

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 Sections 3-100.1, 3-100.2, 3-104, 3-104.5, 3-112.1,  
6 3-113, 3-209, 3-403, 3-405.1, 3-506, 3-802, 3-805, 3-806.1,  
7 3-806.5, 5-100, 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, and  
8 5-301 and by adding Sections 1-213.8 and 5-505 as follows:

9 (625 ILCS 5/1-213.8 new)

10 Sec. 1-213.8. Uniform Invoice. A form created by the  
11 Secretary for the purpose of transporting vehicles and  
12 essential parts that does not convey or transfer ownership  
13 rights of a vehicle from one entity to another.

14 (625 ILCS 5/3-100.1)

15 Sec. 3-100.1. Use of electronic records.

16 (a) To the extent authorized by the Secretary of State and  
17 in accordance with standards and procedures prescribed by the  
18 Secretary of State:

19 (1) Certificates, certifications, affidavits,  
20 applications, assignments, statements, notices,  
21 documents, and other records required under this Chapter  
22 may be created, distributed, and received in electronic

1 form.

2 (2) Signatures required under this Chapter may be made  
3 as electronic signatures or may be waived.

4 (3) Delivery of records required under this Chapter  
5 may be made by any means, including electronic delivery.

6 (4) Fees and taxes required to be paid under this  
7 Chapter may be made by electronic means; provided that any  
8 forms, records, electronic records, and methods of  
9 electronic payment relating to the filing and payment of  
10 taxes shall be prescribed by the Department of Revenue.

11 (a-5) No later than July 1, 2022 ~~2021~~, the Secretary of  
12 State shall implement, manage, and administer an electronic  
13 lien and title system that will permit a lienholder to  
14 perfect, assign, and release a lien under this Code. The  
15 system may include the points in subsection (a) as to the  
16 identified objectives of the program. The Secretary shall  
17 establish by administrative rule the standards and procedures  
18 relating to the management and implementation of the mandatory  
19 electronic lien and title system established under this  
20 subsection. The Secretary may charge a reasonable fee for  
21 performing the services and functions relating to the  
22 management and administration of the system. The fee shall be  
23 set by administrative rule adopted by the Secretary.

24 (b) Electronic records accepted by the Secretary of State  
25 have the same force and effect as records created on paper by  
26 writing, typing, printing, or similar means. The procedures

1 established by the Secretary of State concerning the  
2 acceptance of electronic filings and electronic records shall  
3 ensure that the electronic filings and electronic records are  
4 received and stored accurately and that they are readily  
5 available to satisfy any statutory requirements that call for  
6 a written record.

7 (c) Electronic signatures accepted by the Secretary of  
8 State shall have the same force and effect as manual  
9 signatures.

10 (d) Electronic delivery of records accepted by the  
11 Secretary of State shall have the same force and effect as  
12 physical delivery of records.

13 (e) Electronic records and electronic signatures accepted  
14 by the Secretary of State shall be admissible in all  
15 administrative, quasi-judicial, and judicial proceedings. In  
16 any such proceeding, nothing in the application of the rules  
17 of evidence shall apply so as to deny the admissibility of an  
18 electronic record or electronic signature into evidence on the  
19 sole ground that it is an electronic record or electronic  
20 signature, or on the grounds that it is not in its original  
21 form or is not an original. Information in the form of an  
22 electronic record shall be given due evidentiary weight by the  
23 trier of fact.

24 (f) The Secretary may contract with a private contractor  
25 to carry out the Secretary's duties under this Section.

26 (Source: P.A. 101-490, eff. 1-1-20.)

1 (625 ILCS 5/3-100.2)

2 Sec. 3-100.2. Electronic access; agreements with  
3 submitters.

4 (a) No later than July 1, 2022 ~~2021~~, the Secretary of State  
5 shall require a licensee under Chapter 3 or 5 of this Code to  
6 submit any record required to be submitted to the Secretary of  
7 State by using electronic media deemed feasible by the  
8 Secretary of State. The Secretary of State may also require  
9 the licensee to submit the original paper record. The  
10 Secretary of State shall also require a person or licensee to  
11 receive any record to be provided by the Secretary of State by  
12 using electronic media deemed feasible by the Secretary of  
13 State, instead of providing the original paper record.

14 (b) No later than July 1, 2022 ~~2021~~, electronic submittal,  
15 receipt, and delivery of records and electronic signatures  
16 shall be supported by a signed agreement between the Secretary  
17 of State and the submitter. The agreement shall require, at a  
18 minimum, each record to include all information necessary to  
19 complete a transaction, certification by the submitter upon  
20 its best knowledge as to the truthfulness of the data to be  
21 submitted to the Secretary of State, and retention by the  
22 submitter of supporting records.

23 (c) No later than July 1, 2022 ~~2021~~, the Secretary of State  
24 shall establish minimum transaction volume levels, audit and  
25 security standards, technological requirements, and other

1 terms and conditions he or she deems necessary for approval of  
2 the electronic delivery process.

3 (d) When an agreement is made to accept electronic  
4 records, the Secretary of State shall not be required to  
5 produce a written record for the submitter with whom the  
6 Secretary of State has the agreement until requested to do so  
7 by the submitter.

8 (e) No later than July 1, 2022 ~~2021~~, the Secretary of State  
9 shall provide electronic notification to the lienholder  
10 submitter to verify the notation and perfection of the  
11 lienholder's security interest in a vehicle on the certificate  
12 of title required to be created as an electronic record under  
13 Section 3-100.1. Upon receipt of an electronic message from a  
14 lienholder submitter with a security interest in a vehicle for  
15 which the certificate of title is an electronic record that  
16 the lien should be released, the Secretary of State shall  
17 enter the appropriate electronic record of the release of lien  
18 and print and mail a paper certificate of title to the owner or  
19 lienholder at no expense. The Secretary of State may also mail  
20 the certificate to any other person that delivers to the  
21 Secretary of State an authorization from the owner to receive  
22 the certificate. If another lienholder holds a properly  
23 perfected security interest in the vehicle as reflected in the  
24 records of the Secretary of State, the certificate shall be  
25 delivered to that lienholder instead of the owner.

26 (f) The Secretary may contract with a private contractor

1 to carry out the Secretary's duties under this Section.

2 (Source: P.A. 101-490, eff. 1-1-20.)

3 (625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

4 Sec. 3-104. Application for certificate of title.

5 (a) The application for a certificate of title for a  
6 vehicle in this State must be made by the owner to the  
7 Secretary of State on the form prescribed and must contain:

8 1. The name, Illinois residence, mail address, and, if  
9 available, email address of the owner;

10 2. A description of the vehicle including, so far as  
11 the following data exists: Its make, year-model,  
12 identifying number, type of body, whether new or used, as  
13 to house trailers as defined in Section 1-128 of this  
14 Code, and as to manufactured homes as defined in Section  
15 1-144.03 of this Code, the square footage based upon the  
16 outside dimensions excluding the length of the tongue and  
17 hitch, and, as to vehicles of the second division, whether  
18 for-hire, not-for-hire, or both for-hire and not-for-hire;

19 3. The date of purchase by applicant and, if  
20 applicable, the name and address of the person from whom  
21 the vehicle was acquired and the names and addresses of  
22 any lienholders in the order of their priority and  
23 signatures of owners;

24 4. The current odometer reading at the time of  
25 transfer and that the stated odometer reading is one of

1 the following: actual mileage, not the actual mileage or  
2 mileage is in excess of its mechanical limits; and

3 5. Any further information the Secretary of State  
4 reasonably requires to identify the vehicle and to enable  
5 him to determine whether the owner is entitled to a  
6 certificate of title and the existence or nonexistence of  
7 security interests in the vehicle.

8 (a-5) The Secretary of State shall designate on the  
9 prescribed application form a space where the owner of a  
10 vehicle may designate a beneficiary, to whom ownership of the  
11 vehicle shall pass in the event of the owner's death.

12 (b) If the application refers to a vehicle purchased from  
13 a dealer, it must also be signed by the dealer as well as the  
14 owner, and the dealer must promptly mail or deliver the  
15 application and required documents to the Secretary of State.

16 (c) If the application refers to a vehicle last previously  
17 registered in another State or country, the application must  
18 contain or be accompanied by:

19 1. Any certified document of ownership so recognized  
20 and issued by the other State or country and acceptable to  
21 the Secretary of State, and

22 2. Any other information and documents the Secretary  
23 of State reasonably requires to establish the ownership of  
24 the vehicle and the existence or nonexistence of security  
25 interests in it.

26 (d) If the application refers to a new vehicle it must be

1 accompanied by the Manufacturer's Statement of Origin, or  
2 other documents as required and acceptable by the Secretary of  
3 State, with such assignments as may be necessary to show title  
4 in the applicant.

5 (e) If an application refers to a vehicle rebuilt from a  
6 vehicle previously salvaged, that application shall comply  
7 with the provisions set forth in Sections 3-302 through 3-304  
8 of this Code.

9 (f) An application for a certificate of title for any  
10 vehicle, whether purchased in Illinois or outside Illinois,  
11 and even if previously registered in another State, must be  
12 accompanied by either an exemption determination from the  
13 Department of Revenue showing that no tax imposed pursuant to  
14 the Use Tax Act or the vehicle use tax imposed by Section  
15 3-1001 of the Illinois Vehicle Code is owed by anyone with  
16 respect to that vehicle, or a receipt from the Department of  
17 Revenue showing that any tax so imposed has been paid. An  
18 application for a certificate of title for any vehicle  
19 purchased outside Illinois, even if previously registered in  
20 another state, must be accompanied by either an exemption  
21 determination from the Department of Revenue showing that no  
22 tax imposed pursuant to the Municipal Use Tax Act or the County  
23 Use Tax Act is owed by anyone with respect to that vehicle, or  
24 a receipt from the Department of Revenue showing that any tax  
25 so imposed has been paid. In the absence of such a receipt for  
26 payment or determination of exemption from the Department, no



1 certificate of title shall be issued to the applicant.

2 If the proof of payment of the tax or of nonliability  
3 therefor is, after the issuance of the certificate of title  
4 and display certificate of title, found to be invalid, the  
5 Secretary of State shall revoke the certificate and require  
6 that the certificate of title and, when applicable, the  
7 display certificate of title be returned to him.

8 (g) If the application refers to a vehicle not  
9 manufactured in accordance with federal safety and emission  
10 standards, the application must be accompanied by all  
11 documents required by federal governmental agencies to meet  
12 their standards before a vehicle is allowed to be issued title  
13 and registration.

14 (h) If the application refers to a vehicle sold at public  
15 sale by a sheriff, it must be accompanied by the required fee  
16 and a bill of sale issued and signed by a sheriff. The bill of  
17 sale must identify the new owner's name and address, the year  
18 model, make and vehicle identification number of the vehicle,  
19 court order document number authorizing such sale, if  
20 applicable, and the name and address of any lienholders in  
21 order of priority, if applicable.

22 (i) If the application refers to a vehicle for which a  
23 court of law determined the ownership, it must be accompanied  
24 with a certified copy of such court order and the required fee.  
25 The court order must indicate the new owner's name and  
26 address, the complete description of the vehicle, if known,

1 the name and address of the lienholder, if any, and must be  
2 signed and dated by the judge issuing such order.

3 (j) If the application refers to a vehicle sold at public  
4 auction pursuant to the Labor and Storage Lien (Small Amount)  
5 Act, it must be accompanied by an affidavit or affirmation  
6 furnished by the Secretary of State along with the documents  
7 described in the affidavit or affirmation and the required  
8 fee.

9 (k) The Secretary may provide an expedited process for the  
10 issuance of vehicle titles. Expedited title applications must  
11 be delivered to the Secretary of State's Vehicle Services  
12 Department in Springfield by express mail service or hand  
13 delivery. Applications must be complete, including necessary  
14 forms, fees, and taxes. Applications received before noon on a  
15 business day will be processed and shipped that same day.  
16 Applications received after noon on a business day will be  
17 processed and shipped the next business day. The Secretary  
18 shall charge an additional fee of \$30 for this service, and  
19 that fee shall cover the cost of return shipping via an express  
20 mail service. All fees collected by the Secretary of State for  
21 expedited services shall be deposited into the Motor Vehicle  
22 License Plate Fund. In the event the Vehicle Services  
23 Department determines that the volume of expedited title  
24 requests received on a given day exceeds the ability of the  
25 Vehicle Services Department to process those requests in an  
26 expedited manner, the Vehicle Services Department may decline

1 to provide expedited services, and the additional fee for the  
2 expedited service shall be refunded to the applicant.

3 (l) If the application refers to a homemade trailer, (i)  
4 it must be accompanied by the appropriate documentation  
5 regarding the source of materials used in the construction of  
6 the trailer, as required by the Secretary of State, (ii) the  
7 trailer must be inspected by a Secretary of State employee  
8 prior to the issuance of the title, and (iii) upon approval of  
9 the Secretary of State, the trailer must have a vehicle  
10 identification number, as provided by the Secretary of State,  
11 stamped or riveted to the frame.

12 (m) The holder of a Manufacturer's Statement of Origin to  
13 a manufactured home may deliver it to any person to facilitate  
14 conveying or encumbering the manufactured home. Any person  
15 receiving any such Manufacturer's Statement of Origin so  
16 delivered holds it in trust for the person delivering it.

17 (n) Within 45 days after the completion of the first  
18 retail sale of a manufactured home, the Manufacturer's  
19 Statement of Origin to that manufactured home must be  
20 surrendered to the Secretary of State either in conjunction  
21 with an application for a certificate of title for that  
22 manufactured home or in accordance with Section 3-116.1.

23 (o) Each application for certificate of title for a motor  
24 vehicle shall be verified by the National Motor Vehicle Title  
25 Information System (NMVTIS) for a vehicle history report prior  
26 to the Secretary issuing a certificate of title.

1       (p) The Secretary, at the Secretary's discretion, may use  
2       any commercially available title history service to assist in  
3       determining the proper title designation of a motor vehicle  
4       before the issuance of a certificate of title.

5       (Source: P.A. 99-414, eff. 8-20-15; 100-145, eff. 1-1-18.)

6               (625 ILCS 5/3-104.5)

7               Sec. 3-104.5. Application NMVTIS warnings or errors.

8               (a) Each application for a certificate of title or a  
9       salvage certificate for a motor vehicle that is verified by  
10      the National Motor Vehicle Title Information System (NMVTIS)  
11      that is returned with a warning or error shall be reviewed by  
12      the Secretary of State, or his or her designees, as to whether  
13      the warning or error warrants a change to the type of title or  
14      brand that is issued to a motor vehicle. If the Secretary needs  
15      supplemental information to verify or corroborate the  
16      information received from a NMVTIS report, then the Secretary  
17      may use any available commercial title history services or  
18      other Secretary of State resources to assist in determining  
19      the vehicle's proper designation.

20              (b) Any motor vehicle application for a certificate of  
21      title or a salvage certificate that another state has  
22      previously issued a title or brand indicating that the status  
23      of the motor vehicle is equivalent to a junk vehicle, as  
24      defined in Section 1-134.1 of this Code, shall receive a title  
25      with a "prior out of state junk" brand if that history item was

1 issued 120 months or more before the date of the submission of  
2 the current application for title.

3 (c) Any motor vehicle application for a certificate of  
4 title or a salvage certificate that is returned with a NMVTIS  
5 warning or error indicating that another state has previously  
6 issued a title or brand indicating the status of the motor  
7 vehicle is equivalent to a junk vehicle, as defined in Section  
8 1-134.1 of this Code, shall be issued a junk certificate that  
9 reflects the motor vehicle's structural history, if the  
10 previously issued title or brand from another state was issued  
11 less than 120 months before the date of the submission of the  
12 current application for title.

13 (d) Any motor vehicle application for a certificate of  
14 title or a salvage certificate that is returned with a NMVTIS  
15 warning or error indicating a brand or label from another  
16 jurisdiction, that does not have a similar or comparable brand  
17 or label in this State, shall include a notation or brand on  
18 the certificate of title stating "previously branded".

19 (e) Any motor vehicle that is subject to the federal Truth  
20 in Mileage Act, and is returned with a NMVTIS warning or error  
21 indicating the stated mileage of the vehicle on the  
22 application for certificate of title is 1,500 or fewer miles  
23 less than a previously recorded mileage for the vehicle, shall  
24 be deemed as having an acceptable margin of error and the  
25 higher of the 2 figures shall be indicated on the new  
26 certificate of title, if the previous mileage was recorded

1 within 90 days of the date of the current application for title  
2 and if there are no indications of fraud or malfeasance, or of  
3 altering or tampering with the odometer.

4 (f) Any applicant for a certificate of title or a salvage  
5 certificate who receives an alternative salvage or junk  
6 certificate, or who receives a certificate of title with a  
7 brand or label indicating the vehicle was previously rebuilt  
8 prior out of state junk, previously branded, or flood, may  
9 contest the Secretary's designations by requesting an  
10 administrative hearing under Section 2-116 of this Code.

11 (g) The Secretary may adopt any rules necessary to  
12 implement this Section.

13 (h) The Secretary, in the Secretary's discretion, may use  
14 any commercially available title history service to assist in  
15 determining the proper title designation of a motor vehicle  
16 before the issuance of a certificate of title.

17 (Source: P.A. 99-414, eff. 8-20-15.)

18 (625 ILCS 5/3-112.1) (from Ch. 95 1/2, par. 3-112.1)

19 Sec. 3-112.1. Odometer.

20 (a) All titles issued by the Secretary of State beginning  
21 January, 1990, shall provide for an odometer certification  
22 substantially as follows:

23 "I certify to the best of my knowledge that the odometer  
24 reading is and reflects the actual mileage of the vehicle  
25 unless one of the following statements is checked.

1 .....  
2

( ) 1. The mileage stated is in excess of its mechanical  
3 limits.

( ) 2. The odometer reading is not the actual mileage.  
5 Warning - Odometer Discrepancy."

(b) When executing any transfer of title which contains  
7 the odometer certification as described in paragraph (a)  
8 above, each transferor of a motor vehicle must supply on the  
9 title form the following information:

(1) The odometer reading at the time of transfer and  
11 an indication if the mileage is in excess of its  
12 mechanical limits or if it is not the actual mileage;

(2) The date of transfer;

(3) The transferor's printed name and signature; and

(4) The transferee's printed name and address.

(c) The transferee must sign on the title form indicating  
17 that he or she is aware of the odometer certification made by  
18 the transferor.

(d) The transferor will not be required to disclose the  
20 current odometer reading and the transferee will not have to  
21 acknowledge such disclosure under the following circumstances:

(1) A vehicle having a Gross Vehicle Weight Rating of  
23 more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that: ~~is~~

26 (A) before January 1, 2031, is model year 2010 or

1           older; or

2           (B) after January 1, 2031, is 20 ~~40~~ years old or

3           older;

4           (4) A vehicle sold directly by the manufacturer to any  
5           agency of the United States; and

6           (5) A vehicle manufactured without an odometer.

7           (e) When the transferor signs the title transfer such  
8           transferor acknowledges that he or she is aware that Federal  
9           regulations and State law require him or her to state the  
10          odometer mileage upon transfer of ownership. An inaccurate or  
11          untruthful statement with intent to defraud subjects the  
12          transferor to liability for damages to the transferee pursuant  
13          to the federal Motor Vehicle Information and Cost Act of 1972,  
14          P.L. 92-513 as amended by P.L. 94-364. No transferor shall be  
15          liable for damages as provided under this Section who  
16          transfers title to a motor vehicle which has an odometer  
17          reading that has been altered or tampered with by a previous  
18          owner, unless that transferor knew or had reason to know of  
19          such alteration or tampering and sold such vehicle with an  
20          intent to defraud. A cause of action is hereby created by which  
21          any person who, with intent to defraud, violates any  
22          requirement imposed under this Section shall be liable in an  
23          amount equal to the sum of:

24                 (1) three times the amount of actual damages sustained  
25                 or \$1,500, whichever is the greater; and

26                 (2) in the case of any successful action to enforce



1 the foregoing liability, the costs of the action together  
2 with reasonable attorney fees as determined by the court.

3 Any recovery based on a cause of action under this Section  
4 shall be offset by any recovery made pursuant to the federal  
5 Motor Vehicle Information and Cost Savings Act of 1972.

6 (f) The provisions of this Section shall not apply to any  
7 motorcycle, motor driven cycle, moped, antique vehicle, or  
8 expanded-use antique vehicle.

9 (g) The Secretary of State may adopt rules and regulations  
10 providing for a transition period for all non-conforming  
11 titles.

12 (Source: P.A. 97-412, eff. 1-1-12.)

13 (625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)

14 Sec. 3-113. Transfer to or from dealer; records.

15 (a) After a dealer buys a vehicle and holds it for resale,  
16 the dealer must procure the certificate of title from the  
17 owner or the lienholder. The dealer may hold the certificate  
18 until he or she transfers the vehicle to another person. Upon  
19 transferring the vehicle to another person, the dealer shall  
20 promptly and within 20 days execute the assignment and  
21 warranty of title by a dealer, showing the names and addresses  
22 of the transferee and of any lienholder holding a security  
23 interest created or reserved at the time of the resale, in the  
24 spaces provided therefor on the certificate or as the  
25 Secretary of State prescribes, and mail or deliver the

1 certificate to the Secretary of State with the transferee's  
2 application for a new certificate, except as provided in  
3 Section 3-117.2. A dealer has complied with this Section if  
4 the date of the mailing of the certificate, as indicated by the  
5 postmark, is within 20 days of the date on which the vehicle  
6 was transferred to another person.

7 (b) The Secretary of State may decline to process any  
8 application for a transfer of an interest in a vehicle if any  
9 fees or taxes due under this Code from the transferor or the  
10 transferee have not been paid upon reasonable notice and  
11 demand.

12 (c) Any person who violates this Section shall be guilty  
13 of a petty offense.

14 (d) Beginning January 1, 2014, the Secretary of State is  
15 authorized to impose a delinquent vehicle dealer transfer fee  
16 of \$20 if the certificate of title is received by the Secretary  
17 from the dealer 30 days but less than 60 days after the date of  
18 sale. If the certificate of title is received by the Secretary  
19 from the dealer 60 days but less than 90 days after the date of  
20 sale, the delinquent dealer transfer fee shall be \$35. If the  
21 certificate of title is received by the Secretary from the  
22 dealer 90 days but less than 120 days after the date of sale,  
23 the delinquent vehicle dealer transfer fee shall be \$65. If  
24 the certificate of title is received by the Secretary from the  
25 dealer 120 days or more after the date of the sale, the  
26 delinquent vehicle dealer transfer fee shall be \$100. All

1 monies collected under this subsection shall be deposited into  
2 the CDLIS/AAMVAnet/NMVTIS Trust Fund.

3 (e) Beginning January 1, 2022, the Secretary of State is  
4 authorized to issue a certificate of title in the name of the  
5 dealership to a licensed dealer under Chapter 5 for \$20 if the  
6 surrendered certificate of title has no space to assign the  
7 certificate of title again.

8 (f) Any licensee under Chapter 5 who sells, transfers, or  
9 wholesales a vehicle out of State shall mail the certificate  
10 of title to the physical business address in the requisite  
11 jurisdiction in lieu of transferring title at the time of  
12 sale.

13 (Source: P.A. 98-177, eff. 1-1-14.)

14 (625 ILCS 5/3-209) (from Ch. 95 1/2, par. 3-209)

15 Sec. 3-209. Powers of Secretary of State.

16 (a) The Secretary of State shall prescribe and provide  
17 suitable forms of applications, certificates of title, notices  
18 of security interests, and all other notices and forms  
19 necessary to carry out the provisions of this chapter.

20 (b) The Secretary of State may:

21 1. Make necessary investigations to procure information  
22 required to carry out the provisions of this Act.†

23 2. Assign a new identifying number to a vehicle if it has  
24 none, or its identifying number is destroyed or obliterated,  
25 or its motor is changed, and shall either issue a new

1 certificate of title showing the new identifying number or  
2 make an appropriate endorsement on the original certificate.

3 3. Remove a franchise affiliate's lien so that the  
4 franchise affiliate may pursue the balance of the lien with  
5 the defunct dealership instead of the constituent. This item  
6 applies if a franchise dealer neglects to pay off a trade-in  
7 vehicle's lien, and that lien is held by the franchise  
8 affiliate. The Secretary shall make this determination  
9 pursuant to an investigation by the Secretary of State  
10 Department of Police.

11 (Source: P.A. 76-1586.)

12 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

13 Sec. 3-403. Trip and Short-term permits.

14 (a) The Secretary of State may issue a short-term permit  
15 to operate a nonregistered first or second division vehicle  
16 within the State of Illinois for a period of not more than 7  
17 days. Any second division vehicle operating on such permit may  
18 operate only on empty weight. The fee for the short-term  
19 permit shall be \$6 for permits purchased on or before June 30,  
20 2003 and \$10 for permits purchased on or after July 1, 2003.  
21 For short-term permits purchased on or after July 1, 2003, \$4  
22 of the fee collected for the purchase of each permit shall be  
23 deposited into the General Revenue Fund.

24 This permit may also be issued to operate an unladen  
25 registered vehicle which is suspended under the Vehicle

1 Emissions Inspection Law and allow it to be driven on the roads  
2 and highways of the State in order to be repaired or when  
3 traveling ~~travelling~~ to and from an emissions inspection  
4 station.

5 (b) The Secretary of State may, subject to reciprocal  
6 agreements, arrangements or declarations made or entered into  
7 pursuant to Section 3-402, 3-402.4 or by rule, provide for and  
8 issue registration permits for the use of Illinois highways by  
9 vehicles of the second division on an occasional basis or for a  
10 specific and special short-term use, in compliance with rules  
11 and regulations promulgated by the Secretary of State, and  
12 upon payment of the prescribed fee as follows:

13 One-trip permits. A registration permit for one trip, or  
14 one round-trip into and out of Illinois, for a period not to  
15 exceed 72 consecutive hours or 3 calendar days may be  
16 provided, for a fee as prescribed in Section 3-811.

17 Three-month ~~One Month~~ permits. A registration permit for  
18 90 ~~30~~ days may be provided for a fee of \$13 for registration  
19 plus 1/10 of the flat weight tax. ~~The minimum fee for such~~  
20 ~~permit shall be \$31.~~

21 In-transit permits. A registration permit for one trip may  
22 be provided for vehicles in transit by the driveaway or  
23 towaway method and operated by a transporter in compliance  
24 with the Illinois Motor Carrier of Property Law, for a fee as  
25 prescribed in Section 3-811.

26 Illinois Temporary Apportionment Authorization Permits. An

1     apportionment authorization permit for forty-five days for the  
2     immediate operation of a vehicle upon application for and  
3     prior to receiving apportioned credentials or interstate  
4     credentials from the State of Illinois. The fee for such  
5     permit shall be \$3.

6             Illinois Temporary Prorate Authorization Permit. A prorate  
7     authorization permit for forty-five days for the immediate  
8     operation of a vehicle upon application for and prior to  
9     receiving prorate credentials or interstate credentials from  
10    the State of Illinois. The fee for such permit shall be \$3.

11            (c) The Secretary of State shall promulgate by such rule  
12    or regulation, schedules of fees and taxes for such permits  
13    and in computing the amount or amounts due, may round off such  
14    amount to the nearest full dollar amount.

15            (d) The Secretary of State shall further prescribe the  
16    form of application and permit and may require such  
17    information and data as necessary and proper, including  
18    confirming the status or identity of the applicant and the  
19    vehicle in question.

20            (e) Rules or regulations promulgated by the Secretary of  
21    State under this Section shall provide for reasonable and  
22    proper limitations and restrictions governing the application  
23    for and issuance and use of permits, and shall provide for the  
24    number of permits per vehicle or per applicant, so as to  
25    preclude evasion of annual registration requirements as may be  
26    required by this Act.

1 (f) Any permit under this Section is subject to suspension  
2 or revocation under this Act, and in addition, any such permit  
3 is subject to suspension or revocation should the Secretary of  
4 State determine that the vehicle identified in any permit  
5 should be properly registered in Illinois. In the event any  
6 such permit is suspended or revoked, the permit is then null  
7 and void, may not be re-instated, nor is a refund therefor  
8 available. The vehicle identified in such permit may not  
9 thereafter be operated in Illinois without being properly  
10 registered as provided in this Chapter.

11 (Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

12 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

13 Sec. 3-405.1. Application for vanity and personalized  
14 license plates.

15 (a) Vanity license plates mean any license plates,  
16 assigned to a passenger motor vehicle of the first division,  
17 to a motor vehicle of the second division registered at not  
18 more than 8,000 pounds, to a trailer weighing 8,000 pounds or  
19 less paying the flat weight tax, to a funeral home vehicle, an  
20 electric vehicle, or ~~to~~ a recreational vehicle, which display  
21 a registration number containing 1 to 7 letters and no numbers  
22 or 1, 2, or 3 numbers and no letters as requested by the owner  
23 of the vehicle and license plates issued to retired members of  
24 Congress under Section 3-610.1 or to retired members of the  
25 General Assembly as provided in Section 3-606.1. Personalized

1 license plates mean any license plates, assigned to a  
2 passenger motor vehicle of the first division, to a motor  
3 vehicle of the second division registered at not more than  
4 8,000 pounds, to a trailer weighing 8,000 pounds or less  
5 paying the flat weight tax, to a funeral home vehicle, an  
6 electric vehicle, or ~~to~~ a recreational vehicle, which display  
7 a registration number containing one of the following  
8 combinations of letters and numbers, as requested by the owner  
9 of the vehicle:

10 Standard Passenger Plates

11 First Division Vehicles

12 1 letter plus 0-99

13 2 letters plus 0-99

14 3 letters plus 0-99

15 4 letters plus 0-99

16 5 letters plus 0-99

17 6 letters plus 0-9

18 Second Division Vehicles

19 8,000 pounds or less, Trailers

20 8,000 pounds or less paying the flat  
21 weight tax, and Recreation Vehicles

22 0-999 plus 1 letter



1 0-999 plus 2 letters

2 0-999 plus 3 letters

3 0-99 plus 4 letters

4 0-9 plus 5 letters

5 (b) For any registration period commencing after December  
6 31, 2003, any person who is the registered owner of a passenger  
7 motor vehicle of the first division, of a motor vehicle of the  
8 second division registered at not more than 8,000 pounds, of a  
9 trailer weighing 8,000 pounds or less paying the flat weight  
10 tax, of a funeral home vehicle, of an electric vehicle, or of a  
11 recreational vehicle registered with the Secretary of State or  
12 who makes application for an original registration of such a  
13 motor vehicle or renewal registration of such a motor vehicle  
14 may, upon payment of a fee prescribed in Section 3-806.1 or  
15 Section 3-806.5, apply to the Secretary of State for vanity or  
16 personalized license plates.

17 (c) Except as otherwise provided in this Chapter 3, vanity  
18 and personalized license plates as issued under this Section  
19 shall be the same color and design as other passenger vehicle  
20 license plates or electric vehicle license plates and shall  
21 not in any manner conflict with any other existing passenger,  
22 commercial, trailer, motorcycle, or special license plate  
23 series. However, special registration plates issued under  
24 Sections 3-611 and 3-616 for vehicles operated by or for  
25 persons with disabilities may also be vanity or personalized  
26 license plates.

1 (d) Vanity and personalized license plates shall be issued  
2 only to the registered owner of the vehicle on which they are  
3 to be displayed, except as provided in Sections 3-611 and  
4 3-616 for special registration plates for vehicles operated by  
5 or for persons with disabilities.

6 (e) An applicant for the issuance of vanity or  
7 personalized license plates or subsequent renewal thereof  
8 shall file an application in such form and manner and by such  
9 date as the Secretary of State may, in his discretion,  
10 require.

11 No vanity nor personalized license plates shall be  
12 approved, manufactured, or distributed that contain any  
13 characters, symbols other than the international accessibility  
14 symbol for vehicles operated by or for persons with  
15 disabilities, foreign words, or letters of punctuation.

16 (f) Vanity and personalized license plates as issued  
17 pursuant to this Act may be subject to the Staggered  
18 Registration System as prescribed by the Secretary of State.

19 (g) For purposes of this Section, "funeral home vehicle"  
20 means any motor vehicle of the first division or motor vehicle  
21 of the second division weighing 8,000 pounds or less that is  
22 owned or leased by a funeral home.

23 (h) As used in this Section, "electric vehicle" means any  
24 vehicle that is required to be registered under Section 3-805.

25 (Source: P.A. 100-956, eff. 1-1-19.)

1 (625 ILCS 5/3-506)

2 Sec. 3-506. Transfer of plates to spouses of military  
3 service members. Upon the death of a military service member  
4 who has been issued a special plate under Section 3-609.1,  
5 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638,  
6 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669,  
7 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698,  
8 3-699.12, 3-699.15, 3-699.16, ~~or~~ 3-699.17, 3-699.19, or  
9 3-699.20 of this Code, the surviving spouse of that service  
10 member may retain the plate so long as that spouse is a  
11 resident of Illinois and transfers the registration to his or  
12 her name within 180 days of the death of the service member.

13 For the purposes of this Section, "service member" means  
14 any individual who is serving or has served in any branch of  
15 the United States Armed Forces, including the National Guard  
16 or other reserve components of the Armed Forces, and has been  
17 issued a special plate listed in this Section.

18 (Source: P.A. 100-201, eff. 8-18-17; 101-51, eff. 7-12-19.)

19 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

20 Sec. 3-802. Reclassifications and upgrades.

21 (a) Definitions. For the purposes of this Section, the  
22 following words shall have the meanings ascribed to them as  
23 follows:

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

1 "Upgrade" means increasing the registered weight of a  
2 vehicle within the same plate category.

3 (b) When reclassing the registration of a vehicle from one  
4 plate category to another, the owner shall receive credit for  
5 the unused portion of the present plate and be charged the  
6 current portion fees for the new plate. In addition, the  
7 appropriate replacement plate and replacement sticker fees  
8 shall be assessed.

9 (b-5) Beginning with the 2019 registration year, any  
10 individual who has a registration issued under either Section  
11 3-405 or 3-405.1 that qualifies for a special license plate  
12 under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623,  
13 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,  
14 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680,  
15 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.15,  
16 3-699.16, 3-699.17, 3-699.19, or 3-699.20 ~~or 3-699.17~~ may  
17 reclass his or her registration upon acquiring a special  
18 license plate listed in this subsection (b-5) without a  
19 replacement plate or digital plate fee or registration sticker  
20 or digital registration sticker cost.

21 (b-10) Beginning with the 2019 registration year, any  
22 individual who has a special license plate issued under  
23 Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624,  
24 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651,  
25 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681,  
26 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, or 3-699.17 may

1 reclass his or her special license plate upon acquiring a new  
2 registration under Section 3-405 or 3-405.1 without a  
3 replacement plate or digital plate fee or registration sticker  
4 or digital registration sticker cost.

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

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

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

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

25 (g) In the event the registration of a vehicle registered  
26 under the mileage tax option is revoked, the owner shall be

1 required to pay the annual registration fee in the new plate  
2 category and shall not receive any credit for the mileage  
3 plate fees.

4 (h) Certain special interest plates may be displayed on  
5 first division vehicles, second division vehicles weighing  
6 8,000 pounds or less, and recreational vehicles. Those plates  
7 can be transferred within those vehicle groups.

8 (i) Plates displayed on second division vehicles weighing  
9 8,000 pounds or less and passenger vehicle plates may be  
10 reclassified from one division to the other.

11 (j) Other than in subsection (i), reclassing from one  
12 division to the other division is prohibited. In addition, a  
13 reclass from a motor vehicle to a trailer or a trailer to a  
14 motor vehicle is prohibited.

15 (Source: P.A. 100-246, eff. 1-1-18; 100-450, eff. 1-1-18;  
16 100-863, eff. 8-14-18; 101-51, eff. 7-12-19; 101-395, eff.  
17 8-16-19; revised 9-24-19.)

18 (625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

19 Sec. 3-805. Electric vehicles.

20 ~~(a) The Until January 1, 2020, the owner of a motor vehicle~~  
21 ~~of the first division or a motor vehicle of the second division~~  
22 ~~weighing 8,000 pounds or less propelled by an electric engine~~  
23 ~~and not utilizing motor fuel, may register such vehicle for a~~  
24 ~~fee not to exceed \$35 for a 2-year registration period. The~~  
25 ~~Secretary may, in his discretion, prescribe that electric~~

1 ~~vehicle registration plates be issued for an indefinite term,~~  
2 ~~such term to correspond to the term of registration plates~~  
3 ~~issued generally, as provided in Section 3-414.1. In no event~~  
4 ~~may the registration fee for electric vehicles exceed \$18 per~~  
5 ~~registration year. Beginning on January 1, 2020, the~~  
6 registration fee ~~for these vehicles shall be~~ equal to the fee  
7 set forth in Section 3-806 for motor vehicles of the first  
8 division, other than Autocycles, Motorcycles, Motor Driven  
9 Cycles, and Pedalcycles. In addition to the registration fees,  
10 the Secretary shall assess an additional \$100 per year in lieu  
11 of the payment of motor fuel taxes. \$1 of the additional fees  
12 shall be deposited into the Secretary of State Special  
13 Services Fund and the remainder of the additional fees shall  
14 be deposited into the Road Fund.

15 (b) Beginning with the 2023 registration year, upon the  
16 request of the vehicle owner, an electric vehicle owner may  
17 register an electric vehicle with any qualifying registration  
18 issued under this Chapter, and an additional \$100 surcharge  
19 shall be collected in addition to the applicable registration  
20 fee. The \$100 additional fee is to identify the vehicle as an  
21 electric vehicle. The \$100 additional fee is an annual, flat  
22 fee that shall be based on an applicant's new or existing  
23 registration year for the vehicle's corresponding weight  
24 category. A designation as an electric vehicle under this  
25 subsection shall not alter a vehicle's registration. Of the  
26 additional fees, \$1 shall be deposited into the Secretary of

1 State Special Services Fund, and the remainder of the  
2 additional fees shall be deposited into the Road Fund. The  
3 Secretary shall adopt any rules necessary to implement this  
4 subsection (b).

5 (Source: P.A. 101-32, eff. 6-28-19.)

6 (625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

7 Sec. 3-806.1. Additional fees for vanity license plates.  
8 In addition to the regular registration fee or electric  
9 vehicle registration fee, an applicant for a vanity license  
10 plate, other than a vanity plate in any military series or a  
11 vanity plate issued under Section 3-664, shall be charged \$94  
12 for each set of vanity license plates issued to a vehicle of  
13 the first division or a vehicle of the second division  
14 registered at not more than 8,000 pounds or to a recreational  
15 vehicle and \$50 for each set of vanity plates issued to an  
16 autocycle or motorcycle. In addition to the regular renewal  
17 fee or electric vehicle registration renewal fee, an applicant  
18 for a vanity plate, other than a vanity plate in any military  
19 series or a vanity plate issued under Section 3-664, shall be  
20 charged \$13 for the renewal of each set of vanity license  
21 plates. There shall be no additional fees for a vanity license  
22 plate in any military series of plates or a vanity plate issued  
23 under Section 3-664.

24 (Source: P.A. 98-777, eff. 1-1-15.)



1 (625 ILCS 5/3-806.5)

2 Sec. 3-806.5. Additional fees for personalized license  
3 plates. For registration periods commencing after December 31,  
4 2003, in addition to the regular registration fee or electric  
5 vehicle registration fee, an applicant for a personalized  
6 license plate, other than a personalized plate in any military  
7 series or a personalized plate issued under Section 3-664,  
8 shall be charged \$47 for each set of personalized license  
9 plates issued to a vehicle of the first division or a vehicle  
10 of the second division registered at not more than 8,000  
11 pounds or to a recreational vehicle and \$25 for each set of  
12 personalized plates issued to an autocytle or motorcycle. In  
13 addition to the regular renewal fee or electric vehicle  
14 registration renewal fee, an applicant for a personalized  
15 plate other than a personalized plate in any military series  
16 or a personalized plate issued under Section 3-664, shall be  
17 charged \$7 for the renewal of each set of personalized license  
18 plates. There shall be no additional fees charged for a  
19 personalized plate in any military series of plates or a  
20 personalized plate issued under Section 3-664. Of the money  
21 received by the Secretary of State as additional fees for  
22 personalized license plates, 50% shall be deposited into the  
23 Secretary of State Special License Plate Fund and 50% shall be  
24 deposited into the General Revenue Fund.

25 (Source: P.A. 98-777, eff. 1-1-15.)

1 (625 ILCS 5/5-100) (from Ch. 95 1/2, par. 5-100)

2 Sec. 5-100. Definitions. For the purposes of this Chapter,  
3 the following words shall have the meanings ascribed to them  
4 as follows:

5 "Additional place of business" means a place owned or  
6 leased and occupied by the dealer in addition to its  
7 established place of business, at which the dealer conducts or  
8 intends to conduct business on a permanent or long term basis.  
9 The term does not include an area where an off site sale or  
10 exhibition is conducted. The Secretary of State shall adopt  
11 guidelines for the administration and enforcement of this  
12 definition by rule.

13 "Display exhibition" means a temporary display of vehicles  
14 by a dealer licensed under Section 5-101 or 5-102, at a  
15 location at which no vehicles are offered for sale, that is  
16 conducted at a place other than the dealer's established and  
17 additional places of business.

18 "Established place of business" means the place owned or  
19 leased and occupied by any person duly licensed or required to  
20 be licensed as a dealer for the purpose of engaging in selling,  
21 buying, bartering, displaying, exchanging or dealing in, on  
22 consignment or otherwise, vehicles and their essential parts  
23 and for such other ancillary purposes as may be permitted by  
24 the Secretary by rule. It shall include an office in which the  
25 dealer's records shall be separate and distinct from any other  
26 business or tenant which may occupy space in the same building

1 except as provided in Section 5-101.1. This office shall not  
2 be located in a house trailer, residence, tent, temporary  
3 stand, temporary address, room or rooms in a hotel or rooming  
4 house, nor the premises occupied by a single or multiple unit  
5 residence. "Established place of business" only includes a  
6 place with an outdoor lot capable of parking at least 5  
7 vehicles or an indoor lot with space for a minimum of one  
8 vehicle to be parked in its indoor showroom. The established  
9 place of business of a scrap processor shall be the fixed  
10 location where the scrap processor maintains its principal  
11 place of business. The Secretary of State shall, by rule and  
12 regulation, adopt guidelines for the administration and  
13 enforcement of this definition, such as, but not limited to  
14 issues concerning the required hours of operation, describing  
15 where vehicles are displayed and offered for sale, where books  
16 and records are maintained and requirements for the  
17 fulfillment of warranties. A dealer may have an additional  
18 place of business as defined under this Section.

19 "Motor vehicle financing affiliate" means a business  
20 organization registered to do business in Illinois that,  
21 pursuant to a written contract with either (1) a single new or  
22 used motor vehicle dealer or (2) a single group of new or used  
23 motor vehicle dealers that share a common ownership within the  
24 group, purchases new or used motor vehicles on behalf of the  
25 dealer or group of dealers and then sells, transfers, or  
26 assigns those motor vehicles to the dealer or group of

1 dealers. The motor vehicle financing affiliate must be  
2 incorporated or organized solely to purchase new or used  
3 vehicles on behalf of the new or used motor vehicle dealer or  
4 group of dealers with which it has contracted, shall not sell  
5 motor vehicles at retail, shall perform only those business  
6 functions related to the purchasing of motor vehicles and  
7 selling, transferring, or assigning those motor vehicles to  
8 the dealer or group of dealers. The motor vehicle financing  
9 affiliate must be licensed under the provisions of Section  
10 5-101.1 and must not be licensed as a new or used motor vehicle  
11 dealer.

12 "Off site sale" means the temporary display and sale of  
13 vehicles, for a period of not more than 7 calendar days  
14 (excluding Sundays), by a dealer licensed under Section 5-101  
15 or 5-102 at a place other than the dealer's established and  
16 additional places of business.

17 "Relevant market area", for a new vehicle dealer licensed  
18 under Section 5-101 and for a used vehicle dealer licensed  
19 under Section 5-102, means the area within 10 miles of the  
20 established or additional place of business of the dealer  
21 located in a county with a population of 300,000 or more, or  
22 within 15 miles if the established place of business is  
23 located in a county with a population of less than 300,000.

24 "Trade show exhibition" means a temporary display of  
25 vehicles, by dealers licensed under Section 5-101 or 5-102, or  
26 any other person as defined in subsection (c) of Section

1 5-102.1, at a location at which no vehicles are offered for  
2 sale that is conducted at a place other than the dealer's  
3 established and additional places of business. In order for a  
4 display exhibition to be considered a trade show exhibition,  
5 it must be participated in by at least 3 dealers, 2 of which  
6 must be licensed under Section 5-101 or 5-102; and a trade show  
7 exhibition of new vehicles shall only be participated in by  
8 licensed new vehicle dealers at least 2 of which must be  
9 licensed under Section 5-101.

10 (Source: P.A. 90-89, eff. 1-1-98; 91-415, eff. 1-1-00.)

11 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

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

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

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

25 1. The name and type of business organization of the

1 applicant and his established and additional places of  
2 business, if any, in this State.

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

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

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

1 manufacturer and second stage manufacturer.

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

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

1 mobile home dealers are exempt from this requirement.

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

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

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



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

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

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

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

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

1 established place of business plus \$50 for each  
2 additional place of business, if any, to which the  
3 application pertains. License fees shall be returnable  
4 only in the event that the application is denied by the  
5 Secretary of State. All moneys received by the  
6 Secretary of State as license fees under this  
7 subparagraph (i) prior to applications for the 2004  
8 licensing year shall be deposited into the Motor  
9 Vehicle Review Board Fund and shall be used to  
10 administer the Motor Vehicle Review Board under the  
11 Motor Vehicle Franchise Act. Of the money received by  
12 the Secretary of State as license fees under this  
13 subparagraph (i) for the 2004 licensing year and  
14 thereafter, 10% shall be deposited into the Motor  
15 Vehicle Review Board Fund and shall be used to  
16 administer the Motor Vehicle Review Board under the  
17 Motor Vehicle Franchise Act and 90% shall be deposited  
18 into the General Revenue Fund.

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

1 for the applicant's established place of business plus  
2 \$25 for each additional place of business, if any, to  
3 which the application pertains. For a license renewal  
4 application, the fee shall be based on the amount of  
5 automobiles sold in the past year according to the  
6 following formula:

7 (1) \$0 for dealers selling 25 or less  
8 automobiles;

9 (2) \$150 for dealers selling more than 25 but  
10 less than 200 automobiles;

11 (3) \$300 for dealers selling 200 or more  
12 automobiles but less than 300 automobiles; and

13 (4) \$500 for dealers selling 300 or more  
14 automobiles.

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

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

23 (i) \$1,000 for applicant's established place of  
24 business, and \$50 for each additional place of  
25 business, if any, to which the application pertains;  
26 but if the application is made after June 15 of any

1 year, the license fee shall be \$500 for applicant's  
2 established place of business plus \$25 for each  
3 additional place of business, if any, to which the  
4 application pertains. License fees shall be returnable  
5 only in the event that the application is denied by the  
6 Secretary of State. Of the money received by the  
7 Secretary of State as license fees under this  
8 subparagraph (i) for the 2004 licensing year and  
9 thereafter, 95% shall be deposited into the General  
10 Revenue Fund.

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

25 8. A statement that the applicant's officers,  
26 directors, shareholders having a 10% or greater ownership

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

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

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

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

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

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

19 (F) The Retailers' Occupation Tax Act.

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

1 following Acts:

2 (A) The Consumer Finance Act;

3 (B) The Consumer Installment Loan Act;

4 (C) The Retail Installment Sales Act;

5 (D) The Motor Vehicle Retail Installment Sales  
6 Act;

7 (E) The Interest Act;

8 (F) The Illinois Wage Assignment Act;

9 (G) Part 8 of Article XII of the Code of Civil  
10 Procedure; or

11 (H) The Consumer Fraud Act.

12 9.5. A statement that, within 10 years of application,  
13 each officer, director, shareholder having a 10% or  
14 greater ownership interest therein, proprietor, partner,  
15 member, officer, director, trustee, manager, or other  
16 principal in the business of the applicant has not  
17 committed, as determined in any civil, criminal, or  
18 administrative proceeding, in any calendar year one or  
19 more forcible felonies under the Criminal Code of 1961 or  
20 the Criminal Code of 2012, or a violation of either or both  
21 Article 16 or 17 of the Criminal Code of 1961 or a  
22 violation of either or both Article 16 or 17 of the  
23 Criminal Code of 2012, Article 29B of the Criminal Code of  
24 1961 or the Criminal Code of 2012, or a similar  
25 out-of-state offense. For the purposes of this paragraph,  
26 "forcible felony" has the meaning provided in Section 2-8

1 of the Criminal Code of 2012.

2 10. A bond or certificate of deposit in the amount of  
3 \$50,000 for each location at which the applicant intends  
4 to act as a new vehicle dealer. The bond shall be for the  
5 term of the license, or its renewal, for which application  
6 is made, and shall expire not sooner than December 31 of  
7 the year for which the license was issued or renewed. The  
8 bond 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. It shall be conditioned upon the  
11 proper transmittal of all title and registration fees and  
12 taxes (excluding taxes under the Retailers' Occupation Tax  
13 Act) accepted by the applicant as a new vehicle dealer.

14 11. Such other information concerning the business of  
15 the applicant as the Secretary of State may by rule or  
16 regulation prescribe.

17 12. A statement that the applicant understands Chapter  
18 1 through Chapter 5 of this Code.

19 13. The full name, address, and contact information of  
20 each of the dealer's agents or legal representatives who  
21 is an Illinois resident and liable for the performance of  
22 the dealership.

23 (c) Any change which renders no longer accurate any  
24 information contained in any application for a new vehicle  
25 dealer's license shall be amended within 30 days after the  
26 occurrence of such change on such form as the Secretary of

1 State may prescribe by rule or regulation, accompanied by an  
2 amendatory fee of \$2.

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

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

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

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

22 1. The name of the person licensed;

23 2. If a corporation, the name and address of its  
24 officers or if a sole proprietorship, a partnership, an  
25 unincorporated association or any similar form of business  
26 organization, the name and address of the proprietor or of



1 each partner, member, officer, director, trustee or  
2 manager;

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

5 4. In the case of a supplemental license, the  
6 established place of business of the licensee and the  
7 additional place of business to which such supplemental  
8 license pertains;

9 5. The make or makes of new vehicles which the  
10 licensee is licensed to sell;

11 6. The full name, address, and contact information of  
12 each of the dealer's agents or legal representatives who  
13 is an Illinois resident and liable for the performance of  
14 the dealership.

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  
5 of an effective license is made during the month of December,  
6 the effective license shall remain in force until the  
7 application 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  
13 to the purchaser;

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

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

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

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

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

26 (j) Except at the time of sale or repossession of the

1 vehicle, no person licensed as a new vehicle dealer may issue  
2 any other person a newly created key to a vehicle unless the  
3 new vehicle dealer makes a color photocopy or electronic scan  
4 of the driver's license or State identification card of the  
5 person requesting or obtaining the newly created key. The new  
6 vehicle dealer must retain the photocopy or scan for 30 days.

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

11 This amendatory Act of 1983 shall be applicable to the  
12 1984 registration year and thereafter.

13 (k) If a licensee under this Section voluntarily  
14 surrenders a license to the Illinois Secretary of State Police  
15 or a representative of the Secretary of State Vehicle Services  
16 Department due to the licensee's inability to adhere to  
17 recordkeeping provisions, or the inability to properly issue  
18 certificates of title or registrations under this Code, or the  
19 Secretary revokes a license under this Section, then the  
20 licensee and the licensee's agent, designee, or legal  
21 representative, if applicable, may not be named on a new  
22 application for a licensee under this Section or under this  
23 Chapter, nor is the licensee or the licensee's agent,  
24 designee, or legal representative permitted to work for  
25 another licensee under this Chapter in a recordkeeping,  
26 management, or financial position or as an employee who

1 handles certificate of title and registration documents and  
2 applications.

3 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;  
4 101-505, eff. 1-1-20.)

5 (625 ILCS 5/5-101.1)

6 Sec. 5-101.1. Motor vehicle financing affiliates;  
7 licensing.

8 (a) In this State no business shall engage in the business  
9 of a motor vehicle financing affiliate without a license to do  
10 so in writing from the Secretary of State.

11 (b) An application for a motor vehicle financing  
12 affiliate's license must be filed with the Secretary of State,  
13 duly verified by oath, on a form prescribed by the Secretary of  
14 State and shall contain all of the following:

15 (1) The name and type of business organization of the  
16 applicant and the applicant's established place of  
17 business and any additional places of business in this  
18 State.

19 (2) The name and address of the licensed new or used  
20 vehicle dealer to which the applicant will be selling,  
21 transferring, or assigning new or used motor vehicles  
22 pursuant to a written contract. If more than one dealer is  
23 on the application, the applicant shall state in writing  
24 the basis of common ownership among the dealers.

25 (3) A list of the business organization's officers,

1 directors, members, and shareholders having a 10% or  
2 greater ownership interest in the business, providing the  
3 residential address for each person listed.

4 (4) If selling, transferring, or assigning new motor  
5 vehicles, the make or makes of new vehicles that it will  
6 sell, assign, or otherwise transfer to the contracting new  
7 motor vehicle dealer listed on the application pursuant to  
8 paragraph (2).

9 (5) The name of each manufacturer or franchised  
10 distributor, if any, of new vehicles with whom the  
11 applicant has contracted for the sale of new vehicles and  
12 a signed statement from each manufacturer or franchised  
13 distributor acknowledging the contract.

14 (6) A statement that the applicant has been approved  
15 for registration under the Retailers' Occupation Tax Act  
16 by the Department of Revenue. This requirement does not  
17 apply to a motor vehicle financing affiliate that is  
18 already licensed with the Secretary of State and is  
19 applying for a renewal of its license.

20 (7) A statement that the applicant has complied with  
21 the appropriate liability insurance requirement and a  
22 Certificate of Insurance that shall not expire before  
23 December 31 of the year for which the license was issued or  
24 renewed with a minimum liability coverage of \$100,000 for  
25 the bodily injury or death of any person, \$300,000 for the  
26 bodily injury or death of 2 or more persons in any one

1 accident, and \$50,000 for damage to property. The  
2 expiration of the insurance policy shall not terminate the  
3 liability under the policy arising during the period for  
4 which the policy was filed. Trailer and mobile home  
5 dealers are exempt from the requirements of this  
6 paragraph. A motor vehicle financing affiliate is exempt  
7 from the requirements of this paragraph if it is covered  
8 by the insurance policy of the new or used dealer listed on  
9 the application pursuant to paragraph (2).

10 (8) A license fee of \$1,000 for the applicant's  
11 established place of business and \$250 for each additional  
12 place of business, if any, to which the application  
13 pertains. However, if the application is made after June  
14 15 of any year, the license fee shall be \$500 for the  
15 applicant's established place of business and \$125 for  
16 each additional place of business, if any, to which the  
17 application pertains. These license fees shall be  
18 returnable only in the event that the application is  
19 denied by the Secretary of State.

20 (9) A statement incorporating the requirements of  
21 paragraphs 8 and 9 of subsection (b) of Section 5-101.

22 (10) Any other information concerning the business of  
23 the applicant as the Secretary of State may prescribe.

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

26 (12) The full name, address, and contact information

1       of each of the dealer's agents or legal representatives  
2       who is an Illinois resident and liable for the performance  
3       of the dealership.

4       (c) Any change which renders no longer accurate any  
5 information contained in any application for a motor vehicle  
6 financing affiliate's license shall be amended within 30 days  
7 after the occurrence of the change on a form prescribed by the  
8 Secretary of State, accompanied by an amendatory fee of \$2.

9       (d) If a new vehicle dealer is not listed on the  
10 application, pursuant to paragraph (2) of subsection (b), the  
11 motor vehicle financing affiliate shall not receive, possess,  
12 or transfer any new vehicle. If a new motor vehicle dealer is  
13 listed on the application, pursuant to paragraph (2) of  
14 subsection (b), the new motor vehicle dealer can only receive  
15 those new cars it is permitted to receive under its franchise  
16 agreement. If both a new and used motor vehicle dealer are  
17 listed on the application, pursuant to paragraph (2) of  
18 subsection (b), only the new motor vehicle dealer may receive  
19 new motor vehicles. If a used motor vehicle is listed on the  
20 application, pursuant to paragraph (2) of subsection (b), the  
21 used motor vehicle dealer shall not receive any new motor  
22 vehicles.

23       (e) The applicant and dealer provided pursuant to  
24 paragraph (2) of subsection (b) must be business organizations  
25 registered to conduct business in Illinois. Three-fourths of  
26 the dealer's board of directors must be members of the motor

1 vehicle financing affiliate's board of directors, if  
2 applicable.

3 (f) Unless otherwise provided in this Chapter 5, no  
4 business organization registered to do business in Illinois  
5 shall be licensed as a motor vehicle financing affiliate  
6 unless:

7 (1) The motor vehicle financing affiliate shall only  
8 sell, transfer, or assign motor vehicles to the licensed  
9 new or used dealer listed on the application pursuant to  
10 paragraph (2) of subsection (b).

11 (2) The motor vehicle financing affiliate sells,  
12 transfers, or assigns to the new motor vehicle dealer  
13 listed on the application, if any, only those new motor  
14 vehicles the motor vehicle financing affiliate has  
15 received under the contract set forth in paragraph (5) of  
16 subsection (b).

17 (3) Any new vehicle dealer listed pursuant to  
18 paragraph (2) of subsection (b) has a franchise agreement  
19 that permits the dealer to receive motor vehicles from the  
20 motor vehicle franchise affiliate.

21 (4) The new or used motor vehicle dealer listed on the  
22 application pursuant to paragraph (2) of subsection (b)  
23 has one established place of business or supplemental  
24 places of business as referenced in subsection (g).

25 (g) The Secretary of State shall, within a reasonable time  
26 after receipt, examine an application submitted pursuant to



1 this Section and, unless it is determined that the application  
2 does not conform with the requirements of this Section or that  
3 grounds exist for a denial of the application under Section  
4 5-501, grant the applicant a motor vehicle financing affiliate  
5 license in writing for the applicant's established place of  
6 business and a supplemental license in writing for each  
7 additional place of business in a form prescribed by the  
8 Secretary, which shall include all of the following:

9 (1) The name of the business licensed;

10 (2) The name and address of its officers, directors,  
11 or members, as applicable;

12 (3) In the case of an original license, the  
13 established place of business of the licensee; ~~and~~

14 (4) If applicable, the make or makes of new vehicles  
15 which the licensee is licensed to sell to the new motor  
16 vehicle dealer listed on the application pursuant to  
17 paragraph (2) of subsection (b); ~~and~~.

18 (5) The full name, address, and contact information of  
19 each of the dealer's agents or legal representatives who  
20 is an Illinois resident and liable for the performance of  
21 the dealership.

22 (h) The appropriate instrument evidencing the license or a  
23 certified copy, provided by the Secretary of State, shall be  
24 kept posted conspicuously in the established place of business  
25 of the licensee.

26 (i) Except as provided in subsection (h), all motor

1 vehicle financing affiliate's licenses granted under this  
2 Section shall expired by operation of law on December 31 of the  
3 calendar year for which they are granted, unless revoked or  
4 canceled at an earlier date pursuant to Section 5-501.

5 (j) A motor vehicle financing affiliate's license may be  
6 renewed upon application and payment of the required fee.  
7 However, when an application for renewal of a motor vehicle  
8 financing affiliate's license is made during the month of  
9 December, the effective license shall remain in force until  
10 the application is granted or denied by the Secretary of  
11 State.

12 (k) The contract a motor vehicle financing affiliate has  
13 with a manufacturer or franchised distributor, as provided in  
14 paragraph (5) of subsection (b), shall only permit the  
15 applicant to sell, transfer, or assign new motor vehicles to  
16 the new motor vehicle dealer listed on the application  
17 pursuant to paragraph (2) of subsection (b). The contract  
18 shall specifically prohibit the motor vehicle financing  
19 affiliate from selling motor vehicles at retail. This contract  
20 shall not be considered the granting of a franchise as defined  
21 in Section 2 of the Motor Vehicle Franchise Act.

22 (l) When purchasing of a motor vehicle by a new or used  
23 motor vehicle dealer, all persons licensed as a motor vehicle  
24 financing affiliate are required to furnish all of the  
25 following:

26 (1) For a new vehicle, a manufacturer's statement of

1 origin properly assigned to the purchasing dealer. For a  
2 used vehicle, a certificate of title properly assigned to  
3 the purchasing dealer.

4 (2) A statement verified under oath that all  
5 identifying numbers on the vehicle agree with those on the  
6 certificate of title or manufacturer's statement of  
7 origin.

8 (3) A bill of sale properly executed on behalf of the  
9 purchasing dealer.

10 (4) A copy of the Uniform Invoice-transaction report  
11 pursuant to Section 5-402.

12 (5) In the case of a rebuilt vehicle, a copy of the  
13 Disclosure of Rebuilt Vehicle Status pursuant to Section  
14 5-104.3.

15 (6) In the case of a vehicle for which a warranty has  
16 been reinstated, a copy of the warranty.

17 (m) The motor vehicle financing affiliate shall use the  
18 established and supplemental place or places of business the  
19 new or used vehicle dealer listed on the application pursuant  
20 to paragraph (2) of subsection (b) as its established and  
21 supplemental place or places of business.

22 (n) The motor vehicle financing affiliate shall keep all  
23 books and records required by this Code with the books and  
24 records of the new or used vehicle dealer listed on the  
25 application pursuant to paragraph (2) of subsection (b). The  
26 motor vehicle financing affiliate may use the books and

1 records of the new or used motor vehicle dealer listed on the  
2 application pursuant to paragraph (2) of subsection (b).

3 (o) Under no circumstances shall a motor vehicle financing  
4 affiliate sell, transfer, or assign a new vehicle to any place  
5 of business of a new motor vehicle dealer, unless that place of  
6 business is licensed under this Chapter to sell, assign, or  
7 otherwise transfer the make of the new motor vehicle  
8 transferred.

9 (p) All moneys received by the Secretary of State as  
10 license fees under this Section shall be deposited into the  
11 Motor Vehicle Review Board Fund and shall be used to  
12 administer the Motor Vehicle Review Board under the Motor  
13 Vehicle Franchise Act.

14 (q) Except as otherwise provided in this Section, a motor  
15 vehicle financing affiliate shall comply with all provisions  
16 of this Code.

17 (r) If a licensee under this Section voluntarily  
18 surrenders a license to the Illinois Secretary of State Police  
19 or a representative of the Secretary of State Vehicle Services  
20 Department due to the licensee's inability to adhere to  
21 recordkeeping provisions, or the inability to properly issue  
22 certificates of title or registrations under this Code, or the  
23 Secretary revokes a license under this Section, then the  
24 licensee and the licensee's agent, designee, or legal  
25 representative, if applicable, may not be named on a new  
26 application for a licensee under this Section or under this

1 Chapter, nor is the licensee or the licensee's agent,  
2 designee, or legal representative permitted to work for  
3 another licensee under this Chapter in a recordkeeping,  
4 management, or financial position or as an employee who  
5 handles certificate of title and registration documents and  
6 applications.

7 (Source: P.A. 91-415, eff. 1-1-00.)

8 (625 ILCS 5/5-101.2)

9 Sec. 5-101.2. Manufactured home dealers; licensing.

10 (a) For the purposes of this Section, the following words  
11 shall have the meanings ascribed to them as follows:

12 "Community-based manufactured home dealer" means an  
13 individual or entity that operates a tract of land or 2 or  
14 more contiguous tracts of land which contain sites with  
15 the necessary utilities for 5 or more independent  
16 manufactured homes for permanent habitation, either free  
17 of charge or for revenue purposes, and shall include any  
18 building, structure, vehicle, or enclosure used or  
19 intended for use as a part of the equipment of the  
20 manufactured home park who may, incidental to the  
21 operation of the manufactured home community, sell, trade,  
22 or buy no more than 2 manufactured homes or park models per  
23 calendar year that are located within the manufactured  
24 home community pursuant to a franchise agreement or  
25 similar agreement with a manufacturer, or used

1 manufactured homes or park models located within the  
2 manufactured home community or additional place of  
3 business that is owned or managed by the community-based  
4 manufactured home dealer.

5 "Established place of business" means the place owned  
6 or leased and occupied by any person duly licensed or  
7 required to be licensed as a manufactured home dealer or a  
8 community-based manufactured home dealer for the purpose  
9 of engaging in selling, buying, bartering, displaying,  
10 exchanging, or dealing in, on consignment or otherwise,  
11 manufactured homes or park models and for such other  
12 ancillary purposes as may be permitted by the Secretary by  
13 rule. An established place of business shall include a  
14 single or central office in which the manufactured home  
15 dealer's or community-based manufactured home dealer's  
16 records shall be separate and distinct from any other  
17 business or tenant which may occupy space in the same  
18 building, except as provided in this Section, and the  
19 office shall not be located in a tent, temporary stand,  
20 temporary address, room or rooms in a hotel or rooming  
21 house, nor the premises occupied by a single or multiple  
22 unit residence, unless the multiple unit residence has a  
23 separate and distinct office.

24 "Manufactured home" means a factory assembled  
25 structure built on a permanent chassis, transportable in  
26 one or more sections in the travel mode, incapable of

1 self-propulsion, and bears a label indicating the  
2 manufacturer's compliance with the United States  
3 Department of Housing and Urban Development standards, as  
4 applicable, that is without a permanent foundation and is  
5 designed for year round occupancy as a single-family  
6 residence when connected to approved water, sewer, and  
7 electrical utilities.

8 "Manufactured home dealer" means an individual or  
9 entity that engages in the business of acquiring or  
10 disposing of a manufactured home or park model, either a  
11 new manufactured home or park model, pursuant to a  
12 franchise agreement with a manufacturer, or used  
13 manufactured homes or park models, and who has an  
14 established place of business that is not in a residential  
15 community-based setting.

16 "Park model" means a vehicle that is incapable of  
17 self-propulsion that is less than 400 square feet of  
18 habitable space that is built to American National  
19 Standards Institute (ANSI) standards that prohibits  
20 occupancy on a permanent basis and is built on a vehicle  
21 chassis.

22 "Supplemental license" means a license that a  
23 community-based manufactured home dealer receives and  
24 displays at locations in which the licensee is authorized  
25 to sell, buy, barter, display, exchange, or deal in, on  
26 consignment or otherwise, manufactured homes or park

1 models, but is not the established place of business of  
2 the licensee.

3 (b) No person shall engage in this State in the business of  
4 selling or dealing in, on consignment or otherwise,  
5 manufactured homes or park models of any make, or act as an  
6 intermediary, agent, or broker for any manufactured home or  
7 park model purchaser, other than as a salesperson or to  
8 represent or advertise that he or she is so engaged, or intends  
9 to so engage, in the business, unless licensed to do so by the  
10 Secretary of State under the provisions of this Section.

11 (c) An application for a manufactured home dealer's  
12 license or a community-based manufactured home dealer's  
13 license shall be filed with the Secretary of State and duly  
14 verified by oath, on such form as the Secretary of State may by  
15 rule prescribe and shall contain all of the following:

16 (1) The name and type of business organization of the  
17 applicant, and his or her established and additional  
18 places of business, if any, in this State.

19 (2) If the applicant is a corporation, a list of its  
20 officers, directors, and shareholders having a 10% or  
21 greater ownership interest in the corporation. If the  
22 applicant is a sole proprietorship, a partnership, a  
23 limited liability company, an unincorporated association,  
24 a trust, or any similar form of business organization, the  
25 name and residence address of the proprietor, or the name  
26 and residence address of each partner, member, officer,



1 director, trustee, or manager.

2 (3) The make or makes of new manufactured homes or  
3 park models that the applicant will offer for sale at  
4 retail in the State.

5 (4) The name of each manufacturer or franchised  
6 distributor, if any, of new manufactured homes or park  
7 models with whom the applicant has contracted for the sale  
8 of new manufactured homes or park models. As evidence of  
9 this fact, the application shall be accompanied by a  
10 signed statement from each manufacturer or franchised  
11 distributor.

12 (5) A statement that the applicant has been approved  
13 for registration under the Retailers' Occupation Tax Act  
14 by the Department of Revenue, provided that this  
15 requirement does not apply to a manufactured home dealer  
16 who is already licensed with the Secretary of State, and  
17 who is merely applying for a renewal of his or her license.  
18 As evidence of this fact, the application shall be  
19 accompanied by a certification from the Department of  
20 Revenue showing that the Department has approved the  
21 applicant for registration under the Retailers' Occupation  
22 Tax Act.

23 (6) An application for:

24 (A) a manufactured home dealer's license, when the  
25 applicant is selling new manufactured homes or park  
26 models on behalf of a manufacturer of manufactured

1 homes or park models, or 5 or more used manufactured  
2 homes or park models during the calendar year, shall  
3 be accompanied by a \$1,000 license fee for the  
4 applicant's established place of business, and \$100  
5 for each additional place of business, if any, to  
6 which the application pertains. If the application is  
7 made after June 15 in any year, the license fee shall  
8 be \$500 for the applicant's established place of  
9 business, and \$50 for each additional place of  
10 business, if any, to which the application pertains.  
11 License fees shall be returnable only in the event  
12 that the application is denied by the Secretary of  
13 State; or

14 (B) a community-based manufactured home dealer's  
15 license, when the applicant is selling new  
16 manufactured homes or park models on behalf of a  
17 manufacturer of manufactured homes or park models, or  
18 5 or more used manufactured homes or park models  
19 during the calendar year, but within a community  
20 setting, shall be accompanied by a license fee of \$500  
21 for the applicant's established place of business, and  
22 \$50 for each additional place of business within a  
23 50-mile radius of the established place of business,  
24 if any to which the application pertains. If the  
25 application is made after June 15 in any year, the  
26 license fee shall be \$250 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. License fees shall be returnable  
4 only in the event that the application is denied by the  
5 Secretary of State.

6 Of the monies received by the Secretary of State  
7 as license fees under this paragraph (6), 95% shall be  
8 deposited into the General Revenue Fund and 5% into  
9 the Motor Vehicle License Plate Fund.

10 (7) A statement that the applicant's officers,  
11 directors, and shareholders having a 10% or greater  
12 ownership interest therein, proprietor, a partner, member,  
13 officer, director, trustee, manager, or other principals  
14 in the business, have not committed in the past 3 years any  
15 one violation, as determined in any civil, criminal, or  
16 administrative hearing proceeding, of any one of the  
17 following Acts:

18 (A) the Anti Theft Laws of the Illinois Vehicle  
19 Code;

20 (B) the Certificate of Title Laws of the Illinois  
21 Vehicle Code;

22 (C) the Offenses against Registration and  
23 Certificates of Title Laws of the Illinois Vehicle  
24 Code;

25 (D) the Dealers, Transporters, Wreckers, and  
26 Rebuilders Laws of the Illinois Vehicle Code;

1 (E) Section 21-2 of the Criminal Code of 2012  
2 (criminal trespass to vehicles);

3 (F) the Retailers Occupation Tax Act;

4 (G) the Consumer Finance Act;

5 (H) the Consumer Installment Loan Act;

6 (I) the Retail Installment Sales Act;

7 (J) the Motor Vehicle Retail Installment Sales  
8 Act;

9 (K) the Interest Act;

10 (L) the Illinois Wage Assignment Act;

11 (M) Part 8 of Article XII of the Code of Civil  
12 Procedure; or

13 (N) the Consumer Fraud Act.

14 (8) A bond or certificate of deposit in the amount of  
15 \$20,000 for each license holder applicant intending to act  
16 as a manufactured home dealer or community-based  
17 manufactured home dealer under this Section. The bond  
18 shall be for the term of the license, for which  
19 application is made, and shall expire not sooner than  
20 December 31 of the year for which the license was issued.  
21 The bond shall run to the People of the State of Illinois,  
22 with surety by a bonding or insurance company authorized  
23 to do business in this State. It shall be conditioned upon  
24 the proper transmittal of all title and registration fees  
25 and taxes (excluding taxes under the Retailers' Occupation  
26 Tax Act) accepted by the applicant as a manufactured home

1 dealer.

2 (9) Dealers in business for over 5 years may  
3 substitute a certificate of insurance in lieu of the bond  
4 or certificate of deposit upon renewing their license.

5 (10) Any other information concerning the business of  
6 the applicant as the Secretary of State may by rule  
7 prescribe.

8 (11) A statement that the applicant has read and  
9 understands Chapters 1 through 5 of this Code.

10 (12) The full name, address, and contact information  
11 of each of the dealer's agents or legal representatives  
12 who is an Illinois resident and liable for the performance  
13 of the dealership.

14 (d) Any change which renders no longer accurate any  
15 information contained in any application for a license under  
16 this Section shall be amended within 30 days after the  
17 occurrence of the change on a form the Secretary of State may  
18 prescribe, by rule, accompanied by an amendatory fee of \$25.

19 (e) The Secretary of State shall, within a reasonable time  
20 after receipt, examine an application submitted to him or her  
21 under this Section, and unless he or she makes a determination  
22 that the application submitted to him or her does not conform  
23 with the requirements of this Section or that grounds exist  
24 for a denial of the application under Section 5-501 of this  
25 Chapter, grant the applicant an initial manufactured home  
26 dealer's license or a community-based manufactured home

1 dealer's license in writing for his or her established place  
2 of business and a supplemental license in writing for each  
3 additional place of business in a form the Secretary may  
4 prescribe by rule, which shall include the following:

5 (1) the name of the person or entity licensed;

6 (2) if a corporation, the name and address of its  
7 officers; if a sole proprietorship, a partnership, an  
8 unincorporated association, or any similar form of  
9 business organization, the name and address of the  
10 proprietor, or the name and address of each partner,  
11 member, officer, director, trustee or manager; or if a  
12 limited liability company, the name and address of the  
13 general partner or partners, or managing member or  
14 members;

15 (3) in the case of an original license, the  
16 established place of business of the licensee;

17 (4) in the case of a supplemental license, the  
18 established place of business of the licensee and the  
19 distance to each additional place of business to which the  
20 supplemental license pertains; ~~and~~

21 (5) if applicable, the make or makes of new  
22 manufactured homes or park models to which a manufactured  
23 home dealer is licensed to sell; and.

24 (6) the full name, address, and contact information of  
25 each of the dealer's agents or legal representatives who  
26 is an Illinois resident and liable for the performance of

1           the dealership.

2           (e-5) A manufactured home dealer may operate a  
3 supplemental lot if the lot is located within 50 miles of the  
4 manufactured home dealer's principal place of business.  
5 Records pertaining to a supplemental lot may be maintained at  
6 the principal place of business.

7           (f) The appropriate instrument evidencing the license or a  
8 certified copy of the instrument, provided by the Secretary of  
9 State, shall be kept posted conspicuously in the established  
10 place of business of the licensee and in each additional place  
11 of business, if any, maintained by the licensee, unless the  
12 licensee is a community-based manufactured home dealer, then  
13 the license shall be posted in the community-based  
14 manufactured home dealer's central office and it shall include  
15 a list of the other locations that the community-based  
16 manufactured home dealer may oversee.

17           (g) Except as provided in subsection (i) of this Section,  
18 all licenses granted under this Section shall expire by  
19 operation of law on December 31 of the calendar year for which  
20 the licenses were granted, unless sooner revoked or cancelled  
21 under the provisions of Section 5-501 of this Chapter.

22           (h) All persons licensed as a manufactured home dealer or  
23 a community-based manufactured home dealer are required to  
24 furnish each purchaser of a manufactured home or park model:

25                 (1) in the case of a new manufactured home or park  
26                 model, a manufacturer's statement of origin, and in the

1 case of a previously owned manufactured home or park  
2 model, a certificate of title, in either case properly  
3 assigned to the purchaser;

4 (2) a statement verified under oath that all  
5 identifying numbers on the vehicle match the identifying  
6 numbers on the certificate of title or manufacturer's  
7 statement of origin;

8 (3) a bill of sale properly executed on behalf of the  
9 purchaser;

10 (4) a copy of the Uniform Invoice-transaction  
11 reporting return form referred to in Section 5-402; and

12 (5) for a new manufactured home or park model, a  
13 warranty, and in the case of a manufactured home or park  
14 model for which the warranty has been reinstated, a copy  
15 of the warranty; if no warranty is provided, a disclosure  
16 or statement that the manufactured home or park model is  
17 being sold "AS IS".

18 (i) This Section shall not apply to a (i) seller who  
19 privately owns his or her manufactured home or park model as  
20 his or her main residence and is selling the manufactured home  
21 or park model to another individual or to a licensee; (ii) a  
22 retailer or entity licensed under either Section 5-101 or  
23 5-102 of this Code; or (iii) an individual or entity licensed  
24 to sell truck campers, travel trailers, motor homes, or mini  
25 motor homes as defined by this Code. Any vehicle not covered by  
26 this Section that requires an individual or entity to obtain a



1 license to sell 5 or more vehicles must obtain a license under  
2 the relevant provisions of this Code.

3 (j) This Section shall not apply to any person licensed  
4 under the Real Estate License Act of 2000.

5 (k) The Secretary of State may adopt any rules necessary  
6 to implement this Section.

7 (Source: P.A. 101-407, eff. 8-16-19.)

8 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

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

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

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

1           1. The name and type of business organization  
2 established and additional places of business, if any, in  
3 this State.

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

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

23           4. A statement that the applicant has complied with  
24 the appropriate liability insurance requirement. A  
25 Certificate of Insurance in a solvent company authorized  
26 to do business in the State of Illinois shall be included

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

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

1 dealer's insurer shall be the primary insurer and the  
2 permitted user's insurer shall be the secondary insurer.

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

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

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

26 As used in this paragraph 4, "loaner purposes" means

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

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

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

21 (B) Except for dealers selling 25 or fewer  
22 automobiles or as provided in subsection (h) of  
23 Section 5-102.7 of this Code, an Annual Dealer  
24 Recovery Fund Fee in the amount of \$500 for the  
25 applicant's established place of business, and \$50 for  
26 each additional place of business, if any, to which

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

9 (1) \$0 for dealers selling 25 or less  
10 automobiles;

11 (2) \$150 for dealers selling more than 25 but  
12 less than 200 automobiles;

13 (3) \$300 for dealers selling 200 or more  
14 automobiles but less than 300 automobiles; and

15 (4) \$500 for dealers selling 300 or more  
16 automobiles.

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

22 6. A statement that the applicant's officers,  
23 directors, shareholders having a 10% or greater ownership  
24 interest therein, proprietor, 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 Illinois Criminal Code of  
14 1961 or the Criminal Code of 2012, Criminal Trespass  
15 to Vehicles; or

16 (F) The Retailers' Occupation Tax Act.

17 7. 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 or 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 and Deceptive Business
- 9 Practices Act.

10 7.5. A statement that, within 10 years of application,

11 each officer, director, shareholder having a 10% or

12 greater ownership interest therein, proprietor, partner,

13 member, officer, director, trustee, manager, or other

14 principal in the business of the applicant has not

15 committed, as determined in any civil, criminal, or

16 administrative proceeding, in any calendar year one or

17 more forcible felonies under the Criminal Code of 1961 or

18 the Criminal Code of 2012, or a violation of either or both

19 Article 16 or 17 of the Criminal Code of 1961 or a

20 violation of either or both Article 16 or 17 of the

21 Criminal Code of 2012, Article 29B of the Criminal Code of

22 1961 or the Criminal Code of 2012, or a similar

23 out-of-state offense. For the purposes of this paragraph,

24 "forcible felony" has the meaning provided in Section 2-8

25 of the Criminal Code of 2012.

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



1           \$50,000 for each location at which the applicant intends  
2           to act as a used vehicle dealer. The bond shall be for the  
3           term of the license, or its renewal, for which application  
4           is made, and shall expire not sooner than December 31 of  
5           the year for which the license was issued or renewed. The  
6           bond shall run to the People of the State of Illinois, with  
7           surety by a bonding or insurance company authorized to do  
8           business in this State. It shall be conditioned upon the  
9           proper transmittal of all title and registration fees and  
10          taxes (excluding taxes under the Retailers' Occupation Tax  
11          Act) accepted by the applicant as a used vehicle dealer.

12           9. Such other information concerning the business of  
13          the applicant as the Secretary of State may by rule or  
14          regulation prescribe.

15           10. A statement that the applicant understands Chapter  
16          1 through Chapter 5 of this Code.

17           11. A copy of the certification from the prelicensing  
18          education program.

19           12. The full name, address, and contact information of  
20          each of the dealer's agents or legal representatives who  
21          is an Illinois resident and liable for the performance of  
22          the dealership.

23           (c) Any change which renders no longer accurate any  
24          information contained in any application for a used vehicle  
25          dealer's license shall be amended within 30 days after the  
26          occurrence of each change on such form as the Secretary of

1 State may prescribe by rule or regulation, accompanied by an  
2 amendatory fee of \$2.

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

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

18 1. The name of the person licensed;

19 2. If a corporation, the name and address of its  
20 officers or if a sole proprietorship, a partnership, an  
21 unincorporated association or any similar form of business  
22 organization, the name and address of the proprietor or of  
23 each partner, member, officer, director, trustee or  
24 manager;

25 3. In case of an original license, the established  
26 place of business of the licensee;

1           4. In the case of a supplemental license, the  
2           established place of business of the licensee and the  
3           additional place of business to which such supplemental  
4           license pertains;~~;~~

5           5. The full name, address, and contact information of  
6           each of the dealer's agents or legal representatives who  
7           is an Illinois resident and liable for the performance of  
8           the dealership.

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

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

19          (h) A used vehicle dealer's license may be renewed upon  
20          application and payment of the fee required herein, and  
21          submission of proof of coverage by an approved bond under the  
22          "Retailers' Occupation Tax Act" or proof that applicant is not  
23          subject to such bonding requirements, as in the case of an  
24          original license, but in case an application for the renewal  
25          of an effective license is made during the month of December,  
26          the effective license shall remain in force until the

1 application for renewal is granted or denied by the Secretary  
2 of State.

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

5 1. A certificate of title properly assigned to the  
6 purchaser;

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

10 3. A bill of sale properly executed on behalf of such  
11 person;

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

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

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

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

25 (1) the name and address of the buyer and seller,

26 (2) the date of sale,

1           (3) a description of the mobile home, including the  
2           vehicle identification number, make, model, and year, and

3           (4) the Illinois certificate of title number.

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

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

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

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

22                 1. The year, make, model, style and color of the  
23                 vehicle;

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

- 1           3. The date of acquisition of the vehicle;
- 2           4. The name and address of the person from whom the  
3           vehicle was acquired;
- 4           5. The name and address of the person to whom any  
5           vehicle was disposed, the person's Illinois license number  
6           or if the person is an out-of-state salvage vehicle buyer,  
7           the license number from the state or jurisdiction where  
8           the buyer is licensed; and
- 9           6. The purchase price of the vehicle.

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

13           (m) If a licensee under this Section voluntarily  
14           surrenders a license to the Illinois Secretary of State Police  
15           or a representative of the Secretary of State Vehicle Services  
16           Department due to the licensee's inability to adhere to  
17           recordkeeping provisions, or the inability to properly issue  
18           certificates of title or registrations under this Code, or the  
19           Secretary revokes a license under this Section, then the  
20           licensee and the licensee's agent, designee, or legal  
21           representative, if applicable, may not be named on a new  
22           application for a license under this Section or under this  
23           Chapter, nor is the licensee or the licensee's agent,  
24           designee, or legal representative permitted to work for  
25           another licensee under this Chapter in a recordkeeping,  
26           management, or financial position or as an employee who

1 handles certificate of title and registration documents and  
2 applications.

3  
4 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;  
5 101-505, eff. 1-1-20.)

6 (625 ILCS 5/5-102.8)

7 Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle  
8 dealers.

9 (a) As used in this Section, "Buy Here, Pay Here used  
10 vehicle dealer" means any entity that engages in the business  
11 of selling or leasing of vehicles and finances the sale or  
12 purchase price of the vehicle to a customer without the  
13 customer using a third-party lender.

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

24 (c) An application for a Buy Here, Pay Here used vehicle  
25 dealer's license shall be filed with the Secretary of State,

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

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

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

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

25 (4) A statement that the applicant has complied with  
26 the appropriate liability insurance requirement. A



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

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

1 property, or does not have any insurance at all, then the  
2 dealer's insurer shall be the primary insurer and the  
3 permitted user's insurer shall be the secondary insurer.

4 When a permitted user is "test driving" a Buy Here,  
5 Pay Here used vehicle dealer's automobile, the Buy Here,  
6 Pay Here used vehicle dealer's insurance shall be primary  
7 and the permitted user's insurance shall be secondary.

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

21 As used in this paragraph, "test driving" occurs when  
22 a permitted user who, with the permission of the Buy Here,  
23 Pay Here used vehicle dealer or an employee of the Buy  
24 Here, Pay Here used vehicle dealer, drives a vehicle owned  
25 and held for sale or lease by a Buy Here, Pay Here 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, "loaner purposes" means  
4 when a person who, with the permission of the Buy Here, Pay  
5 Here used vehicle dealer, drives a vehicle owned or held  
6 for sale or lease by the used vehicle dealer while the  
7 user's vehicle is being repaired or evaluated.

8 (5) An application for a Buy Here, Pay Here used  
9 vehicle dealer's license shall be accompanied by the  
10 following license fees:

11 (A) \$1,000 for the applicant's established place  
12 of business, and \$50 for each additional place of  
13 business, if any, to which the application pertains;  
14 however, if the application is made after June 15 of  
15 any year, the license fee shall be \$500 for the  
16 applicant's established place of business plus \$25 for  
17 each additional place of business, if any, to which  
18 the application pertains. License fees shall be  
19 returnable only if the application is denied by the  
20 Secretary of State. Of the money received by the  
21 Secretary of State as license fees under this  
22 subparagraph, 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  
26 Section 5-102.7 of this Code, an Annual Dealer

1 Recovery Fund Fee in the amount of \$500 for the  
2 applicant's established place of business, and \$50 for  
3 each additional place of business, if any, to which  
4 the application pertains; but if the application is  
5 made after June 15 of any year, the fee shall be \$250  
6 for the applicant's established place of business plus  
7 \$25 for each additional place of business, if any, to  
8 which 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 Fees shall be returnable only if the application  
21 is denied by the Secretary of State. Money received  
22 under this subparagraph shall be deposited into the  
23 Dealer Recovery Trust Fund. A Buy Here, Pay Here used  
24 vehicle dealer shall pay into the Dealer Recovery  
25 Trust Fund for every vehicle that is financed, sold,  
26 or otherwise transferred to an individual or entity

1 other than the Buy Here, Pay Here used vehicle dealer  
2 even if the individual or entity to which the Buy Here,  
3 Pay Here used vehicle dealer transfers the vehicle is  
4 unable to continue to adhere to the terms of the  
5 transaction by the Buy Here, Pay Here used vehicle  
6 dealer.

7 (6) A statement that each officer, director,  
8 shareholder having a 10% or greater ownership interest  
9 therein, proprietor, partner, member, officer, director,  
10 trustee, manager, or other principal in the business of  
11 the applicant has not committed in the past 3 years any one  
12 violation as determined in any civil, criminal, or  
13 administrative proceedings of any one of the following:

14 (A) the Anti-Theft Laws of this Code;

15 (B) the Certificate of Title Laws of this Code;

16 (C) the Offenses against Registration and  
17 Certificates of Title Laws of this Code;

18 (D) the Dealers, Transporters, Wreckers and  
19 Rebuilders Laws of this Code;

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

23 (F) the Retailers' Occupation Tax Act.

24 (7) A statement that each officer, director,  
25 shareholder having a 10% or greater ownership interest  
26 therein, proprietor, partner, member, officer, director,

1 trustee, manager, or other principal in the business of  
2 the applicant has not committed in any calendar year 3 or  
3 more violations, as determined in any civil, criminal, or  
4 administrative proceedings, of any one or more of the  
5 following:

6 (A) the Consumer Finance Act;

7 (B) the Consumer Installment Loan Act;

8 (C) the Retail Installment Sales Act;

9 (D) the Motor Vehicle Retail Installment Sales  
10 Act;

11 (E) the Interest Act;

12 (F) the Illinois Wage Assignment Act;

13 (G) Part 8 of Article XII of the Code of Civil  
14 Procedure; or

15 (H) the Consumer Fraud and Deceptive Business  
16 Practices Act.

17 (8) A statement that, within 10 years of application,  
18 each officer, director, shareholder having a 10% or  
19 greater ownership interest therein, proprietor, partner,  
20 member, officer, director, trustee, manager, or other  
21 principal in the business of the applicant has not  
22 committed, as determined in any civil, criminal, or  
23 administrative proceeding, in any calendar year one or  
24 more forcible felonies under the Criminal Code of 1961 or  
25 the Criminal Code of 2012, or a violation of either or both  
26 Article 16 or 17 of the Criminal Code of 1961, or a

1 violation of either or both Article 16 or 17 of the  
2 Criminal Code of 2012, Article 29B of the Criminal Code of  
3 1961 or the Criminal Code of 2012, or a similar  
4 out-of-state offense. For the purposes of this paragraph,  
5 "forcible felony" has the meaning provided in Section 2-8  
6 of the Criminal Code of 2012.

7 (9) A bond or Certificate of Deposit in the amount of  
8 \$50,000 for each location at which the applicant intends  
9 to act as a Buy Here, Pay Here used vehicle dealer. The  
10 bond shall be for the term of the license. The bond shall  
11 run to the People of the State of Illinois, with surety by  
12 a bonding or insurance company authorized to do business  
13 in this State. It shall be conditioned upon the proper  
14 transmittal of all title and registration fees and taxes  
15 (excluding taxes under the Retailers' Occupation Tax Act)  
16 accepted by the applicant as a Buy Here, Pay Here used  
17 vehicle dealer.

18 (10) Such other information concerning the business of  
19 the applicant as the Secretary of State may by rule  
20 prescribe.

21 (11) A statement that the applicant understands  
22 Chapter 1 through Chapter 5 of this Code.

23 (12) A copy of the certification from the prelicensing  
24 education program.

25 (13) The full name, address, and contact information  
26 of each of the dealer's agents or legal representatives

1           who is an Illinois resident and liable for the performance  
2           of the dealership.

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

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

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

24           (1) The name of the person licensed.

25           (2) If a corporation, the name and address of its  
26 officers or if a sole proprietorship, a partnership, an



1 unincorporated association, or any similar form of  
2 business organization, the name and address of the  
3 proprietor or of each partner, member, officer, director,  
4 trustee, or manager.

5 (3) In the case of an original license, the  
6 established place of business of the licensee.

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

11 (5) The full name, address, and contact information of  
12 each of the dealer's agents or legal representatives who  
13 is an Illinois resident and liable for the performance of  
14 the dealership.

15 (g) 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  
18 of business of the licensee and in each additional place of  
19 business, if any, maintained by the licensee.

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

25 (i) A Buy Here, Pay Here used vehicle dealer's license may  
26 be renewed upon application and payment of the fee required

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

9 (j) Each person licensed as a Buy Here, Pay Here used  
10 vehicle dealer is required to furnish each purchaser of a  
11 motor vehicle:

12 (1) a certificate of title properly assigned to the  
13 purchaser;

14 (2) a statement verified under oath that all  
15 identifying numbers on the vehicle agree with those on the  
16 certificate of title;

17 (3) a bill of sale properly executed on behalf of the  
18 person;

19 (4) a copy of the Uniform Invoice-transaction  
20 reporting return referred to in Section 5-402;

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 (k) Except at the time of sale or repossession of the  
26 vehicle, no person licensed as a Buy Here, Pay Here used

1 vehicle dealer may issue any other person a newly created key  
2 to a vehicle unless the Buy Here, Pay Here used vehicle dealer  
3 makes a color photocopy or electronic scan of the driver's  
4 license or State identification card of the person requesting  
5 or obtaining the newly created key. The Buy Here, Pay Here used  
6 vehicle dealer must retain the photocopy or scan for 30 days.

7 A Buy Here, Pay Here used vehicle dealer who violates this  
8 subsection (k) is guilty of a petty offense. Violation of this  
9 subsection (k) is not cause to suspend, revoke, cancel, or  
10 deny renewal of the used vehicle dealer's license.

11 (1) A Buy Here, Pay Here used vehicle dealer licensed  
12 under this Section shall provide the Secretary of State a  
13 register for the sale at auction of each salvage or junk  
14 certificate vehicle. Each register shall include the following  
15 information:

16 (1) the year, make, model, style, and color of the  
17 vehicle;

18 (2) the vehicle's manufacturer's identification number  
19 or, if applicable, the Secretary of State or Illinois  
20 Department of State Police identification number;

21 (3) the date of acquisition of the vehicle;

22 (4) the name and address of the person from whom the  
23 vehicle was acquired;

24 (5) the name and address of the person to whom any  
25 vehicle was disposed, the person's Illinois license number  
26 or, if the person is an out-of-state salvage vehicle

1 buyer, the license number from the state or jurisdiction  
2 where the buyer is licensed; and

3 (6) the purchase price of the vehicle.

4 The register shall be submitted to the Secretary of State  
5 via written or electronic means within 10 calendar days from  
6 the date of the auction.

7 (m) If a licensee under this Section voluntarily  
8 surrenders a license to the Illinois Secretary of State Police  
9 or a representative of the Secretary of State Vehicle Services  
10 Department due to the licensee's inability to adhere to  
11 recordkeeping provisions, or the inability to properly issue  
12 certificates of title or registrations under this Code, or the  
13 Secretary revokes a license under this Section, then the  
14 licensee and the licensee's agent, designee, or legal  
15 representative, if applicable, may not be named on a new  
16 application for a license under this Section or under this  
17 Chapter, nor is the licensee or the licensee's agent,  
18 designee, or legal representative permitted to work for  
19 another licensee under this Chapter in a recordkeeping,  
20 management, or financial position or as an employee who  
21 handles certificate of title and registration documents and  
22 applications.

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

24 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

25 Sec. 5-301. Automotive parts recyclers, scrap processors,

1 repairers and rebuilders must be licensed.

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

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

26 1. The name and type of business organization of the

1 applicant and his principal or additional places of  
2 business, if any, in this State.

3 2. The kind or kinds of business enumerated in  
4 subsection (a) of this Section to be conducted at each  
5 location.

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

15 4. A statement that the applicant's officers,  
16 directors, shareholders having a ten percent or greater  
17 ownership interest therein, proprietor, partner, member,  
18 officer, director, trustee, manager, or other principals  
19 in the business have not committed in the past three years  
20 any one violation as determined in any civil or criminal  
21 or administrative proceedings of any one of the following  
22 Acts:

23 (a) the Anti-Theft Laws of the Illinois Vehicle  
24 Code;

25 (b) the "Certificate of Title Laws" of the  
26 Illinois Vehicle Code;

1           (c) the "Offenses against Registration and  
2           Certificates of Title Laws" of the Illinois Vehicle  
3           Code;

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

6           (e) Section 21-2 of the Criminal Code of 1961 or  
7           the Criminal Code of 2012, Criminal Trespass to  
8           Vehicles; or

9           (f) the Retailers Occupation Tax Act.

10          5. A statement that the applicant's officers,  
11          directors, shareholders having a ten percent or greater  
12          ownership interest therein, proprietor, partner, member,  
13          officer, director, trustee, manager or other principals in  
14          the business have not committed in any calendar year 3 or  
15          more violations, as determined in any civil or criminal or  
16          administrative proceedings, of any one or more of the  
17          following Acts:

18               (a) the Consumer Finance Act;

19               (b) the Consumer Installment Loan Act;

20               (c) the Retail Installment Sales Act;

21               (d) the Motor Vehicle Retail Installment Sales  
22          Act;

23               (e) the Interest Act;

24               (f) the Illinois Wage Assignment Act;

25               (g) Part 8 of Article XII of the Code of Civil  
26          Procedure; or

1 (h) the Consumer Fraud Act.

2 6. An application for a license shall be accompanied  
3 by the following fees: \$50 for applicant's established  
4 place of business; \$25 for each additional place of  
5 business, if any, to which the application pertains;  
6 provided, however, that if such an application is made  
7 after June 15 of any year, the license fee shall be \$25 for  
8 applicant's established place of business plus \$12.50 for  
9 each additional place of business, if any, to which the  
10 application pertains. License fees shall be returnable  
11 only in the event that such application shall be denied by  
12 the Secretary of State.

13 7. A statement that the applicant understands Chapter  
14 1 through Chapter 5 of this Code.

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

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

22 10. The applicant's National Motor Vehicle Title  
23 Information System number and a statement of compliance if  
24 applicable.

25 11. The full name, address, and contact information of  
26 each of the dealer's agents or legal representatives who



1       is an Illinois resident and liable for the performance of  
2       the dealership.

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

9       (d) Anything in this Chapter to the contrary,  
10 notwithstanding, no person shall be licensed under this  
11 Section unless such person shall maintain an established place  
12 of business as defined in this Chapter.

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

- 24           1. the name of the person licensed;
- 25           2. if a corporation, the name and address of its  
26           officers or if a sole proprietorship, a partnership, an

1 unincorporated association or any similar form of business  
2 organization, the name and address of the proprietor or of  
3 each partner, member, officer, director, trustee or  
4 manager;

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

8 4. in the case of an original license, the established  
9 place of business of the licensee;

10 5. in the case of a supplemental license, the  
11 established place of business of the licensee and the  
12 additional place of business to which such supplemental  
13 license pertains;

14 6. the full name, address, and contact information of  
15 each of the dealer's agents or legal representatives who  
16 is an Illinois resident and liable for the performance of  
17 the dealership.

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

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

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

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

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

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

1 classification;

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

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

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

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

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

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

25 (j) All automotive parts recyclers shall, in addition to  
26 the requirements of subsections (a) through (h) of this

1 Section, meet the following licensing requirements:

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

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

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

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

15 (Source: P.A. 100-409, eff. 8-25-17; 101-572, eff. 8-23-19.)

16 (625 ILCS 5/5-505 new)

17 Sec. 5-505. License suspension or revocation; penalty. The  
18 Secretary shall suspend the license of any licensee under this  
19 Chapter who permits an individual who is not an authorized  
20 agent or employee of the licensee to use the license of the  
21 licensee to purchase a vehicle from an auction. The suspension  
22 shall be for a period of no less than 30 days for the first  
23 violation. Upon a second or subsequent violation, the  
24 Secretary shall revoke the license of the licensee.