

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;

3 4. the title number assigned to the vehicle;

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

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

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

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

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

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

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

1 transferee, the naming of a lienholder and the assignment or
2 release of the security interest of a lienholder.

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

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

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

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

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

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

24 (625 ILCS 5/3-116) (from Ch. 95 1/2, par. 3-116)

25 Sec. 3-116. When Secretary of State to issue a certificate

1 of title.

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

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

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

25 (c) Any person, firm or corporation, who shall knowingly
26 possess, buy, sell, exchange or give away, or offer to buy,

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

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

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

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

25 (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.

26 (c) When upgrading the weight of a registration within the

1 same plate category, the owner shall pay the difference in
2 current period fees between the two plates. In addition, the
3 appropriate replacement plate and replacement sticker fees
4 shall be assessed. In the event new plates are not required,
5 the corrected registration card fee shall be assessed.

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

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

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

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

24 (h) Certain special interest plates may be displayed on
25 first division vehicles, second division vehicles weighing
26 8,000 pounds or less, and recreational vehicles. Those plates

1 can be transferred within those vehicle groups.

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

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

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

10 (625 ILCS 5/3-905) (from Ch. 95 1/2, par. 3-905)

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

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

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

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

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

9 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

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

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

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

23 1. The name and type of business organization of the
24 applicant and his established and additional places of
25 business, if any, in this State.

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

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

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

26 5. A statement that the applicant has been approved for

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

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

26 If the permitted user has a liability insurance policy

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

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

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

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

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

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

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

19 (i) \$1,000 for applicant's established place of
20 business, and \$100 for each additional place of
21 business, if any, to which the application pertains;
22 but if the application is made after June 15 of any
23 year, the license fee shall be \$500 for applicant's
24 established place of business plus \$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 the application is denied by the
2 Secretary of State. All moneys received by the
3 Secretary of State as license fees under this
4 subparagraph (i) prior to applications for the 2004
5 licensing year shall be deposited into the Motor
6 Vehicle Review Board Fund and shall be used to
7 administer the Motor Vehicle Review Board under the
8 Motor Vehicle Franchise Act. Of the money received by
9 the Secretary of State as license fees under this
10 subparagraph (i) for the 2004 licensing year and
11 thereafter, 10% shall be deposited into the Motor
12 Vehicle Review Board Fund and shall be used to
13 administer the Motor Vehicle Review Board under the
14 Motor Vehicle Franchise Act and 90% shall be deposited
15 into the General Revenue Fund.

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

1 application, the fee shall be based on the amount of
2 automobiles sold in the past year according to the
3 following formula:

4 (1) \$0 for dealers selling 25 or less
5 automobiles;

6 (2) \$150 for dealers selling more than 25 but
7 less than 200 automobiles;

8 (3) \$300 for dealers selling 200 or more
9 automobiles but less than 300 automobiles; and

10 (4) \$500 for dealers selling 300 or more
11 automobiles.

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

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

19 (i) \$1,000 for applicant's established place of
20 business, and \$50 for each additional place of
21 business, if any, to which the application pertains;
22 but if the application is made after June 15 of any
23 year, the license fee shall be \$500 for applicant's
24 established place of business plus \$25 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 the application is denied by the
2 Secretary of State. Of the money received by the
3 Secretary of State as license fees under this
4 subparagraph (i) for the 2004 licensing year and
5 thereafter, 95% shall be deposited into the General
6 Revenue Fund.

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

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

1 administrative proceedings of any one of the following
2 Acts:

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

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

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

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

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

15 (F) The Retailers' Occupation Tax Act.

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

24 (A) The Consumer Finance Act;

25 (B) The Consumer Installment Loan Act;

26 (C) The Retail Installment Sales Act;

1 (D) The Motor Vehicle Retail Installment Sales
2 Act;

3 (E) The Interest Act;

4 (F) The Illinois Wage Assignment Act;

5 (G) Part 8 of Article XII of the Code of Civil
6 Procedure; or

7 (H) The Consumer Fraud Act.

8 10. A bond or certificate of deposit in the amount of
9 \$50,000 ~~\$20,000~~ for each location at which the applicant
10 intends to act as a new vehicle dealer. The bond shall be
11 for the term of the license, or its renewal, for which
12 application is made, and shall expire not sooner than
13 December 31 of the year for which the license was issued or
14 renewed. The bond shall run to the People of the State of
15 Illinois, with surety by a bonding or insurance company
16 authorized to do business in this State. It shall be
17 conditioned upon the proper transmittal of all title and
18 registration fees and taxes (excluding taxes under the
19 Retailers' Occupation Tax Act) accepted by the applicant as
20 a new vehicle dealer.

21 11. Such other information concerning the business of
22 the applicant as the Secretary of State may by rule or
23 regulation prescribe.

24 12. A statement that the applicant understands Chapter
25 1 through Chapter 5 of this Code.

26 (c) Any change which renders no longer accurate any

1 information contained in any application for a new vehicle
2 dealer's license shall be amended within 30 days after the
3 occurrence of such change on such form as the Secretary of
4 State may prescribe by rule or regulation, accompanied by an
5 amendatory fee of \$2.

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

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

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

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

25 1. The name of the person licensed;

26 2. If a corporation, the name and address of its

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

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

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

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

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

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

24 (h) A new vehicle dealer's license may be renewed upon
25 application and payment of the fee required herein, and
26 submission of proof of coverage under an approved bond under

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

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

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

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

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

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

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

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

24 (j) Except at the time of sale or repossession of the
25 vehicle, no person licensed as a new vehicle dealer may issue
26 any other person a newly created key to a vehicle unless the

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

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

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

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

12 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

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

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

25 (b) An application for a used vehicle dealer's license

1 shall be filed with the Secretary of State, duly verified by
2 oath, in such form as the Secretary of State may by rule or
3 regulation prescribe and shall contain:

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

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

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

26 4. A statement that the applicant has complied with the

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

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

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

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

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

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

1 reliability, or condition of the vehicle.

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

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

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

23 (B) Except for dealers selling 25 or fewer
24 automobiles or as provided in subsection (h) of Section
25 5-102.7 of this Code, an Annual Dealer Recovery Fund
26 Fee in the amount of \$500 for the applicant's

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

11 (1) \$0 for dealers selling 25 or less
12 automobiles;

13 (2) \$150 for dealers selling more than 25 but
14 less than 200 automobiles;

15 (3) \$300 for dealers selling 200 or more
16 automobiles but less than 300 automobiles; and

17 (4) \$500 for dealers selling 300 or more
18 automobiles.

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

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

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

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

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

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

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

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

17 (F) The Retailers' Occupation Tax Act.

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

26 (A) The Consumer Finance Act;

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

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

11 \$50,000 ~~\$20,000~~ for each location at which the applicant

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

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

14 application is made, and shall expire not sooner than

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

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

17 Illinois, with surety by a bonding or insurance company

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

19 conditioned upon the proper transmittal of all title and

20 registration fees and taxes (excluding taxes under the

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

22 a used vehicle dealer.

23 9. Such other information concerning the business of

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

25 regulation prescribe.

26 10. A statement that the applicant understands Chapter

1 1 through Chapter 5 of this Code.

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

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

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

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

25 1. The name of the person licensed;

26 2. If a corporation, the name and address of its

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 24 1. The year, make, model, style and color of the
- 25 vehicle;
- 26 2. The vehicle's manufacturer's identification number

1 or, if applicable, the Secretary of State or Illinois
2 Department of State Police identification number;

3 3. The date of acquisition of the vehicle;

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

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

11 6. The purchase price of the vehicle.

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

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

16 "(625 ILCS 5/5-107) (from Ch. 95 1/2, par. 5-107)

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

25 This exemption shall continue for each licensee until such

1 time as he may be determined by the Secretary of State to be
2 delinquent or deficient in the transmittal of title and
3 registration fees or taxes.

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

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

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

14 (625 ILCS 5/5-503) (from Ch. 95 1/2, par. 5-503)

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

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

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

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

18 (625 ILCS 5/6-305) (from Ch. 95 1/2, par. 6-305)

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

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

1 laws of the State or country of his residence unless the State
2 or country of his residence does not require that a driver be
3 licensed.

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

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

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

1 about the operation of the vehicle.

2 (d) (Blank).

3 (e) (Blank).

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

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

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

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

24 (g) Every person renting a motor vehicle to another shall
25 keep a record of the registration number of the motor vehicle
26 so rented, the name and address of the person to whom the

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

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

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

24 (j) A public airport may, if approved by its local
25 government corporate authorities or its airport authority,
26 impose a customer facility charge upon customers of rental car

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

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

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

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

1 customers a customer facility charge for that rental under
2 subsection (j) shall do all of the following:

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

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

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

1 rental car company location at an airport imposing the
2 charge.

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

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

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

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

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

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

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

21 (m) As used in this Section:

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

25 (2) "Business program" means:

26 (A) a contract between a person who rents motor

1 vehicles and a business program sponsor that
2 establishes rental rates at which the person will rent
3 motor vehicles to persons authorized by the sponsor; or

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

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

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

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

24 (B) the purchaser of a voucher or other prepaid
25 rental arrangement from a person, including a tour
26 operator, engaged in the business of reselling those

1 vouchers or prepaid rental arrangements to the general
2 public;

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

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

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

12 Section 99. Effective date. This Act takes effect January
13 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