate replacement plate and replacement sticker fees.

13 (e) Reclassing from one plate category to another plate
14 category can be done only once within any registration period.

15 (f) No refunds shall be made in any of the circumstances
16 found in subsection (b), subsection (c), or subsection (d);
17 however, when reclassing from a flat weight plate to an
18 apportioned plate, a refund may be issued if the credit amounts
19 to an overpayment.

20 (g) In the event the registration of a vehicle registered
21 under the mileage tax option is revoked, the owner shall be
22 required to pay the annual registration fee in the new plate
23 category and shall not receive any credit for the mileage plate
24 fees.

25 (h) Certain special interest plates may be displayed on
26 first division vehicles, second division vehicles weighing

1 8,000 pounds or less, and recreational vehicles. Those plates
2 can be transferred within those vehicle groups.

3 (i) Plates displayed on second division vehicles weighing
4 8,000 pounds or less and passenger vehicle plates may be
5 reclassified from one division to the other.

6 (j) Other than in subsection (i), reclassing from one
7 division to the other division is prohibited. In addition, a
8 reclass from a motor vehicle to a trailer or a trailer to a
9 motor vehicle is prohibited.

10 (Source: P.A. 99-809, eff. 1-1-17.)

11 (625 ILCS 5/3-905) (from Ch. 95 1/2, par. 3-905)

12 Sec. 3-905. Bond; fee; duration of license. Such applicant
13 shall, with his application, deposit with the Secretary of
14 State a bond as hereinafter provided, for each location at
15 which the applicant intends to act as a remittance agent. The
16 application shall be accompanied by the payment of a license
17 fee in the sum of \$50.00 (or \$25.00 if such application is
18 filed after July 1) for each location at which he proposes to
19 act as a remittance agent. If the applicant shall have complied
20 with all of the requirements of this Section and the Secretary
21 of State shall find after investigation that the applicant is
22 financially sound and of good business integrity, he shall
23 issue the required license. Such license shall terminate on
24 December 31 of the year for which it is issued, but upon
25 application prior to November 15 of any year for which a

1 license is in effect may be renewed for the next succeeding
2 calendar year. Such application shall be accompanied by the
3 payment of an annual license fee of \$50.00 for each location at
4 which the applicant proposes to act as a remittance agent and
5 the posting of the bond herein provided, for each such
6 location.

7 The bond required by this Section shall be for the term of
8 the license, or renewal thereof, for which application is made,
9 and shall run to the People of the State of Illinois, with
10 surety by a bonding or insurance company authorized to do
11 business in this State, to be approved by the Secretary of
12 State. It shall be conditioned upon the proper transmittal of
13 all remittances by the applicant as a remittance agent and the
14 performance of all undertakings in connection therewith. It
15 shall be in the minimum sum of \$20,000 ~~\$10,000~~, or in an amount
16 equal to the aggregate sum of money transmitted to the State by
17 the applicant during the highest 15 day period in the fiscal
18 year immediately preceding the one for which application is
19 made (rounded to the nearest \$1,000), whichever is the greater.
20 However, for the purpose of determining the bond requirements
21 hereunder, remittances made by applicants in the form of money
22 orders, checks, or electronic payments which are made payable
23 directly to the Secretary of State or the Illinois Department
24 of Revenue by the remitter, shall not be considered in the
25 aggregate. The bond requirement of this Section shall not apply
26 to banks, savings and loan associations, and credit unions

1 chartered by the State of Illinois or the United States;
2 provided that the banks, savings and loan associations, and
3 credit unions provide to the Secretary of State an affidavit
4 stating that the bank, savings and loan association, or credit
5 union is sufficiently bonded to meet the requirements as
6 required above. Such affidavit shall be signed by an officer of
7 the bank, savings and loan association, or credit union and
8 shall be notarized.

9 (Source: P.A. 99-324, eff. 1-1-16.)

10 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

11 Sec. 5-101. New vehicle dealers must be licensed.

12 (a) No person shall engage in this State in the business of
13 selling or dealing in, on consignment or otherwise, new
14 vehicles of any make, or act as an intermediary or agent or
15 broker for any licensed dealer or vehicle purchaser other than
16 as a salesperson, or represent or advertise that he is so
17 engaged or intends to so engage in such business unless
18 licensed to do so in writing by the Secretary of State under
19 the provisions of this Section.

20 (b) An application for a new vehicle dealer's license shall
21 be filed with the Secretary of State, duly verified by oath, on
22 such form as the Secretary of State may by rule or regulation
23 prescribe and shall contain:

24 1. The name and type of business organization of the
25 applicant and his established and additional places of

1 business, if any, in this State.

2 2. If the applicant is a corporation, a list of its
3 officers, directors, and shareholders having a ten percent
4 or greater ownership interest in the corporation, setting
5 forth the residence address of each; if the applicant is a
6 sole proprietorship, a partnership, an unincorporated
7 association, a trust, or any similar form of business
8 organization, the name and residence address of the
9 proprietor or of each partner, member, officer, director,
10 trustee, or manager.

11 3. The make or makes of new vehicles which the
12 applicant will offer for sale at retail in this State.

13 4. The name of each manufacturer or franchised
14 distributor, if any, of new vehicles with whom the
15 applicant has contracted for the sale of such new vehicles.
16 As evidence of this fact, the application shall be
17 accompanied by a signed statement from each such
18 manufacturer or franchised distributor. If the applicant
19 is in the business of offering for sale new conversion
20 vehicles, trucks or vans, except for trucks modified to
21 serve a special purpose which includes but is not limited
22 to the following vehicles: street sweepers, fertilizer
23 spreaders, emergency vehicles, implements of husbandry or
24 maintenance type vehicles, he must furnish evidence of a
25 sales and service agreement from both the chassis
26 manufacturer and second stage manufacturer.

1 5. A statement that the applicant has been approved for
2 registration under the Retailers' Occupation Tax Act by the
3 Department of Revenue: Provided that this requirement does
4 not apply to a dealer who is already licensed hereunder
5 with the Secretary of State, and who is merely applying for
6 a renewal of his license. As evidence of this fact, the
7 application shall be accompanied by a certification from
8 the Department of Revenue showing that that Department has
9 approved the applicant for registration under the
10 Retailers' Occupation Tax Act.

11 6. A statement that the applicant has complied with the
12 appropriate liability insurance requirement. A Certificate
13 of Insurance in a solvent company authorized to do business
14 in the State of Illinois shall be included with each
15 application covering each location at which he proposes to
16 act as a new vehicle dealer. The policy must provide
17 liability coverage in the minimum amounts of \$100,000 for
18 bodily injury to, or death of, any person, \$300,000 for
19 bodily injury to, or death of, two or more persons in any
20 one accident, and \$50,000 for damage to property. Such
21 policy shall expire not sooner than December 31 of the year
22 for which the license was issued or renewed. The expiration
23 of the insurance policy shall not terminate the liability
24 under the policy arising during the period for which the
25 policy was filed. Trailer and mobile home dealers are
26 exempt from this requirement.

1 If the permitted user has a liability insurance policy
2 that provides automobile liability insurance coverage of
3 at least \$100,000 for bodily injury to or the death of any
4 person, \$300,000 for bodily injury to or the death of any 2
5 or more persons in any one accident, and \$50,000 for damage
6 to property, then the permitted user's insurer shall be the
7 primary insurer and the dealer's insurer shall be the
8 secondary insurer. If the permitted user does not have a
9 liability insurance policy that provides automobile
10 liability insurance coverage of at least \$100,000 for
11 bodily injury to or the death of any person, \$300,000 for
12 bodily injury to or the death of any 2 or more persons in
13 any one accident, and \$50,000 for damage to property, or
14 does not have any insurance at all, then the dealer's
15 insurer shall be the primary insurer and the permitted
16 user's insurer shall be the secondary insurer.

17 When a permitted user is "test driving" a new vehicle
18 dealer's automobile, the new vehicle dealer's insurance
19 shall be primary and the permitted user's insurance shall
20 be secondary.

21 As used in this paragraph 6, a "permitted user" is a
22 person who, with the permission of the new vehicle dealer
23 or an employee of the new vehicle dealer, drives a vehicle
24 owned and held for sale or lease by the new vehicle dealer
25 which the person is considering to purchase or lease, in
26 order to evaluate the performance, reliability, or

1 condition of the vehicle. The term "permitted user" also
2 includes a person who, with the permission of the new
3 vehicle dealer, drives a vehicle owned or held for sale or
4 lease by the new vehicle dealer for loaner purposes while
5 the user's vehicle is being repaired or evaluated.

6 As used in this paragraph 6, "test driving" occurs when
7 a permitted user who, with the permission of the new
8 vehicle dealer or an employee of the new vehicle dealer,
9 drives a vehicle owned and held for sale or lease by a new
10 vehicle dealer that the person is considering to purchase
11 or lease, in order to evaluate the performance,
12 reliability, or condition of the vehicle.

13 As used in this paragraph 6, "loaner purposes" means
14 when a person who, with the permission of the new vehicle
15 dealer, drives a vehicle owned or held for sale or lease by
16 the new vehicle dealer while the user's vehicle is being
17 repaired or evaluated.

18 7. (A) An application for a new motor vehicle dealer's
19 license shall be accompanied by the following license fees:

20 (i) \$1,000 for applicant's established place of
21 business, and \$100 for each additional place of
22 business, if any, to which the application pertains;
23 but if the application is made after June 15 of any
24 year, the license fee shall be \$500 for applicant's
25 established place of business plus \$50 for each
26 additional place of business, if any, to which the

1 application pertains. License fees shall be returnable
2 only in the event that the application is denied by the
3 Secretary of State. All moneys received by the
4 Secretary of State as license fees under this
5 subparagraph (i) prior to applications for the 2004
6 licensing year shall be deposited into the Motor
7 Vehicle Review Board Fund and shall be used to
8 administer the Motor Vehicle Review Board under the
9 Motor Vehicle Franchise Act. Of the money received by
10 the Secretary of State as license fees under this
11 subparagraph (i) for the 2004 licensing year and
12 thereafter, 10% shall be deposited into the Motor
13 Vehicle Review Board Fund and shall be used to
14 administer the Motor Vehicle Review Board under the
15 Motor Vehicle Franchise Act and 90% shall be deposited
16 into the General Revenue Fund.

17 (ii) Except for dealers selling 25 or fewer
18 automobiles or as provided in subsection (h) of Section
19 5-102.7 of this Code, an Annual Dealer Recovery Fund
20 Fee in the amount of \$500 for the applicant's
21 established place of business, and \$50 for each
22 additional place of business, if any, to which the
23 application pertains; but if the application is made
24 after June 15 of any year, the fee shall be \$250 for
25 the applicant's established place of business plus \$25
26 for each additional place of business, if any, to which

1 the application pertains. For a license renewal
2 application, the fee shall be based on the amount of
3 automobiles sold in the past year according to the
4 following formula:

5 (1) \$0 for dealers selling 25 or less
6 automobiles;

7 (2) \$150 for dealers selling more than 25 but
8 less than 200 automobiles;

9 (3) \$300 for dealers selling 200 or more
10 automobiles but less than 300 automobiles; and

11 (4) \$500 for dealers selling 300 or more
12 automobiles.

13 License fees shall be returnable only in the event
14 that the application is denied by the Secretary of
15 State. Moneys received under this subparagraph (ii)
16 shall be deposited into the Dealer Recovery Trust Fund.

17 (B) An application for a new vehicle dealer's license,
18 other than for a new motor vehicle dealer's license, shall
19 be accompanied by the following license fees:

20 (i) \$1,000 for applicant's established place of
21 business, and \$50 for each additional place of
22 business, if any, to which the application pertains;
23 but if the application is made after June 15 of any
24 year, the license fee shall be \$500 for applicant's
25 established place of business plus \$25 for each
26 additional place of business, if any, to which the

1 application pertains. License fees shall be returnable
2 only in the event that the application is denied by the
3 Secretary of State. Of the money received by the
4 Secretary of State as license fees under this
5 subparagraph (i) for the 2004 licensing year and
6 thereafter, 95% shall be deposited into the General
7 Revenue Fund.

8 (ii) Except as provided in subsection (h) of
9 Section 5-102.7 of this Code, an Annual Dealer Recovery
10 Fund Fee in the amount of \$500 for the applicant's
11 established place of business, and \$50 for each
12 additional place of business, if any, to which the
13 application pertains; but if the application is made
14 after June 15 of any year, the fee shall be \$250 for
15 the applicant's established place of business plus \$25
16 for each additional place of business, if any, to which
17 the application pertains. License fees shall be
18 returnable only in the event that the application is
19 denied by the Secretary of State. Moneys received under
20 this subparagraph (ii) shall be deposited into the
21 Dealer Recovery Trust Fund.

22 8. A statement that the applicant's officers,
23 directors, shareholders having a 10% or greater ownership
24 interest therein, proprietor, a partner, member, officer,
25 director, trustee, manager or other principals in the
26 business have not committed in the past 3 years any one

1 violation as determined in any civil, criminal or
2 administrative proceedings of any one of the following
3 Acts:

4 (A) The Anti-Theft Laws of the Illinois Vehicle
5 Code;

6 (B) The Certificate of Title Laws of the Illinois
7 Vehicle Code;

8 (C) The Offenses against Registration and
9 Certificates of Title Laws of the Illinois Vehicle
10 Code;

11 (D) The Dealers, Transporters, Wreckers and
12 Rebuilders Laws of the Illinois Vehicle Code;

13 (E) Section 21-2 of the Criminal Code of 1961 or
14 the Criminal Code of 2012, Criminal Trespass to
15 Vehicles; or

16 (F) The Retailers' Occupation Tax Act.

17 9. A statement that the applicant's officers,
18 directors, shareholders having a 10% or greater ownership
19 interest therein, proprietor, partner, member, officer,
20 director, trustee, manager or other principals in the
21 business have not committed in any calendar year 3 or more
22 violations, as determined in any civil, criminal or
23 administrative proceedings, of any one or more of the
24 following Acts:

25 (A) The Consumer Finance Act;

26 (B) The Consumer Installment Loan Act;

- 1 (C) The Retail Installment Sales Act;
- 2 (D) The Motor Vehicle Retail Installment Sales
- 3 Act;
- 4 (E) The Interest Act;
- 5 (F) The Illinois Wage Assignment Act;
- 6 (G) Part 8 of Article XII of the Code of Civil
- 7 Procedure; or
- 8 (H) The Consumer Fraud Act.

9 10. A bond or certificate of deposit in the amount of

10 \$50,000 ~~\$20,000~~ for each location at which the applicant

11 intends to act as a new vehicle dealer. The bond shall be

12 for the term of the license, or its renewal, for which

13 application is made, and shall expire not sooner than

14 December 31 of the year for which the license was issued or

15 renewed. The bond shall run to the People of the State of

16 Illinois, with surety by a bonding or insurance company

17 authorized to do business in this State. It shall be

18 conditioned upon the proper transmittal of all title and

19 registration fees and taxes (excluding taxes under the

20 Retailers' Occupation Tax Act) accepted by the applicant as

21 a new vehicle dealer.

22 11. Such other information concerning the business of

23 the applicant as the Secretary of State may by rule or

24 regulation prescribe.

25 12. A statement that the applicant understands Chapter

26 1 through Chapter 5 of this Code.

1 (c) Any change which renders no longer accurate any
2 information contained in any application for a new vehicle
3 dealer's license shall be amended within 30 days after the
4 occurrence of such change on such form as the Secretary of
5 State may prescribe by rule or regulation, accompanied by an
6 amendatory fee of \$2.

7 (d) Anything in this Chapter 5 to the contrary
8 notwithstanding no person shall be licensed as a new vehicle
9 dealer unless:

10 1. He is authorized by contract in writing between
11 himself and the manufacturer or franchised distributor of
12 such make of vehicle to so sell the same in this State, and

13 2. Such person shall maintain an established place of
14 business as defined in this Act.

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

26 1. The name of the person licensed;

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

7 3. In the case of an original license, the established
8 place of business of the licensee;

9 4. In the case of a supplemental license, the
10 established place of business of the licensee and the
11 additional place of business to which such supplemental
12 license pertains;

13 5. The make or makes of new vehicles which the licensee
14 is licensed to sell.

15 (f) The appropriate instrument evidencing the license or a
16 certified copy thereof, provided by the Secretary of State,
17 shall be kept posted conspicuously in the established place of
18 business of the licensee and in each additional place of
19 business, if any, maintained by such licensee.

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

25 (h) A new vehicle dealer's license may be renewed upon
26 application and payment of the fee required herein, and

1 submission of proof of coverage under an approved bond under
2 the Retailers' Occupation Tax Act or proof that applicant is
3 not subject to such bonding requirements, as in the case of an
4 original license, but in case an application for the renewal of
5 an effective license is made during the month of December, the
6 effective license shall remain in force until the application
7 is granted or denied by the Secretary of State.

8 (i) All persons licensed as a new vehicle dealer are
9 required to furnish each purchaser of a motor vehicle:

10 1. In the case of a new vehicle a manufacturer's
11 statement of origin and in the case of a used motor vehicle
12 a certificate of title, in either case properly assigned to
13 the purchaser;

14 2. A statement verified under oath that all identifying
15 numbers on the vehicle agree with those on the certificate
16 of title or manufacturer's statement of origin;

17 3. A bill of sale properly executed on behalf of such
18 person;

19 4. A copy of the Uniform Invoice-transaction reporting
20 return referred to in Section 5-402 hereof;

21 5. In the case of a rebuilt vehicle, a copy of the
22 Disclosure of Rebuilt Vehicle Status; and

23 6. In the case of a vehicle for which the warranty has
24 been reinstated, a copy of the warranty.

25 (j) Except at the time of sale or repossession of the
26 vehicle, no person licensed as a new vehicle dealer may issue

1 any other person a newly created key to a vehicle unless the
2 new vehicle dealer makes a copy of the driver's license or
3 State identification card of the person requesting or obtaining
4 the newly created key. The new vehicle dealer must retain the
5 copy for 30 days.

6 A new vehicle dealer who violates this subsection (j) is
7 guilty of a petty offense. Violation of this subsection (j) is
8 not cause to suspend, revoke, cancel, or deny renewal of the
9 new vehicle dealer's license.

10 This amendatory Act of 1983 shall be applicable to the 1984
11 registration year and thereafter.

12 (Source: P.A. 98-450, eff. 1-1-14; 99-78, eff. 7-20-15.)

13 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

14 Sec. 5-102. Used vehicle dealers must be licensed.

15 (a) No person, other than a licensed new vehicle dealer,
16 shall engage in the business of selling or dealing in, on
17 consignment or otherwise, 5 or more used vehicles of any make
18 during the year (except house trailers as authorized by
19 paragraph (j) of this Section and rebuilt salvage vehicles sold
20 by their rebuilders to persons licensed under this Chapter), or
21 act as an intermediary, agent or broker for any licensed dealer
22 or vehicle purchaser (other than as a salesperson) or represent
23 or advertise that he is so engaged or intends to so engage in
24 such business unless licensed to do so by the Secretary of
25 State under the provisions of this Section.

1 (b) An application for a used vehicle dealer's license
2 shall be filed with the Secretary of State, duly verified by
3 oath, in such form as the Secretary of State may by rule or
4 regulation prescribe and shall contain:

5 1. The name and type of business organization
6 established and additional places of business, if any, in
7 this State.

8 2. If the applicant is a corporation, a list of its
9 officers, directors, and shareholders having a ten percent
10 or greater ownership interest in the corporation, setting
11 forth the residence address of each; if the applicant is a
12 sole proprietorship, a partnership, an unincorporated
13 association, a trust, or any similar form of business
14 organization, the names and residence address of the
15 proprietor or of each partner, member, officer, director,
16 trustee or manager.

17 3. A statement that the applicant has been approved for
18 registration under the Retailers' Occupation Tax Act by the
19 Department of Revenue. However, this requirement does not
20 apply to a dealer who is already licensed hereunder with
21 the Secretary of State, and who is merely applying for a
22 renewal of his license. As evidence of this fact, the
23 application shall be accompanied by a certification from
24 the Department of Revenue showing that the Department has
25 approved the applicant for registration under the
26 Retailers' Occupation Tax Act.

1 4. A statement that the applicant has complied with the
2 appropriate liability insurance requirement. A Certificate
3 of Insurance in a solvent company authorized to do business
4 in the State of Illinois shall be included with each
5 application covering each location at which he proposes to
6 act as a used vehicle dealer. The policy must provide
7 liability coverage in the minimum amounts of \$100,000 for
8 bodily injury to, or death of, any person, \$300,000 for
9 bodily injury to, or death of, two or more persons in any
10 one accident, and \$50,000 for damage to property. Such
11 policy shall expire not sooner than December 31 of the year
12 for which the license was issued or renewed. The expiration
13 of the insurance policy shall not terminate the liability
14 under the policy arising during the period for which the
15 policy was filed. Trailer and mobile home dealers are
16 exempt from this requirement.

17 If the permitted user has a liability insurance policy
18 that provides automobile liability insurance coverage of
19 at least \$100,000 for bodily injury to or the death of any
20 person, \$300,000 for bodily injury to or the death of any 2
21 or more persons in any one accident, and \$50,000 for damage
22 to property, then the permitted user's insurer shall be the
23 primary insurer and the dealer's insurer shall be the
24 secondary insurer. If the permitted user does not have a
25 liability insurance policy that provides automobile
26 liability insurance coverage of at least \$100,000 for

1 bodily injury to or the death of any person, \$300,000 for
2 bodily injury to or the death of any 2 or more persons in
3 any one accident, and \$50,000 for damage to property, or
4 does not have any insurance at all, then the dealer's
5 insurer shall be the primary insurer and the permitted
6 user's insurer shall be the secondary insurer.

7 When a permitted user is "test driving" a used vehicle
8 dealer's automobile, the used vehicle dealer's insurance
9 shall be primary and the permitted user's insurance shall
10 be secondary.

11 As used in this paragraph 4, a "permitted user" is a
12 person who, with the permission of the used vehicle dealer
13 or an employee of the used vehicle dealer, drives a vehicle
14 owned and held for sale or lease by the used vehicle dealer
15 which the person is considering to purchase or lease, in
16 order to evaluate the performance, reliability, or
17 condition of the vehicle. The term "permitted user" also
18 includes a person who, with the permission of the used
19 vehicle dealer, drives a vehicle owned or held for sale or
20 lease by the used vehicle dealer for loaner purposes while
21 the user's vehicle is being repaired or evaluated.

22 As used in this paragraph 4, "test driving" occurs when
23 a permitted user who, with the permission of the used
24 vehicle dealer or an employee of the used vehicle dealer,
25 drives a vehicle owned and held for sale or lease by a used
26 vehicle dealer that the person is considering to purchase

1 or lease, in order to evaluate the performance,
2 reliability, or condition of the vehicle.

3 As used in this paragraph 4, "loaner purposes" means
4 when a person who, with the permission of the used vehicle
5 dealer, drives a vehicle owned or held for sale or lease by
6 the used vehicle dealer while the user's vehicle is being
7 repaired or evaluated.

8 5. An application for a used vehicle dealer's license
9 shall be accompanied by the following license fees:

10 (A) \$1,000 for applicant's established place of
11 business, and \$50 for each additional place of
12 business, if any, to which the application pertains;
13 however, if the application is made after June 15 of
14 any year, the license fee shall be \$500 for applicant's
15 established place of business plus \$25 for each
16 additional place of business, if any, to which the
17 application pertains. License fees shall be returnable
18 only in the event that the application is denied by the
19 Secretary of State. Of the money received by the
20 Secretary of State as license fees under this
21 subparagraph (A) for the 2004 licensing year and
22 thereafter, 95% shall be deposited into the General
23 Revenue Fund.

24 (B) Except for dealers selling 25 or fewer
25 automobiles or as provided in subsection (h) of Section
26 5-102.7 of this Code, an Annual Dealer Recovery Fund

1 Fee in the amount of \$500 for the applicant's
2 established place of business, and \$50 for each
3 additional place of business, if any, to which the
4 application pertains; but if the application is made
5 after June 15 of any year, the fee shall be \$250 for
6 the applicant's established place of business plus \$25
7 for each additional place of business, if any, to which
8 the application pertains. For a license renewal
9 application, the fee shall be based on the amount of
10 automobiles sold in the past year according to the
11 following formula:

12 (1) \$0 for dealers selling 25 or less
13 automobiles;

14 (2) \$150 for dealers selling more than 25 but
15 less than 200 automobiles;

16 (3) \$300 for dealers selling 200 or more
17 automobiles but less than 300 automobiles; and

18 (4) \$500 for dealers selling 300 or more
19 automobiles.

20 License fees shall be returnable only in the event
21 that the application is denied by the Secretary of
22 State. Moneys received under this subparagraph (B)
23 shall be deposited into the Dealer Recovery Trust Fund.

24 6. A statement that the applicant's officers,
25 directors, shareholders having a 10% or greater ownership
26 interest therein, proprietor, partner, member, officer,

1 director, trustee, manager or other principals in the
2 business have not committed in the past 3 years any one
3 violation as determined in any civil, criminal or
4 administrative proceedings of any one of the following
5 Acts:

6 (A) The Anti-Theft Laws of the Illinois Vehicle
7 Code;

8 (B) The Certificate of Title Laws of the Illinois
9 Vehicle Code;

10 (C) The Offenses against Registration and
11 Certificates of Title Laws of the Illinois Vehicle
12 Code;

13 (D) The Dealers, Transporters, Wreckers and
14 Rebuilders Laws of the Illinois Vehicle Code;

15 (E) Section 21-2 of the Illinois Criminal Code of
16 1961 or the Criminal Code of 2012, Criminal Trespass to
17 Vehicles; or

18 (F) The Retailers' Occupation Tax Act.

19 7. A statement that the applicant's officers,
20 directors, shareholders having a 10% or greater ownership
21 interest therein, proprietor, partner, member, officer,
22 director, trustee, manager or other principals in the
23 business have not committed in any calendar year 3 or more
24 violations, as determined in any civil or criminal or
25 administrative proceedings, of any one or more of the
26 following Acts:

- 1 (A) The Consumer Finance Act;
- 2 (B) The Consumer Installment Loan Act;
- 3 (C) The Retail Installment Sales Act;
- 4 (D) The Motor Vehicle Retail Installment Sales
- 5 Act;
- 6 (E) The Interest Act;
- 7 (F) The Illinois Wage Assignment Act;
- 8 (G) Part 8 of Article XII of the Code of Civil
- 9 Procedure; or
- 10 (H) The Consumer Fraud Act.

11 8. A bond or Certificate of Deposit in the amount of

12 \$50,000 ~~\$20,000~~ for each location at which the applicant

13 intends to act as a used vehicle dealer. The bond shall be

14 for the term of the license, or its renewal, for which

15 application is made, and shall expire not sooner than

16 December 31 of the year for which the license was issued or

17 renewed. The bond shall run to the People of the State of

18 Illinois, with surety by a bonding or insurance company

19 authorized to do business in this State. It shall be

20 conditioned upon the proper transmittal of all title and

21 registration fees and taxes (excluding taxes under the

22 Retailers' Occupation Tax Act) accepted by the applicant as

23 a used vehicle dealer.

24 9. Such other information concerning the business of

25 the applicant as the Secretary of State may by rule or

26 regulation prescribe.

1 10. A statement that the applicant understands Chapter
2 1 through Chapter 5 of this Code.

3 11. A copy of the certification from the prelicensing
4 education program.

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

11 (d) Anything in this Chapter to the contrary
12 notwithstanding, no person shall be licensed as a used vehicle
13 dealer unless such person maintains an established place of
14 business as defined in this Chapter.

15 (e) The Secretary of State shall, within a reasonable time
16 after receipt, examine an application submitted to him under
17 this Section. Unless the Secretary makes a determination that
18 the application submitted to him does not conform to this
19 Section or that grounds exist for a denial of the application
20 under Section 5-501 of this Chapter, he must grant the
21 applicant an original used vehicle dealer's license in writing
22 for his established place of business and a supplemental
23 license in writing for each additional place of business in
24 such form as he may prescribe by rule or regulation which shall
25 include the following:

26 1. The name of the person licensed;

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

7 3. In case of an original license, the established
8 place of business of the licensee;

9 4. In the case of a supplemental license, the
10 established place of business of the licensee and the
11 additional place of business to which such supplemental
12 license pertains.

13 (f) The appropriate instrument evidencing the license or a
14 certified copy thereof, provided by the Secretary of State
15 shall be kept posted, conspicuously, in the established place
16 of business of the licensee and in each additional place of
17 business, if any, maintained by such licensee.

18 (g) Except as provided in subsection (h) of this Section,
19 all used vehicle dealer's licenses granted under this Section
20 expire by operation of law on December 31 of the calendar year
21 for which they are granted unless sooner revoked or cancelled
22 under Section 5-501 of this Chapter.

23 (h) A used vehicle dealer's license may be renewed upon
24 application and payment of the fee required herein, and
25 submission of proof of coverage by an approved bond under the
26 "Retailers' Occupation Tax Act" or proof that applicant is not

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

6 (i) All persons licensed as a used vehicle dealer are
7 required to furnish each purchaser of a motor vehicle:

8 1. A certificate of title properly assigned to the
9 purchaser;

10 2. A statement verified under oath that all identifying
11 numbers on the vehicle agree with those on the certificate
12 of title;

13 3. A bill of sale properly executed on behalf of such
14 person;

15 4. A copy of the Uniform Invoice-transaction reporting
16 return referred to in Section 5-402 of this Chapter;

17 5. In the case of a rebuilt vehicle, a copy of the
18 Disclosure of Rebuilt Vehicle Status; and

19 6. In the case of a vehicle for which the warranty has
20 been reinstated, a copy of the warranty.

21 (j) A real estate broker holding a valid certificate of
22 registration issued pursuant to "The Real Estate Brokers and
23 Salesmen License Act" may engage in the business of selling or
24 dealing in house trailers not his own without being licensed as
25 a used vehicle dealer under this Section; however such broker
26 shall maintain a record of the transaction including the

1 following:

- 2 (1) the name and address of the buyer and seller,
3 (2) the date of sale,
4 (3) a description of the mobile home, including the
5 vehicle identification number, make, model, and year, and
6 (4) the Illinois certificate of title number.

7 The foregoing records shall be available for inspection by
8 any officer of the Secretary of State's Office at any
9 reasonable hour.

10 (k) Except at the time of sale or repossession of the
11 vehicle, no person licensed as a used vehicle dealer may issue
12 any other person a newly created key to a vehicle unless the
13 used vehicle dealer makes a copy of the driver's license or
14 State identification card of the person requesting or obtaining
15 the newly created key. The used vehicle dealer must retain the
16 copy for 30 days.

17 A used vehicle dealer who violates this subsection (k) is
18 guilty of a petty offense. Violation of this subsection (k) is
19 not cause to suspend, revoke, cancel, or deny renewal of the
20 used vehicle dealer's license.

21 (l) Used vehicle dealers licensed under this Section shall
22 provide the Secretary of State a register for the sale at
23 auction of each salvage or junk certificate vehicle. Each
24 register shall include the following information:

- 25 1. The year, make, model, style and color of the
26 vehicle;

1 2. The vehicle's manufacturer's identification number
2 or, if applicable, the Secretary of State or Illinois
3 Department of State Police identification number;

4 3. The date of acquisition of the vehicle;

5 4. The name and address of the person from whom the
6 vehicle was acquired;

7 5. The name and address of the person to whom any
8 vehicle was disposed, the person's Illinois license number
9 or if the person is an out-of-state salvage vehicle buyer,
10 the license number from the state or jurisdiction where the
11 buyer is licensed; and

12 6. The purchase price of the vehicle.

13 The register shall be submitted to the Secretary of State
14 via written or electronic means within 10 calendar days from
15 the date of the auction.

16 (Source: P.A. 98-450, eff. 1-1-14; 99-78, eff. 7-20-15.)

17 "(625 ILCS 5/5-107) (from Ch. 95 1/2, par. 5-107)

18 Sec. 5-107. Bond exemption. The following persons shall be
19 exempt from the bond required in Sections 5-101 and 5-102: (1)
20 Any person who has been continuously licensed under Section
21 5-101 or 5-102 since calendar year 1983; (2) any licensee who
22 as determined by the Secretary of State, has faithfully and
23 continuously complied with conditions of the bond requirement
24 for a period of 60 ~~36~~ consecutive months after the effective
25 date of this amendatory Act of the 100th General Assembly.

1 This exemption shall continue for each licensee until such
2 time as he may be determined by the Secretary of State to be
3 delinquent or deficient in the transmittal of title and
4 registration fees or taxes.

5 ~~This amendatory Act of 1983 shall be applicable to the 1984~~
6 ~~registration year and thereafter.~~

7 A person whose license is cancelled due to the voluntary
8 surrender of such license, who applies for a new license for
9 the same license year or one license year after the license
10 year of the cancelled license, will remain exempt under
11 paragraph (1) above if the only break in the continuous
12 licensure is caused by the cancellation due to the voluntary
13 surrender of the license.

14 (Source: P.A. 88-158; 88-520.)

15 (625 ILCS 5/5-503) (from Ch. 95 1/2, par. 5-503)

16 Sec. 5-503. Failure to obtain dealer's license, operation
17 of a business with a suspended or revoked license. (a) Any
18 person operating a business for which he is required to be
19 licensed under Section 5-101, 5-101.2, 5-102, 5-201 or 5-301
20 who fails to apply for such a license or licenses within 15
21 days after being informed in writing by the Secretary of State
22 that he must obtain such a license or licenses is subject to a
23 civil action brought by the Secretary of State for operating a
24 business without a license in the circuit court in the county
25 in which the business is located. If the person is found to be

1 in violation of Section 5-101, 5-101.2, 5-102, 5-201 or 5-301
2 by carrying on a business without being properly licensed, that
3 person shall be fined \$300 for each business day he conducted
4 his business without such a license after the expiration of the
5 15 day period specified in this subsection (a).

6 (b) Any person who, having had his license or licenses
7 issued under Section 5-101, 5-101.2, 5-102, 5-201 or 5-301
8 suspended, revoked, cancelled or denied by the Secretary of
9 State under Section 5-501, continues to operate business after
10 the effective date of such revocation, suspension,
11 cancellation or denial may be sued in a civil action by the
12 Secretary of State in the county in which the established or
13 additional place of such business is located. If such person is
14 found by the court to have operated such a business after the
15 license or licenses required for conducting such business have
16 been suspended, revoked, cancelled or denied, that person shall
17 be fined \$500 for each day he conducted business thereafter.

18 (Source: P.A. 86-444.)

19 (625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

20 Sec. 6-305. Renting motor vehicle to another.

21 (a) No person shall rent a motor vehicle to any other
22 person unless the latter person, or a driver designated by a
23 nondriver with disabilities and meeting any minimum age and
24 driver's record requirements that are uniformly applied by the
25 person renting a motor vehicle, is then duly licensed hereunder

1 or, in the case of a nonresident, then duly licensed under the
2 laws of the State or country of his residence unless the State
3 or country of his residence does not require that a driver be
4 licensed.

5 (b) No person shall rent a motor vehicle to another until
6 he has inspected the drivers license of the person to whom the
7 vehicle is to be rented, or by whom it is to be driven, and
8 compared and verified the signature thereon with the signature
9 of such person written in his presence unless, in the case of a
10 nonresident, the State or country wherein the nonresident
11 resides does not require that a driver be licensed.

12 (c) No person shall rent a motorcycle to another unless the
13 latter person is then duly licensed hereunder as a motorcycle
14 operator, and in the case of a nonresident, then duly licensed
15 under the laws of the State or country of his residence, unless
16 the State or country of his residence does not require that a
17 driver be licensed.

18 (c-1) A rental car company that rents a motor vehicle shall
19 ensure that the renter is provided with an emergency telephone
20 number to personnel capable of fielding roadside assistance and
21 other customer service inquiries, including the ability to
22 provide the caller with the telephone number of the location
23 from which the vehicle was rented, if requested by the caller.
24 If an owner's manual is not available in the vehicle at the
25 time of the rental, an owner's manual for that vehicle or a
26 similar model shall be accessible by the personnel answering

1 the emergency telephone number for assistance with inquiries
2 about the operation of the vehicle.

3 (d) (Blank).

4 (e) (Blank).

5 (f) Subject to subsection (l), any person who rents a motor
6 vehicle to another shall only advertise, quote, and charge a
7 rental rate that includes the entire amount except taxes, a
8 mileage charge, and airport concession charge, if any, which a
9 renter must pay to hire or lease the vehicle for the period of
10 time to which the rental rate applies. The person must provide,
11 on the request of the renter, based on the available
12 information, an estimated total of the daily rental rate,
13 including all applicable taxes, fees, and other charges, or an
14 estimated total rental charge, based on the return date of the
15 vehicle noted on the rental agreement. Further, if the rental
16 agreement does not already provide an estimated total rental
17 charge, the following statement must be included in the rental
18 agreement:

19 "NOTICE: UNDER ILLINOIS LAW, YOU MAY REQUEST, BASED ON
20 AVAILABLE INFORMATION, AN ESTIMATED TOTAL DAILY RENTAL
21 RATE, INCLUDING TAXES, FEES, AND OTHER CHARGES, OR AN
22 ESTIMATED TOTAL RENTAL CHARGE, BASED ON THE VEHICLE RETURN
23 DATE NOTED ON THIS AGREEMENT."

24 Such person shall not charge in addition to the rental
25 rate, taxes, mileage charge, and airport concession charge, if
26 any, any fee which must be paid by the renter as a condition of

1 hiring or leasing the vehicle, such as, but not limited to,
2 required fuel or airport surcharges, nor any fee for
3 transporting the renter to the location where the rented
4 vehicle will be delivered to the renter. In addition to the
5 rental rate, taxes, mileage charge, and airport concession
6 charge, if any, such person may charge for an item or service
7 provided in connection with a particular rental transaction if
8 the renter can avoid incurring the charge by choosing not to
9 obtain or utilize the optional item or service. Items and
10 services for which such person may impose an additional charge
11 include, but are not limited to, optional insurance and
12 accessories requested by the renter, service charges incident
13 to the renter's optional return of the vehicle to a location
14 other than the location where the vehicle was hired or leased,
15 and charges for refueling the vehicle at the conclusion of the
16 rental transaction in the event the renter did not return the
17 vehicle with as much fuel as was in the fuel tank at the
18 beginning of the rental. "Airport concession charge" means a
19 charge or fee imposed and collected from a renter to reimburse
20 the motor vehicle rental company for the concession fee it is
21 required to pay to a local government corporate authority or
22 airport authority to rent motor vehicles at the airport
23 facility. The airport concession charge is in addition to any
24 customer facility charge or any other charge.

25 (g) Every person renting a motor vehicle to another shall
26 keep a record of the registration number of the motor vehicle

1 so rented, the name and address of the person to whom the
2 vehicle is rented, the number of the license, if any, of said
3 latter person, and the date and place when and where the
4 license, if any, was issued. Such record shall be open to
5 inspection by any police officer or designated agent of the
6 Secretary of State.

7 (h) A person licensed as a new car dealer under Section
8 5-101 of this Code shall not be subject to the provisions of
9 this Section regarding the rental of private passenger motor
10 vehicles when providing, free of charge, temporary substitute
11 vehicles for customers to operate during a period when a
12 customer's vehicle, which is either leased or owned by that
13 customer, is being repaired, serviced, replaced or otherwise
14 made unavailable to the customer in accordance with an
15 agreement with the licensed new car dealer or vehicle
16 manufacturer, so long as the customer orally or in writing is
17 made aware that the temporary substitute vehicle will be
18 covered by his or her insurance policy and the customer shall
19 only be liable to the extent of any amount deductible from such
20 insurance coverage in accordance with the terms of the policy.

21 (i) This Section, except the requirements of subsection
22 (g), also applies to rental agreements of 30 continuous days or
23 less involving a motor vehicle that was delivered by an out of
24 State person or business to a renter in this State.

25 (j) A public airport may, if approved by its local
26 government corporate authorities or its airport authority,

1 impose a customer facility charge upon customers of rental car
2 companies for the purposes of financing, designing,
3 constructing, operating, and maintaining consolidated car
4 rental facilities and common use transportation equipment and
5 facilities, which are used to transport the customer,
6 connecting consolidated car rental facilities with other
7 airport facilities.

8 Notwithstanding subsection (f) of this Section, the
9 customer facility charge shall be collected by the rental car
10 company as a separate charge, and clearly indicated as a
11 separate charge on the rental agreement and invoice. Facility
12 charges shall be immediately deposited into a trust account for
13 the benefit of the airport and remitted at the direction of the
14 airport, but not more often than once per month. The charge
15 shall be uniformly calculated on a per-contract or per-day
16 basis. Facility charges imposed by the airport may not exceed
17 the reasonable costs of financing, designing, constructing,
18 operating, and maintaining the consolidated car rental
19 facilities and common use transportation equipment and
20 facilities and may not be used for any other purpose.

21 Notwithstanding any other provision of law, the charges
22 collected under this Section are not subject to retailer
23 occupation, sales, use, or transaction taxes.

24 (k) When a rental car company states a rental rate in any
25 of its rate advertisements, its proprietary computer
26 reservation systems, or its in-person quotations intended to

1 apply to an airport rental, a company that collects from its
2 customers a customer facility charge for that rental under
3 subsection (j) shall do all of the following:

4 (1) Clearly and conspicuously disclose in any radio,
5 television, or other electronic media advertisements the
6 existence and amount of the charge if the advertisement is
7 intended for rentals at an airport imposing the charge or,
8 if the advertisement covers an area with multiple airports
9 with different charges, a range of amounts of customer
10 facility charges if the advertisement is intended for
11 rentals at an airport imposing the charge.

12 (2) Clearly and conspicuously disclose in any print
13 rate advertising the existence and amount of the charge if
14 the advertisement is intended for rentals at an airport
15 imposing the charge or, if the print rate advertisement
16 covers an area with multiple airports with different
17 charges, a range of amounts of customer facility charges if
18 the advertisement is intended for rentals at an airport
19 imposing the charge.

20 (3) Clearly and conspicuously disclose the existence
21 and amount of the charge in any telephonic, in-person, or
22 computer-transmitted quotation from the rental car
23 company's proprietary computer reservation system at the
24 time of making an initial quotation of a rental rate if the
25 quotation is made by a rental car company location at an
26 airport imposing the charge and at the time of making a

1 reservation of a rental car if the reservation is made by a
2 rental car company location at an airport imposing the
3 charge.

4 (4) Clearly and conspicuously display the charge in any
5 proprietary computer-assisted reservation or transaction
6 directly between the rental car company and the customer,
7 shown or referenced on the same page on the computer screen
8 viewed by the customer as the displayed rental rate and in
9 a print size not smaller than the print size of the rental
10 rate.

11 (5) Clearly and conspicuously disclose and separately
12 identify the existence and amount of the charge on its
13 rental agreement.

14 (6) A rental car company that collects from its
15 customers a customer facility charge under subsection (j)
16 and engages in a practice which does not comply with
17 subsections (f), (j), and (k) commits an unlawful practice
18 within the meaning of the Consumer Fraud and Deceptive
19 Business Practices Act.

20 (1) Notwithstanding subsection (f), any person who rents a
21 motor vehicle to another may, in connection with the rental of
22 a motor vehicle to (i) a business renter or (ii) a business
23 program sponsor under the sponsor's business program, do the
24 following:

25 (1) separately quote, by telephone, in person, or by
26 computer transmission, additional charges for the rental;

1 and

2 (2) separately impose additional charges for the
3 rental.

4 (1-5) A person licensed under Section 5-101, 5-101.2, or
5 5-102 of this Code shall not participate in a rental-purchase
6 agreement vehicle program unless the licensee retains the
7 vehicle in his or her name and retains proof of proper vehicle
8 registration under Chapter 3 of this Code and liability
9 insurance under Section 7-601 of this Code. The licensee shall
10 transfer ownership of the vehicle to the renter within 20
11 calendar days of the agreed-upon date of completion of the
12 rental-purchase agreement. If the licensee fails to transfer
13 ownership of the vehicle to the renter within the 20 calendar
14 days, then the renter may apply for the vehicle's title to the
15 Secretary of State by providing the Secretary the
16 rental-purchase agreement, an application for title, the
17 required title fee, and any other documentation the Secretary
18 deems necessary to determine ownership of the vehicle. For
19 purposes of this subsection (1-5), "rental-purchase agreement"
20 has the meaning set forth in Section 1 of the Rental-Purchase
21 Agreement Act.

22 (m) As used in this Section:

23 (1) "Additional charges" means charges other than: (i)
24 a per period base rental rate; (ii) a mileage charge; (iii)
25 taxes; or (iv) a customer facility charge.

26 (2) "Business program" means:

1 (A) a contract between a person who rents motor
2 vehicles and a business program sponsor that
3 establishes rental rates at which the person will rent
4 motor vehicles to persons authorized by the sponsor; or

5 (B) a plan, program, or other arrangement
6 established by a person who rents motor vehicles at the
7 request of, or with the consent of, a business program
8 sponsor under which the person offers to rent motor
9 vehicles to persons authorized by the sponsor on terms
10 that are not the same as those generally offered by the
11 rental company to the public.

12 (3) "Business program sponsor" means any legal entity
13 other than a natural person, including a corporation,
14 limited liability company, partnership, government,
15 municipality or agency, or a natural person operating a
16 business as a sole proprietor.

17 (4) "Business renter" means any person renting a motor
18 vehicle for business purposes or, for any business program
19 sponsor, a person who is authorized by the sponsor to enter
20 into a rental contract under the sponsor's business
21 program. "Business renter" does not include a person
22 renting as:

23 (A) a non-employee member of a not-for-profit
24 organization;

25 (B) the purchaser of a voucher or other prepaid
26 rental arrangement from a person, including a tour

1 operator, engaged in the business of reselling those
2 vouchers or prepaid rental arrangements to the general
3 public;

4 (C) an individual whose car rental is eligible for
5 reimbursement in whole or in part as a result of the
6 person being insured or provided coverage under a
7 policy of insurance issued by an insurance company; or

8 (D) an individual whose car rental is eligible for
9 reimbursement in whole or in part as a result of the
10 person purchasing motor vehicle repair services from a
11 person licensed to perform those services.

12 (Source: P.A. 97-595, eff. 8-26-11.)

13 Section 99. Effective date. This Act takes effect January
14 1, 2018.

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625 ILCS 5/1-134.1 from Ch. 95 1/2, par. 1-134.1

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625 ILCS 5/1-171.01a

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625 ILCS 5/3-107 from Ch. 95 1/2, par. 3-107

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625 ILCS 5/3-116 from Ch. 95 1/2, par. 3-116

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625 ILCS 5/3-203 from Ch. 95 1/2, par. 3-203

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625 ILCS 5/3-802 from Ch. 95 1/2, par. 3-802

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625 ILCS 5/3-905 from Ch. 95 1/2, par. 3-905

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625 ILCS 5/5-101 from Ch. 95 1/2, par. 5-101

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625 ILCS 5/5-102 from Ch. 95 1/2, par. 5-102

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625 ILCS 5/5-503 from Ch. 95 1/2, par. 5-503

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625 ILCS 5/6-305 from Ch. 95 1/2, par. 6-305