



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0106

Introduced 1/14/2021, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-401.2

from Ch. 95 1/2, par. 5-401.2

Amends the Illinois Vehicle Code. Provides that licensed dealers, financing affiliates, parts recyclers, scrap processors, repairers, rebuilders, and out-of-state salvage vehicle buyers shall retain records relating to the acquisition or disposition of tire rims and catalytic converters, including the date of the acquisition of each tire rim or catalytic converter and the name and address of the person from whom the tire rim or catalytic converter was acquired and, if that person is a dealer, the Illinois or out-of-state dealer license number of such person. Provides that, if the tire rim or catalytic converter being acquired is from a person other than a dealer, the licensee shall verify and record that person's identity by recording the identification numbers from at least 2 sources of identification, one of which shall be a driver's license or State identification card.

LRB102 03976 HEP 13992 b

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
5 changing Section 5-401.2 as follows:

6 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

7 Sec. 5-401.2. Licensees required to keep records and make
8 inspections.

9 (a) Every person licensed or required to be licensed under
10 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, 5-301, or
11 5-302 of this Code, shall, with the exception of scrap
12 processors, maintain for 3 years, in a form as the Secretary of
13 State may by rule or regulation prescribe, at his established
14 place of business, additional place of business, or principal
15 place of business if licensed under Section 5-302, the
16 following records relating to the acquisition or disposition
17 of vehicles, ~~and their~~ essential parts, tire rims, and
18 catalytic converters possessed in this State, brought into
19 this State from another state, territory or country, or sold
20 or transferred to another person in this State or in another
21 state, territory, or country.

22 (1) The following records pertaining to new or used
23 vehicles shall be kept:

1 (A) the year, make, model, style and color of the
2 vehicle;

3 (B) the vehicle's manufacturer's identification
4 number or, if applicable, the Secretary of State or
5 Illinois Department of State Police identification
6 number;

7 (C) the date of acquisition of the vehicle;

8 (D) the name and address of the person from whom
9 the vehicle was acquired and, if that person is a
10 dealer, the Illinois or out-of-state dealer license
11 number of such person;

12 (E) the signature of the person making the
13 inspection of a used vehicle as required under
14 subsection (d) of this Section, if applicable;

15 (F) the purchase price of the vehicle, if
16 applicable;

17 (G) the date of the disposition of the vehicle;

18 (H) the name and address of the person to whom any
19 vehicle was disposed, and if that person is a dealer,
20 the Illinois or out-of-State dealer's license number
21 of that dealer;

22 (I) the uniform invoice number reflecting the
23 disposition of the vehicle, if applicable; and

24 (J) The sale price of the vehicle, if applicable.

25 (2) (A) The following records pertaining to used
26 essential parts other than quarter panels and

1 transmissions of vehicles of the first division shall be
2 kept:

3 (i) the year, make, model, color and type of such
4 part;

5 (ii) the vehicle's manufacturer's identification
6 number, derivative number, or, if applicable, the
7 Secretary of State or Illinois Department of State
8 Police identification number of such part;

9 (iii) the date of the acquisition of each part;

10 (iv) the name and address of the person from whom
11 the part was acquired and, if that person is a dealer,
12 the Illinois or out-of-state dealer license number of
13 such person; if the essential part being acquired is
14 from a person other than a dealer, the licensee shall
15 verify and record that person's identity by recording
16 the identification numbers from at least two sources
17 of identification, one of which shall be a drivers
18 license or State identification card;

19 (v) the uniform invoice number or out-of-state
20 bill of sale number reflecting the acquisition of such
21 part;

22 (vi) the stock number assigned to the essential
23 part by the licensee, if applicable;

24 (vii) the date of the disposition of such part;

25 (viii) the name and address of the person to whom
26 such part was disposed of and, if that person is a

1 dealer, the Illinois or out-of-state dealer license
2 number of that person;

3 (ix) the uniform invoice number reflecting the
4 disposition of such part.

5 (B) Inspections of all essential parts shall be
6 conducted in accordance with Section 5-402.1.

7 (C) A separate entry containing all of the information
8 required to be recorded in subparagraph (A) of paragraph
9 (2) of subsection (a) of this Section shall be made for
10 each separate essential part. Separate entries shall be
11 made regardless of whether the part was a large purchase
12 acquisition. In addition, a separate entry shall be made
13 for each part acquired for immediate sale or transfer, or
14 for placement into the overall inventory or stock to be
15 disposed of at a later time, or for use on a vehicle to be
16 materially altered by the licensee, or acquired for any
17 other purpose or reason. Failure to make a separate entry
18 for each essential part acquired or disposed of, or a
19 failure to record any of the specific information required
20 to be recorded concerning the acquisition or disposition
21 of each essential part as set forth in subparagraph (A) of
22 paragraph (2) of subsection (a) shall constitute a failure
23 to keep records.

24 (D) The vehicle's manufacturer's identification number
25 or Secretary of State or Illinois Department of State
26 Police identification number for the essential part shall

1 be ascertained and recorded even if such part is acquired
2 from a person or dealer located in a State, territory, or
3 country which does not require that such information be
4 recorded. If the vehicle's manufacturer's identification
5 number or Secretary of State or Illinois Department of
6 State Police identification number for an essential part
7 cannot be obtained, that part shall not be acquired by the
8 licensee or any of his agents or employees. If such part or
9 parts were physically acquired by the licensee or any of
10 his agents or employees while the licensee or agent or
11 employee was outside this State, that licensee or agent or
12 employee was outside the State, that licensee, agent or
13 employee shall not bring such essential part into this
14 State or cause it to be brought into this State. The
15 acquisition or disposition of an essential part by a
16 licensee without the recording of the vehicle
17 identification number or Secretary of State identification
18 number for such part or the transportation into the State
19 by the licensee or his agent or employee of such part or
20 parts shall constitute a failure to keep records.

21 (E) The records of essential parts required to be kept
22 by this Section shall apply to all hulks, chassis, frames
23 or cowls, regardless of the age of those essential parts.
24 The records required to be kept by this Section for
25 essential parts other than hulks, chassis, frames or
26 cowls, shall apply only to those essential parts which are

1 6 model years of age or newer. In determining the model
2 year of such an essential part it may be presumed that the
3 identification number of the vehicle from which the
4 essential part came or the identification number affixed
5 to the essential part itself acquired by the licensee
6 denotes the model year of that essential part. This
7 presumption, however, shall not apply if the gross
8 appearance of the essential part does not correspond to
9 the year, make or model of either the identification
10 number of the vehicle from which the essential part is
11 alleged to have come or the identification number which is
12 affixed to the essential part itself. To determine whether
13 an essential part is 6 years of age or newer within this
14 paragraph, the model year of the essential part shall be
15 subtracted from the calendar year in which the essential
16 part is acquired or disposed of by the licensee. If the
17 remainder is 6 or less, the record of the acquisition or
18 disposition of that essential part shall be kept as
19 required by this Section.

20 (F) The requirements of paragraph (2) of subsection
21 (a) of this Section shall not apply to the disposition of
22 an essential part other than a cowl which has been damaged
23 or altered to a state in which it can no longer be returned
24 to a usable condition and which is being sold or
25 transferred to a scrap processor or for delivery to a
26 scrap processor.

1 (3) the following records for vehicles on which junking
2 certificates are obtained shall be kept:

3 (A) the year, make, model, style and color of the
4 vehicle;

5 (B) the vehicle's manufacturer's identification number
6 or, if applicable, the Secretary of State or Illinois
7 Department of State Police identification number;

8 (C) the date the vehicle was acquired;

9 (D) the name and address of the person from whom the
10 vehicle was acquired and, if that person is a dealer, the
11 Illinois or out-of-state dealer license number of that
12 person;

13 (E) the certificate of title number or salvage
14 certificate number for the vehicle, if applicable;

15 (F) the junking certificate number obtained by the
16 licensee; this entry shall be recorded at the close of
17 business of the fifth business day after receiving the
18 junking certificate;

19 (G) the name and address of the person to whom the
20 junking certificate has been assigned, if applicable, and
21 if that person is a dealer, the Illinois or out-of-state
22 dealer license number of that dealer;

23 (H) if the vehicle or any part of the vehicle is
24 dismantled for its parts to be disposed of in any way, or
25 if such parts are to be used by the licensee to materially
26 alter a vehicle, those essential parts shall be recorded

1 and the entries required by paragraph (2) of subsection
2 (a) shall be made.

3 (4) The following records for rebuilt vehicles shall be
4 kept:

5 (A) the year, make, model, style and color of the
6 vehicle;

7 (B) the vehicle's manufacturer's identification number
8 of the vehicle or, if applicable, the Secretary of State
9 or Illinois Department of State Police identification
10 number;

11 (C) the date the vehicle was acquired;

12 (D) the name and address of the person from whom the
13 vehicle was acquired, and if that person is a dealer, the
14 Illinois or out-of-state dealer license number of that
15 person;

16 (E) the salvage certificate number for the vehicle;

17 (F) the newly issued certificate of title number for
18 the vehicle;

19 (G) the date of disposition of the vehicle;

20 (H) the name and address of the person to whom the
21 vehicle was disposed, and if a dealer, the Illinois or
22 out-of-state dealer license number of that dealer;

23 (I) The sale price of the vehicle.

24 (5) The following records pertaining to tire rims shall be
25 kept:

26 (A) the date of the acquisition of each tire rim; and

1 (B) the name and address of the person from whom the
2 tire rim was acquired and, if that person is a dealer, the
3 Illinois or out-of-state dealer license number of such
4 person; if the tire rim being acquired is from a person
5 other than a dealer, the licensee shall verify and record
6 that person's identity by recording the identification
7 numbers from at least 2 sources of identification, one of
8 which shall be a driver's license or State identification
9 card.

10 (6) The following records pertaining to catalytic
11 converters shall be kept:

12 (A) the date of the acquisition of each catalytic
13 converter; and

14 (B) the name and address of the person from whom the
15 catalytic converter was acquired and, if that person is a
16 dealer, the Illinois or out-of-state dealer license number
17 of such person; if the catalytic converter being acquired
18 is from a person other than a dealer, the licensee shall
19 verify and record that person's identity by recording the
20 identification numbers from at least 2 sources of
21 identification, one of which shall be a driver's license
22 or State identification card.

23 (a-1) A person licensed or required to be licensed under
24 Section 5-101 or Section 5-102 of this Code who issues
25 temporary registration permits as permitted by this Code and
26 by rule must electronically file the registration with the

1 Secretary and must maintain records of the registration in the
2 manner prescribed by the Secretary.

3 (b) A failure to make separate entries for each vehicle
4 acquired, disposed of, or assigned, or a failure to record any
5 of the specific information required to be recorded concerning
6 the acquisition or disposition of each vehicle as set forth in
7 paragraphs (1), (3) and (4) of subsection (a) shall constitute
8 a failure to keep records.

9 (c) All entries relating to the acquisition of a vehicle
10 or essential part required by subsection (a) of this Section
11 shall be recorded no later than the close of business on the
12 seventh calendar day following such acquisition. All entries
13 relating to the disposition of a vehicle or an essential part
14 shall be made at the time of such disposition. If the vehicle
15 or essential part was disposed of on the same day as its
16 acquisition or the day thereafter, the entries relating to the
17 acquisition of the vehicle or essential part shall be made at
18 the time of the disposition of the vehicle or essential part.
19 Failure to make the entries required in or at the times
20 prescribed by this subsection following the acquisition or
21 disposition of such vehicle or essential part shall constitute
22 a failure to keep records.

23 (d) Every person licensed or required to be licensed
24 shall, before accepting delivery of a used vehicle, inspect
25 the vehicle to determine whether the manufacturer's public
26 vehicle identification number has been defaced, destroyed,

1 falsified, removed, altered, or tampered with in any way. If
2 the person making the inspection determines that the
3 manufacturer's public vehicle identification number has been
4 altered, removed, defaced, destroyed, falsified or tampered
5 with he shall not acquire that vehicle but instead shall
6 promptly notify law enforcement authorities of his finding.

7 (e) The information required to be kept in subsection (a)
8 of this Section shall be kept in a manner prescribed by rule or
9 regulation of the Secretary of State.

10 (f) Every person licensed or required to be licensed shall
11 have in his possession a separate certificate of title,
12 salvage certificate, junking certificate, certificate of
13 purchase, uniform invoice, out-of-state bill of sale or other
14 acceptable documentary evidence of his right to the possession
15 of every vehicle or essential part.

16 (g) Every person licensed or required to be licensed as a
17 transporter under Section 5-201 shall maintain for 3 years, in
18 such form as the Secretary of State may by rule or regulation
19 prescribe, at his principal place of business a record of
20 every vehicle transported by him, including numbers of or
21 other marks of identification thereof, the names and addresses
22 of persons from whom and to whom the vehicle was delivered and
23 the dates of delivery.

24 (h) No later than 15 days prior to going out of business,
25 selling the business, or transferring the ownership of the
26 business, the licensee shall notify the Secretary of State

1 that he is going out of business or that he is transferring the
2 ownership of the business. Failure to notify under this
3 paragraph shall constitute a failure to keep records.

4 (i) (Blank).

5 (j) A person who knowingly fails to comply with the
6 provisions of this Section or knowingly fails to obey,
7 observe, or comply with any order of the Secretary or any law
8 enforcement agency issued in accordance with this Section is
9 guilty of a Class B misdemeanor for the first violation and a
10 Class A misdemeanor for the second and subsequent violations.
11 Each violation constitutes a separate and distinct offense and
12 a separate count may be brought in the same indictment or
13 information for each vehicle or each essential part of a
14 vehicle for which a record was not kept as required by this
15 Section.

16 (k) Any person convicted of failing to keep the records
17 required by this Section with intent to conceal the identity
18 or origin of a vehicle or its essential parts or with intent to
19 defraud the public in the transfer or sale of vehicles or their
20 essential parts is guilty of a Class 2 felony. Each violation
21 constitutes a separate and distinct offense and a separate
22 count may be brought in the same indictment or information for
23 each vehicle or essential part of a vehicle for which a record
24 was not kept as required by this Section.

25 (l) A person may not be criminally charged with or
26 convicted of both a knowing failure to comply with this

1 Section and a knowing failure to comply with any order, if both
2 offenses involve the same record keeping violation.

3 (m) The Secretary shall adopt rules necessary for
4 implementation of this Section, which may include the
5 imposition of administrative fines.

6 (Source: P.A. 101-505, eff. 1-1-20.)