



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1851

Introduced 2/26/2021, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code. Defines "uniform invoice" as a form created by the Secretary of State for the purpose of transporting vehicles and essential parts that does not convey or transfer ownership rights of a vehicle from one entity to another. Provides that the Secretary may use any commercially available title history service to determine the proper title designation of a motor vehicle before the issuance of a certificate of title. Provides that a licensed seller who sells, transfers, or wholesales a vehicle out of State shall mail the certificate of title to the physical business address in the requisite jurisdiction in lieu of transferring title at the time of sale. Provides that a purchaser of a vehicle who obtains a security interest in a vehicle in good faith for value takes free of any undisclosed liens unless the purchaser has notice of such liens. Provides that the Secretary may remove a franchise affiliate's lien. Provides that a registration permit for 90 (instead of 30) days may be provided for a fee of \$13. Provides that electric motorcycles are subject for additional fees for electric vehicles. Provides that vanity and personalized plates may be issued to owners of electric vehicles. Provides that certain military plates may be (i) transferred, upon death of the owner, to the surviving spouse; and (ii) reclassified without a replacement fee. Provides that "established place of business" only includes a place with an outdoor lot capable of parking at least 5 vehicles or an indoor lot with space for a minimum of one vehicle to be parked in its indoor showroom. Provides that applicants for certain licenses shall disclose the full name, address, and contact information of each of the applicant's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

LRB102 13715 RAM 19065 b

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 3-104, 3-104.5, 3-113, 3-202, 3-209, 3-403,
6 3-405.1, 3-506, 3-802, 3-805, 3-806.1, 3-806.5, 5-100, 5-101,
7 5-101.1, 5-101.2, 5-102, 5-102.8, and 5-301 and by adding
8 Section 1-213.8 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 5/3-104) (from Ch. 95 1/2, par. 3-104)

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

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

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

21 2. A description of the vehicle including, so far as
22 the following data exists: Its make, year-model,

1 identifying number, type of body, whether new or used, as
2 to house trailers as defined in Section 1-128 of this
3 Code, and as to manufactured homes as defined in Section
4 1-144.03 of this Code, the square footage based upon the
5 outside dimensions excluding the length of the tongue and
6 hitch, and, as to vehicles of the second division, whether
7 for-hire, not-for-hire, or both for-hire and not-for-hire;

8 3. The date of purchase by applicant and, if
9 applicable, the name and address of the person from whom
10 the vehicle was acquired and the names and addresses of
11 any lienholders in the order of their priority and
12 signatures of owners;

13 4. The current odometer reading at the time of
14 transfer and that the stated odometer reading is one of
15 the following: actual mileage, not the actual mileage or
16 mileage is in excess of its mechanical limits; and

17 5. Any further information the Secretary of State
18 reasonably requires to identify the vehicle and to enable
19 him to determine whether the owner is entitled to a
20 certificate of title and the existence or nonexistence of
21 security interests in the vehicle.

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

26 (b) If the application refers to a vehicle purchased from

1 a dealer, it must also be signed by the dealer as well as the
2 owner, and the dealer must promptly mail or deliver the
3 application and required documents to the Secretary of State.

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

7 1. Any certified document of ownership so recognized
8 and issued by the other State or country and acceptable to
9 the Secretary of State, and

10 2. Any other information and documents the Secretary
11 of State reasonably requires to establish the ownership of
12 the vehicle and the existence or nonexistence of security
13 interests in it.

14 (d) If the application refers to a new vehicle it must be
15 accompanied by the Manufacturer's Statement of Origin, or
16 other documents as required and acceptable by the Secretary of
17 State, with such assignments as may be necessary to show title
18 in the applicant.

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

23 (f) An application for a certificate of title for any
24 vehicle, whether purchased in Illinois or outside Illinois,
25 and even if previously registered in another State, must be
26 accompanied by either an exemption determination from the

1 Department of Revenue showing that no tax imposed pursuant to
2 the Use Tax Act or the vehicle use tax imposed by Section
3 3-1001 of the Illinois Vehicle Code is owed by anyone with
4 respect to that vehicle, or a receipt from the Department of
5 Revenue showing that any tax so imposed has been paid. An
6 application for a certificate of title for any vehicle
7 purchased outside Illinois, even if previously registered in
8 another state, must be accompanied by either an exemption
9 determination from the Department of Revenue showing that no
10 tax imposed pursuant to the Municipal Use Tax Act or the County
11 Use Tax Act is owed by anyone with respect to that vehicle, or
12 a receipt from the Department of Revenue showing that any tax
13 so imposed has been paid. In the absence of such a receipt for
14 payment or determination of exemption from the Department, no
15 certificate of title shall be issued to the applicant.

16 If the proof of payment of the tax or of nonliability
17 therefor is, after the issuance of the certificate of title
18 and display certificate of title, found to be invalid, the
19 Secretary of State shall revoke the certificate and require
20 that the certificate of title and, when applicable, the
21 display certificate of title be returned to him.

22 (g) If the application refers to a vehicle not
23 manufactured in accordance with federal safety and emission
24 standards, the application must be accompanied by all
25 documents required by federal governmental agencies to meet
26 their standards before a vehicle is allowed to be issued title

1 and registration.

2 (h) If the application refers to a vehicle sold at public
3 sale by a sheriff, it must be accompanied by the required fee
4 and a bill of sale issued and signed by a sheriff. The bill of
5 sale must identify the new owner's name and address, the year
6 model, make and vehicle identification number of the vehicle,
7 court order document number authorizing such sale, if
8 applicable, and the name and address of any lienholders in
9 order of priority, if applicable.

10 (i) If the application refers to a vehicle for which a
11 court of law determined the ownership, it must be accompanied
12 with a certified copy of such court order and the required fee.
13 The court order must indicate the new owner's name and
14 address, the complete description of the vehicle, if known,
15 the name and address of the lienholder, if any, and must be
16 signed and dated by the judge issuing such order.

17 (j) If the application refers to a vehicle sold at public
18 auction pursuant to the Labor and Storage Lien (Small Amount)
19 Act, it must be accompanied by an affidavit or affirmation
20 furnished by the Secretary of State along with the documents
21 described in the affidavit or affirmation and the required
22 fee.

23 (k) The Secretary may provide an expedited process for the
24 issuance of vehicle titles. Expedited title applications must
25 be delivered to the Secretary of State's Vehicle Services
26 Department in Springfield by express mail service or hand

1 delivery. Applications must be complete, including necessary
2 forms, fees, and taxes. Applications received before noon on a
3 business day will be processed and shipped that same day.
4 Applications received after noon on a business day will be
5 processed and shipped the next business day. The Secretary
6 shall charge an additional fee of \$30 for this service, and
7 that fee shall cover the cost of return shipping via an express
8 mail service. All fees collected by the Secretary of State for
9 expedited services shall be deposited into the Motor Vehicle
10 License Plate Fund. In the event the Vehicle Services
11 Department determines that the volume of expedited title
12 requests received on a given day exceeds the ability of the
13 Vehicle Services Department to process those requests in an
14 expedited manner, the Vehicle Services Department may decline
15 to provide expedited services, and the additional fee for the
16 expedited service shall be refunded to the applicant.

17 (1) If the application refers to a homemade trailer, (i)
18 it must be accompanied by the appropriate documentation
19 regarding the source of materials used in the construction of
20 the trailer, as required by the Secretary of State, (ii) the
21 trailer must be inspected by a Secretary of State employee
22 prior to the issuance of the title, and (iii) upon approval of
23 the Secretary of State, the trailer must have a vehicle
24 identification number, as provided by the Secretary of State,
25 stamped or riveted to the frame.

26 (m) The holder of a Manufacturer's Statement of Origin to

1 a manufactured home may deliver it to any person to facilitate
2 conveying or encumbering the manufactured home. Any person
3 receiving any such Manufacturer's Statement of Origin so
4 delivered holds it in trust for the person delivering it.

5 (n) Within 45 days after the completion of the first
6 retail sale of a manufactured home, the Manufacturer's
7 Statement of Origin to that manufactured home must be
8 surrendered to the Secretary of State either in conjunction
9 with an application for a certificate of title for that
10 manufactured home or in accordance with Section 3-116.1.

11 (o) Each application for certificate of title for a motor
12 vehicle shall be verified by the National Motor Vehicle Title
13 Information System (NMVTIS) for a vehicle history report prior
14 to the Secretary issuing a certificate of title.

15 (p) The Secretary, at the Secretary's discretion, may use
16 any commercially available title history service to determine
17 the proper title designation of a motor vehicle before the
18 issuance of a certificate of title.

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

20 (625 ILCS 5/3-104.5)

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

22 (a) Each application for a certificate of title or a
23 salvage certificate for a motor vehicle that is verified by
24 the National Motor Vehicle Title Information System (NMVTIS)
25 that is returned with a warning or error shall be reviewed by

1 the Secretary of State, or his or her designees, as to whether
2 the warning or error warrants a change to the type of title or
3 brand that is issued to a motor vehicle. If the Secretary needs
4 supplemental information to verify or corroborate the
5 information received from a NMVTIS report, then the Secretary
6 may use any available commercial title history services or
7 other Secretary of State resources to assist in determining
8 the vehicle's proper designation.

9 (b) Any motor vehicle application for a certificate of
10 title or a salvage certificate that another state has
11 previously issued a title or brand indicating that the status
12 of the motor vehicle is equivalent to a junk vehicle, as
13 defined in Section 1-134.1 of this Code, shall receive a title
14 with a "prior out of state junk" brand if that history item was
15 issued 120 months or more before the date of the submission of
16 the current application for title.

17 (c) Any motor vehicle application for a certificate of
18 title or a salvage certificate that is returned with a NMVTIS
19 warning or error indicating that another state has previously
20 issued a title or brand indicating the status of the motor
21 vehicle is equivalent to a junk vehicle, as defined in Section
22 1-134.1 of this Code, shall be issued a junk certificate that
23 reflects the motor vehicle's structural history, if the
24 previously issued title or brand from another state was issued
25 less than 120 months before the date of the submission of the
26 current application for title.

1 (d) Any motor vehicle application for a certificate of
2 title or a salvage certificate that is returned with a NMVTIS
3 warning or error indicating a brand or label from another
4 jurisdiction, that does not have a similar or comparable brand
5 or label in this State, shall include a notation or brand on
6 the certificate of title stating "previously branded".

7 (e) Any motor vehicle that is subject to the federal Truth
8 in Mileage Act, and is returned with a NMVTIS warning or error
9 indicating the stated mileage of the vehicle on the
10 application for certificate of title is 1,500 or fewer miles
11 less than a previously recorded mileage for the vehicle, shall
12 be deemed as having an acceptable margin of error and the
13 higher of the 2 figures shall be indicated on the new
14 certificate of title, if the previous mileage was recorded
15 within 90 days of the date of the current application for title
16 and if there are no indications of fraud or malfeasance, or of
17 altering or tampering with the odometer.

18 (f) Any applicant for a certificate of title or a salvage
19 certificate who receives an alternative salvage or junk
20 certificate, or who receives a certificate of title with a
21 brand or label indicating the vehicle was previously rebuilt
22 prior out of state junk, previously branded, or flood, may
23 contest the Secretary's designations by requesting an
24 administrative hearing under Section 2-116 of this Code.

25 (g) The Secretary may adopt any rules necessary to
26 implement this Section.

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

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

6 (625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)

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

8 (a) After a dealer buys a vehicle and holds it for resale,
9 the dealer must procure the certificate of title from the
10 owner or the lienholder. The dealer may hold the certificate
11 until he or she transfers the vehicle to another person. Upon
12 transferring the vehicle to another person, the dealer shall
13 promptly and within 20 days execute the assignment and
14 warranty of title by a dealer, showing the names and addresses
15 of the transferee and of any lienholder holding a security
16 interest created or reserved at the time of the resale, in the
17 spaces provided therefor on the certificate or as the
18 Secretary of State prescribes, and mail or deliver the
19 certificate to the Secretary of State with the transferee's
20 application for a new certificate, except as provided in
21 Section 3-117.2. A dealer has complied with this Section if
22 the date of the mailing of the certificate, as indicated by the
23 postmark, is within 20 days of the date on which the vehicle
24 was transferred to another person.

25 (b) The Secretary of State may decline to process any

1 application for a transfer of an interest in a vehicle if any
2 fees or taxes due under this Code from the transferor or the
3 transferee have not been paid upon reasonable notice and
4 demand.

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

7 (d) Beginning January 1, 2014, the Secretary of State is
8 authorized to impose a delinquent vehicle dealer transfer fee
9 of \$20 if the certificate of title is received by the Secretary
10 from the dealer 30 days but less than 60 days after the date of
11 sale. If the certificate of title is received by the Secretary
12 from the dealer 60 days but less than 90 days after the date of
13 sale, the delinquent dealer transfer fee shall be \$35. If the
14 certificate of title is received by the Secretary from the
15 dealer 90 days but less than 120 days after the date of sale,
16 the delinquent vehicle dealer transfer fee shall be \$65. If
17 the certificate of title is received by the Secretary from the
18 dealer 120 days or more after the date of the sale, the
19 delinquent vehicle dealer transfer fee shall be \$100. All
20 monies collected under this subsection shall be deposited into
21 the CDLIS/AAMVAnet/NMVTIS Trust Fund.

22 (e) Any licensee under Chapter 5 who sells, transfers, or
23 wholesales a vehicle out of State shall mail the certificate
24 of title to the physical business address in the requisite
25 jurisdiction in lieu of transferring title at the time of
26 sale.

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

2 (625 ILCS 5/3-202) (from Ch. 95 1/2, par. 3-202)

3 Sec. 3-202. Perfection of security interest.

4 (a) Unless excepted by Section 3-201, a security interest
5 in a vehicle of a type for which a certificate of title is
6 required is not valid against subsequent transferees or
7 lienholders of the vehicle unless perfected as provided in
8 this Act. A purchase money security interest in a manufactured
9 home is perfected against the rights of judicial lien
10 creditors and execution creditors on and after the date such
11 purchase money security interest attaches.

12 (b) A security interest is perfected by the delivery to
13 the Secretary of State of the existing certificate of title,
14 if any, an application for a certificate of title containing
15 the name and address of the lienholder and the required fee.
16 The security interest is perfected as of the time of its
17 creation if the delivery to the Secretary of State is
18 completed within 30 days after the creation of the security
19 interest or receipt by the new lienholder of the existing
20 certificate of title from a prior lienholder or licensed
21 dealer, otherwise as of the time of the delivery.

22 (c) If a vehicle is subject to a security interest when
23 brought into this State, the validity of the security interest
24 is determined by the law of the jurisdiction where the vehicle
25 was when the security interest attached, subject to the

1 following:

2 1. If the parties understood at the time the security
3 interest attached that the vehicle would be kept in this
4 State and it was brought into this State within 30 days
5 thereafter for purposes other than transportation through
6 this State, the validity of the security interest in this
7 State is determined by the law of this State.

8 2. If the security interest was perfected under the
9 law of the jurisdiction where the vehicle was when the
10 security interest attached, the following rules apply:

11 (A) If the name of the lienholder is shown on an
12 existing certificate of title issued by that
13 jurisdiction, his security interest continues
14 perfected in this State.

15 (B) If the name of the lienholder is not shown on
16 an existing certificate of title issued by that
17 jurisdiction, a security interest may be perfected by
18 the lienholder delivering to the Secretary of State
19 the prescribed notice and by payment of the required
20 fee. Such security interest is perfected as of the
21 time of delivery of the prescribed notice and payment
22 of the required fee.

23 3. If the security interest was not perfected under
24 the law of the jurisdiction where the vehicle was when the
25 security interest attached, it may be perfected in this
26 State; in that case perfection dates from the time of

1 perfection in this State.

2 4. A security interest may be perfected under
3 paragraph 3 of this subsection either as provided in
4 subsection (b) or by the lienholder delivering to the
5 Secretary of State a notice of security interest in the
6 form the Secretary of State prescribes and the required
7 fee.

8 (d) Except as otherwise provided in Sections 3-116.1,
9 3-116.2, 3-207, and the Conveyance and Encumbrance of
10 Manufactured Homes as Real Property and Severance Act, after a
11 certificate of title has been issued for a manufactured home
12 and as long as the manufactured home is subject to any security
13 interest perfected pursuant to this Section, the Secretary of
14 State shall not file an affidavit of affixation, nor cancel
15 the Manufacturer's Statement of Origin, nor revoke the
16 certificate of title, nor issue a certificate of title under
17 Section 3-106, and, in any event, the validity and priority of
18 any security interest perfected pursuant to this Section shall
19 continue, notwithstanding the provision of any other law.

20 (e) A purchaser of a vehicle in this State who obtains a
21 security interest in a vehicle in good faith for value takes
22 free of any undisclosed liens unless the purchaser has notice
23 of such liens. Upon the perfection of such a security
24 interest, the Secretary shall invalidate the undisclosed
25 lienholder's interest in the vehicle subject to an
26 investigation by the Secretary of State Department of Police.

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

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

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

4 (a) The Secretary of State shall prescribe and provide
5 suitable forms of applications, certificates of title, notices
6 of security interests, and all other notices and forms
7 necessary to carry out the provisions of this chapter.

8 (b) The Secretary of State may:

9 1. Make necessary investigations to procure information
10 required to carry out the provisions of this Act. ~~+~~

11 2. Assign a new identifying number to a vehicle if it has
12 none, or its identifying number is destroyed or obliterated,
13 or its motor is changed, and shall either issue a new
14 certificate of title showing the new identifying number or
15 make an appropriate endorsement on the original certificate.

16 3. Remove a franchise affiliate's lien so that the
17 franchise affiliate may pursue the balance of the lien with
18 the defunct dealership instead of the constituent. This item
19 applies if a franchise dealer neglects to pay off a trade-in
20 vehicle's lien, and that lien is held by the franchise
21 affiliate. The Secretary shall make this determination
22 pursuant to an investigation by the Secretary of State
23 Department of Police.

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

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

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

3 (a) The Secretary of State may issue a short-term permit
4 to operate a nonregistered first or second division vehicle
5 within the State of Illinois for a period of not more than 7
6 days. Any second division vehicle operating on such permit may
7 operate only on empty weight. The fee for the short-term
8 permit shall be \$6 for permits purchased on or before June 30,
9 2003 and \$10 for permits purchased on or after July 1, 2003.
10 For short-term permits purchased on or after July 1, 2003, \$4
11 of the fee collected for the purchase of each permit shall be
12 deposited into the General Revenue Fund.

13 This permit may also be issued to operate an unladen
14 registered vehicle which is suspended under the Vehicle
15 Emissions Inspection Law and allow it to be driven on the roads
16 and highways of the State in order to be repaired or when
17 traveling ~~travelling~~ to and from an emissions inspection
18 station.

19 (b) The Secretary of State may, subject to reciprocal
20 agreements, arrangements or declarations made or entered into
21 pursuant to Section 3-402, 3-402.4 or by rule, provide for and
22 issue registration permits for the use of Illinois highways by
23 vehicles of the second division on an occasional basis or for a
24 specific and special short-term use, in compliance with rules
25 and regulations promulgated by the Secretary of State, and
26 upon payment of the prescribed fee as follows:

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

5 Three-month ~~One Month~~ permits. A registration permit for
6 90 ~~30~~ days may be provided for a fee of \$13 for registration
7 plus 1/10 of the flat weight tax. ~~The minimum fee for such~~
8 ~~permit shall be \$31.~~

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

14 Illinois Temporary Apportionment Authorization Permits. An
15 apportionment authorization permit for forty-five days for the
16 immediate operation of a vehicle upon application for and
17 prior to receiving apportioned credentials or interstate
18 credentials from the State of Illinois. The fee for such
19 permit shall be \$3.

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

25 (c) The Secretary of State shall promulgate by such rule
26 or regulation, schedules of fees and taxes for such permits

1 and in computing the amount or amounts due, may round off such
2 amount to the nearest full dollar amount.

3 (d) The Secretary of State shall further prescribe the
4 form of application and permit and may require such
5 information and data as necessary and proper, including
6 confirming the status or identity of the applicant and the
7 vehicle in question.

8 (e) Rules or regulations promulgated by the Secretary of
9 State under this Section shall provide for reasonable and
10 proper limitations and restrictions governing the application
11 for and issuance and use of permits, and shall provide for the
12 number of permits per vehicle or per applicant, so as to
13 preclude evasion of annual registration requirements as may be
14 required by this Act.

15 (f) Any permit under this Section is subject to suspension
16 or revocation under this Act, and in addition, any such permit
17 is subject to suspension or revocation should the Secretary of
18 State determine that the vehicle identified in any permit
19 should be properly registered in Illinois. In the event any
20 such permit is suspended or revoked, the permit is then null
21 and void, may not be re-instated, nor is a refund therefor
22 available. The vehicle identified in such permit may not
23 thereafter be operated in Illinois without being properly
24 registered as provided in this Chapter.

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

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

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

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

24 Standard Passenger Plates

25 First Division Vehicles

1 1 letter plus 0-99

2 2 letters plus 0-99

3 3 letters plus 0-99

4 4 letters plus 0-99

5 5 letters plus 0-99

6 6 letters plus 0-9

7 Second Division Vehicles

8 8,000 pounds or less, Trailers

9 8,000 pounds or less paying the flat

10 weight tax, and Recreation Vehicles

11 0-999 plus 1 letter

12 0-999 plus 2 letters

13 0-999 plus 3 letters

14 0-99 plus 4 letters

15 0-9 plus 5 letters

16 (b) For any registration period commencing after December

17 31, 2003, any person who is the registered owner of a passenger

18 motor vehicle of the first division, of a motor vehicle of the

19 second division registered at not more than 8,000 pounds, of a

20 trailer weighing 8,000 pounds or less paying the flat weight

21 tax, of a funeral home vehicle, of an electric vehicle, or of a

22 recreational vehicle registered with the Secretary of State or

1 who makes application for an original registration of such a
2 motor vehicle or renewal registration of such a motor vehicle
3 may, upon payment of a fee prescribed in Section 3-806.1 or
4 Section 3-806.5, apply to the Secretary of State for vanity or
5 personalized license plates.

6 (c) Except as otherwise provided in this Chapter 3, vanity
7 and personalized license plates as issued under this Section
8 shall be the same color and design as other passenger vehicle
9 license plates or electric vehicle license plates and shall
10 not in any manner conflict with any other existing passenger,
11 commercial, trailer, motorcycle, or special license plate
12 series. However, special registration plates issued under
13 Sections 3-611 and 3-616 for vehicles operated by or for
14 persons with disabilities may also be vanity or personalized
15 license plates.

16 (d) Vanity and personalized license plates shall be issued
17 only to the registered owner of the vehicle on which they are
18 to be displayed, except as provided in Sections 3-611 and
19 3-616 for special registration plates for vehicles operated by
20 or for persons with disabilities.

21 (e) An applicant for the issuance of vanity or
22 personalized license plates or subsequent renewal thereof
23 shall file an application in such form and manner and by such
24 date as the Secretary of State may, in his discretion,
25 require.

26 No vanity nor personalized license plates shall be

1 approved, manufactured, or distributed that contain any
2 characters, symbols other than the international accessibility
3 symbol for vehicles operated by or for persons with
4 disabilities, foreign words, or letters of punctuation.

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

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

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

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

15 (625 ILCS 5/3-506)

16 Sec. 3-506. Transfer of plates to spouses of military
17 service members. Upon the death of a military service member
18 who has been issued a special plate under Section 3-609.1,
19 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638,
20 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669,
21 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698,
22 3-699.12, 3-699.15, 3-699.16, ~~or~~ 3-699.17, 3-699.19, or
23 3-699.20 of this Code, the surviving spouse of that service
24 member may retain the plate so long as that spouse is a
25 resident of Illinois and transfers the registration to his or

1 her name within 180 days of the death of the service member.

2 For the purposes of this Section, "service member" means
3 any individual who is serving or has served in any branch of
4 the United States Armed Forces, including the National Guard
5 or other reserve components of the Armed Forces, and has been
6 issued a special plate listed in this Section.

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

8 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

9 Sec. 3-802. Reclassifications and upgrades.

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

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

15 "Upgrade" means increasing the registered weight of a
16 vehicle within the same plate category.

17 (b) When reclassing the registration of a vehicle from one
18 plate category to another, the owner shall receive credit for
19 the unused portion of the present plate and be charged the
20 current portion fees for the new plate. In addition, the
21 appropriate replacement plate and replacement sticker fees
22 shall be assessed.

23 (b-5) Beginning with the 2019 registration year, any
24 individual who has a registration issued under either Section
25 3-405 or 3-405.1 that qualifies for a special license plate

1 under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623,
2 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
3 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680,
4 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.15,
5 3-699.16, 3-699.17, 3-699.19, or 3-699.20 ~~or 3-699.17~~ may
6 reclass his or her registration upon acquiring a special
7 license plate listed in this subsection (b-5) without a
8 replacement plate or digital plate fee or registration sticker
9 or digital registration sticker cost.

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

20 (c) When upgrading the weight of a registration within the
21 same plate category, the owner shall pay the difference in
22 current period fees between the 2 ~~two~~ plates. In addition, the
23 appropriate replacement plate and replacement sticker fees
24 shall be assessed. In the event new plates are not required,
25 the corrected registration card fee shall be assessed.

26 (d) In the event the owner of the vehicle desires to change

1 the registered weight and change the plate category, the owner
2 shall receive credit for the unused portion of the
3 registration fee of the current plate and pay the current
4 portion of the registration fee for the new plate, and in
5 addition, pay the appropriate replacement plate and
6 replacement sticker fees.

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

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

14 (g) In the event the registration of a vehicle registered
15 under the mileage tax option is revoked, the owner shall be
16 required to pay the annual registration fee in the new plate
17 category and shall not receive any credit for the mileage
18 plate fees.

19 (h) Certain special interest plates may be displayed on
20 first division vehicles, second division vehicles weighing
21 8,000 pounds or less, and recreational vehicles. Those plates
22 can be transferred within those vehicle groups.

23 (i) Plates displayed on second division vehicles weighing
24 8,000 pounds or less and passenger vehicle plates may be
25 reclassified from one division to the other.

26 (j) Other than in subsection (i), reclassing from one

1 division to the other division is prohibited. In addition, a
2 reclass from a motor vehicle to a trailer or a trailer to a
3 motor vehicle is prohibited.

4 (Source: P.A. 100-246, eff. 1-1-18; 100-450, eff. 1-1-18;
5 100-863, eff. 8-14-18; 101-51, eff. 7-12-19; 101-395, eff.
6 8-16-19; revised 9-24-19.)

7 (625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

8 Sec. 3-805. Electric vehicles. ~~The~~ ~~Until January 1, 2020,~~
9 ~~the~~ owner of a motor vehicle of the first division, a
10 motorcycle, or a motor vehicle of the second division weighing
11 8,000 pounds or less propelled by an electric engine and not
12 utilizing motor fuel, may register such vehicle for a ~~fee not~~
13 ~~to exceed \$35 for a 2-year registration period. The Secretary~~
14 ~~may, in his discretion, prescribe that electric vehicle~~
15 ~~registration plates be issued for an indefinite term, such~~
16 ~~term to correspond to the term of registration plates issued~~
17 ~~generally, as provided in Section 3-414.1. In no event may the~~
18 ~~registration fee for electric vehicles exceed \$18 per~~
19 ~~registration year. Beginning on January 1, 2020, the~~
20 registration fee ~~for these vehicles shall be~~ equal to the fee
21 set forth in Section 3-806 for motor vehicles of the first
22 division, other than Autocycles, Motorcycles, Motor Driven
23 Cycles, and Pedalcycles. In addition to the registration fees,
24 the Secretary shall assess an additional \$100 per year in lieu
25 of the payment of motor fuel taxes. \$1 of the additional fees

1 shall be deposited into the Secretary of State Special
2 Services Fund and the remainder of the additional fees shall
3 be deposited into the Road Fund. The Secretary, in the
4 Secretary's discretion, may prescribe that electric vehicle
5 registration plates be issued for an indefinite term, such
6 term to correspond to the term of registration plates issued
7 generally, as provided in Section 3-414.1.

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

9 (625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

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

1 under Section 3-664.

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

3 (625 ILCS 5/3-806.5)

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

1 deposited into the General Revenue Fund.

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

3 (625 ILCS 5/5-100) (from Ch. 95 1/2, par. 5-100)

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

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

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

20 "Established place of business" means the place owned or
21 leased and occupied by any person duly licensed or required to
22 be licensed as a dealer for the purpose of engaging in selling,
23 buying, bartering, displaying, exchanging or dealing in, on
24 consignment or otherwise, vehicles and their essential parts
25 and for such other ancillary purposes as may be permitted by

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

22 "Motor vehicle financing affiliate" means a business
23 organization registered to do business in Illinois that,
24 pursuant to a written contract with either (1) a single new or
25 used motor vehicle dealer or (2) a single group of new or used
26 motor vehicle dealers that share a common ownership within the

1 group, purchases new or used motor vehicles on behalf of the
2 dealer or group of dealers and then sells, transfers, or
3 assigns those motor vehicles to the dealer or group of
4 dealers. The motor vehicle financing affiliate must be
5 incorporated or organized solely to purchase new or used
6 vehicles on behalf of the new or used motor vehicle dealer or
7 group of dealers with which it has contracted, shall not sell
8 motor vehicles at retail, shall perform only those business
9 functions related to the purchasing of motor vehicles and
10 selling, transferring, or assigning those motor vehicles to
11 the dealer or group of dealers. The motor vehicle financing
12 affiliate must be licensed under the provisions of Section
13 5-101.1 and must not be licensed as a new or used motor vehicle
14 dealer.

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

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

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

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

14 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

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

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

24 (b) An application for a new vehicle dealer's license
25 shall be filed with the Secretary of State, duly verified by

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

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

6 2. 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 name and residence address of the
13 proprietor or of each partner, member, officer, director,
14 trustee, or manager.

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

17 4. The name of each manufacturer or franchised
18 distributor, if any, of new vehicles with whom the
19 applicant has contracted for the sale of such new
20 vehicles. As evidence of this fact, the application shall
21 be accompanied by a signed statement from each such
22 manufacturer or franchised distributor. If the applicant
23 is in the business of offering for sale new conversion
24 vehicles, trucks or vans, except for trucks modified to
25 serve a special purpose which includes but is not limited
26 to the following vehicles: street sweepers, fertilizer

1 spreaders, emergency vehicles, implements of husbandry or
2 maintenance type vehicles, he must furnish evidence of a
3 sales and service agreement from both the chassis
4 manufacturer and second stage manufacturer.

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

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

1 renewed. The expiration of the insurance policy shall not
2 terminate the liability under the policy arising during
3 the period for which the policy was filed. Trailer and
4 mobile home dealers are exempt from this requirement.

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

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

25 As used in this paragraph 6, a "permitted user" is a
26 person who, with the permission of the new vehicle dealer

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

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

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

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

25 (i) \$1,000 for applicant's established place of
26 business, and \$100 for each additional place of

1 business, if any, to which the application pertains;
2 but if the application is made after June 15 of any
3 year, the license fee shall be \$500 for applicant's
4 established place of business plus \$50 for each
5 additional place of business, if any, to which the
6 application pertains. License fees shall be returnable
7 only in the event that the application is denied by the
8 Secretary of State. All moneys received by the
9 Secretary of State as license fees under this
10 subparagraph (i) prior to applications for the 2004
11 licensing year shall be deposited into the Motor
12 Vehicle Review Board Fund and shall be used to
13 administer the Motor Vehicle Review Board under the
14 Motor Vehicle Franchise Act. Of the money received by
15 the Secretary of State as license fees under this
16 subparagraph (i) for the 2004 licensing year and
17 thereafter, 10% shall be deposited into the Motor
18 Vehicle Review Board Fund and shall be used to
19 administer the Motor Vehicle Review Board under the
20 Motor Vehicle Franchise Act and 90% shall be deposited
21 into the General Revenue Fund.

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

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

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

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

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

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

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

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

26 (i) \$1,000 for applicant's established place of

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

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

1 the Dealer Recovery Trust Fund.

2 8. A statement that the applicant's officers,
3 directors, shareholders having a 10% or greater ownership
4 interest therein, proprietor, a partner, member, officer,
5 director, trustee, manager or other principals in the
6 business have not committed in the past 3 years any one
7 violation as determined in any civil, criminal or
8 administrative proceedings of any one of the following
9 Acts:

10 (A) The Anti-Theft Laws of the Illinois Vehicle
11 Code;

12 (B) The Certificate of Title Laws of the Illinois
13 Vehicle Code;

14 (C) The Offenses against Registration and
15 Certificates of Title Laws of the Illinois Vehicle
16 Code;

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

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

22 (F) The Retailers' Occupation Tax Act.

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

1 business have not committed in any calendar year 3 or more
2 violations, as determined in any civil, criminal or
3 administrative proceedings, of any one or more of the
4 following Acts:

5 (A) The Consumer Finance Act;

6 (B) The Consumer Installment Loan Act;

7 (C) The Retail Installment Sales Act;

8 (D) The Motor Vehicle Retail Installment Sales
9 Act;

10 (E) The Interest Act;

11 (F) The Illinois Wage Assignment Act;

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

14 (H) The Consumer Fraud Act.

15 9.5. A statement that, within 10 years of application,
16 each officer, director, shareholder having a 10% or
17 greater ownership interest therein, proprietor, partner,
18 member, officer, director, trustee, manager, or other
19 principal in the business of the applicant has not
20 committed, as determined in any civil, criminal, or
21 administrative proceeding, in any calendar year one or
22 more forcible felonies under the Criminal Code of 1961 or
23 the Criminal Code of 2012, or a violation of either or both
24 Article 16 or 17 of the Criminal Code of 1961 or a
25 violation of either or both Article 16 or 17 of the
26 Criminal Code of 2012, Article 29B of the Criminal Code of

1 1961 or the Criminal Code of 2012, or a similar
2 out-of-state offense. For the purposes of this paragraph,
3 "forcible felony" has the meaning provided in Section 2-8
4 of the Criminal Code of 2012.

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

17 11. Such other information concerning the business of
18 the applicant as the Secretary of State may by rule or
19 regulation prescribe.

20 12. A statement that the applicant understands Chapter
21 1 through Chapter 5 of this Code.

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

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

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

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

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

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

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

25 1. The name of the person licensed;

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

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

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

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

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

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 of
21 business of the licensee and in each additional place of
22 business, if any, maintained by such licensee.

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

1 under the provisions of Section 5-501 of this Chapter.

2 (h) A new vehicle dealer's license may be renewed upon
3 application and payment of the fee required herein, and
4 submission of proof of coverage under an approved bond under
5 the Retailers' Occupation Tax Act or proof that applicant is
6 not subject to such bonding requirements, as in the case of an
7 original license, but in case an application for the renewal
8 of an effective license is made during the month of December,
9 the effective license shall remain in force until the
10 application is granted or denied by the Secretary of State.

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

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

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

21 3. A bill of sale properly executed on behalf of such
22 person;

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

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

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

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

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

14 This amendatory Act of 1983 shall be applicable to the
15 1984 registration year and thereafter.

16 (k) Only a licensed dealer under this Section may use the
17 reassignment portion included on a certificate of title to
18 reassign a vehicle to another licensed dealer under this
19 Section.

20 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;
21 101-505, eff. 1-1-20.)

22 (625 ILCS 5/5-101.1)

23 Sec. 5-101.1. Motor vehicle financing affiliates;
24 licensing.

25 (a) In this State no business shall engage in the business

1 of a motor vehicle financing affiliate without a license to do
2 so in writing from the Secretary of State.

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

7 (1) The name and type of business organization of the
8 applicant and the applicant's established place of
9 business and any additional places of business in this
10 State.

11 (2) The name and address of the licensed new or used
12 vehicle dealer to which the applicant will be selling,
13 transferring, or assigning new or used motor vehicles
14 pursuant to a written contract. If more than one dealer is
15 on the application, the applicant shall state in writing
16 the basis of common ownership among the dealers.

17 (3) A list of the business organization's officers,
18 directors, members, and shareholders having a 10% or
19 greater ownership interest in the business, providing the
20 residential address for each person listed.

21 (4) If selling, transferring, or assigning new motor
22 vehicles, the make or makes of new vehicles that it will
23 sell, assign, or otherwise transfer to the contracting new
24 motor vehicle dealer listed on the application pursuant to
25 paragraph (2).

26 (5) The name of each manufacturer or franchised

1 distributor, if any, of new vehicles with whom the
2 applicant has contracted for the sale of new vehicles and
3 a signed statement from each manufacturer or franchised
4 distributor acknowledging the contract.

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

11 (7) A statement that the applicant has complied with
12 the appropriate liability insurance requirement and a
13 Certificate of Insurance that shall not expire before
14 December 31 of the year for which the license was issued or
15 renewed with a minimum liability coverage of \$100,000 for
16 the bodily injury or death of any person, \$300,000 for the
17 bodily injury or death of 2 or more persons in any one
18 accident, and \$50,000 for damage to property. The
19 expiration of the insurance policy shall not terminate the
20 liability under the policy arising during the period for
21 which the policy was filed. Trailer and mobile home
22 dealers are exempt from the requirements of this
23 paragraph. A motor vehicle financing affiliate is exempt
24 from the requirements of this paragraph if it is covered
25 by the insurance policy of the new or used dealer listed on
26 the application pursuant to paragraph (2).

1 (8) A license fee of \$1,000 for the applicant's
2 established place of business and \$250 for each additional
3 place of business, if any, to which the application
4 pertains. However, if the application is made after June
5 15 of any year, the license fee shall be \$500 for the
6 applicant's established place of business and \$125 for
7 each additional place of business, if any, to which the
8 application pertains. These license fees shall be
9 returnable only in the event that the application is
10 denied by the Secretary of State.

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

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

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

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

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

26 (d) If a new vehicle dealer is not listed on the

1 application, pursuant to paragraph (2) of subsection (b), the
2 motor vehicle financing affiliate shall not receive, possess,
3 or transfer any new vehicle. If a new motor vehicle dealer is
4 listed on the application, pursuant to paragraph (2) of
5 subsection (b), the new motor vehicle dealer can only receive
6 those new cars it is permitted to receive under its franchise
7 agreement. If both a new and used motor vehicle dealer are
8 listed on the application, pursuant to paragraph (2) of
9 subsection (b), only the new motor vehicle dealer may receive
10 new motor vehicles. If a used motor vehicle is listed on the
11 application, pursuant to paragraph (2) of subsection (b), the
12 used motor vehicle dealer shall not receive any new motor
13 vehicles.

14 (e) The applicant and dealer provided pursuant to
15 paragraph (2) of subsection (b) must be business organizations
16 registered to conduct business in Illinois. Three-fourths of
17 the dealer's board of directors must be members of the motor
18 vehicle financing affiliate's board of directors, if
19 applicable.

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

24 (1) The motor vehicle financing affiliate shall only
25 sell, transfer, or assign motor vehicles to the licensed
26 new or used dealer listed on the application pursuant to

1 paragraph (2) of subsection (b).

2 (2) The motor vehicle financing affiliate sells,
3 transfers, or assigns to the new motor vehicle dealer
4 listed on the application, if any, only those new motor
5 vehicles the motor vehicle financing affiliate has
6 received under the contract set forth in paragraph (5) of
7 subsection (b).

8 (3) Any new vehicle dealer listed pursuant to
9 paragraph (2) of subsection (b) has a franchise agreement
10 that permits the dealer to receive motor vehicles from the
11 motor vehicle franchise affiliate.

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

16 (g) The Secretary of State shall, within a reasonable time
17 after receipt, examine an application submitted pursuant to
18 this Section and, unless it is determined that the application
19 does not conform with the requirements of this Section or that
20 grounds exist for a denial of the application under Section
21 5-501, grant the applicant a motor vehicle financing affiliate
22 license in writing for the applicant's established place of
23 business and a supplemental license in writing for each
24 additional place of business in a form prescribed by the
25 Secretary, which shall include all of the following:

26 (1) The name of the business licensed;

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

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

5 (4) If applicable, the make or makes of new vehicles
6 which the licensee is licensed to sell to the new motor
7 vehicle dealer listed on the application pursuant to
8 paragraph (2) of subsection (b); ~~and~~

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

13 (h) The appropriate instrument evidencing the license or a
14 certified copy, provided by the Secretary of State, shall be
15 kept posted conspicuously in the established place of business
16 of the licensee.

17 (i) Except as provided in subsection (h), all motor
18 vehicle financing affiliate's licenses granted under this
19 Section shall expired by operation of law on December 31 of the
20 calendar year for which they are granted, unless revoked or
21 canceled at an earlier date pursuant to Section 5-501.

22 (j) A motor vehicle financing affiliate's license may be
23 renewed upon application and payment of the required fee.
24 However, when an application for renewal of a motor vehicle
25 financing affiliate's license is made during the month of
26 December, the effective license shall remain in force until

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

3 (k) The contract a motor vehicle financing affiliate has
4 with a manufacturer or franchised distributor, as provided in
5 paragraph (5) of subsection (b), shall only permit the
6 applicant to sell, transfer, or assign new motor vehicles to
7 the new motor vehicle dealer listed on the application
8 pursuant to paragraph (2) of subsection (b). The contract
9 shall specifically prohibit the motor vehicle financing
10 affiliate from selling motor vehicles at retail. This contract
11 shall not be considered the granting of a franchise as defined
12 in Section 2 of the Motor Vehicle Franchise Act.

13 (l) When purchasing of a motor vehicle by a new or used
14 motor vehicle dealer, all persons licensed as a motor vehicle
15 financing affiliate are required to furnish all of the
16 following:

17 (1) For a new vehicle, a manufacturer's statement of
18 origin properly assigned to the purchasing dealer. For a
19 used vehicle, a certificate of title properly assigned to
20 the purchasing dealer.

21 (2) A statement verified under oath that all
22 identifying numbers on the vehicle agree with those on the
23 certificate of title or manufacturer's statement of
24 origin.

25 (3) A bill of sale properly executed on behalf of the
26 purchasing dealer.

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

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

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

8 (m) The motor vehicle financing affiliate shall use the
9 established and supplemental place or places of business the
10 new or used vehicle dealer listed on the application pursuant
11 to paragraph (2) of subsection (b) as its established and
12 supplemental place or places of business.

13 (n) The motor vehicle financing affiliate shall keep all
14 books and records required by this Code with the books and
15 records of the new or used vehicle dealer listed on the
16 application pursuant to paragraph (2) of subsection (b). The
17 motor vehicle financing affiliate may use the books and
18 records of the new or used motor vehicle dealer listed on the
19 application pursuant to paragraph (2) of subsection (b).

20 (o) Under no circumstances shall a motor vehicle financing
21 affiliate sell, transfer, or assign a new vehicle to any place
22 of business of a new motor vehicle dealer, unless that place of
23 business is licensed under this Chapter to sell, assign, or
24 otherwise transfer the make of the new motor vehicle
25 transferred.

26 (p) All moneys received by the Secretary of State as

1 license fees under this Section shall be deposited into the
2 Motor Vehicle Review Board Fund and shall be used to
3 administer the Motor Vehicle Review Board under the Motor
4 Vehicle Franchise Act.

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

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

9 (625 ILCS 5/5-101.2)

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

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

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

1 similar agreement with a manufacturer, or used
2 manufactured homes or park models located within the
3 manufactured home community or additional place of
4 business that is owned or managed by the community-based
5 manufactured home dealer.

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

25 "Manufactured home" means a factory assembled
26 structure built on a permanent chassis, transportable in

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

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

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

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

1 consignment or otherwise, manufactured homes or park
2 models, but is not the established place of business of
3 the licensee.

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

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

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

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

1 and residence address of each partner, member, officer,
2 director, trustee, or manager.

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

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

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

24 (6) An application for:

25 (A) a manufactured home dealer's license, when the
26 applicant is selling new manufactured homes or park

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

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

1 license fee shall be \$250 for the applicant's
2 established place of business, and \$50 for each
3 additional place of business, if any, to which the
4 application pertains. License fees shall be returnable
5 only in the event that the application is denied by the
6 Secretary of State.

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

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

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

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

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

26 (D) the Dealers, Transporters, Wreckers, and

1 Rebuilders Laws of the Illinois Vehicle Code;

2 (E) Section 21-2 of the Criminal Code of 2012

3 (criminal trespass to vehicles);

4 (F) the Retailers Occupation Tax Act;

5 (G) the Consumer Finance Act;

6 (H) the Consumer Installment Loan Act;

7 (I) the Retail Installment Sales Act;

8 (J) the Motor Vehicle Retail Installment Sales

9 Act;

10 (K) the Interest Act;

11 (L) the Illinois Wage Assignment Act;

12 (M) Part 8 of Article XII of the Code of Civil

13 Procedure; or

14 (N) the Consumer Fraud Act.

15 (8) A bond or certificate of deposit in the amount of

16 \$20,000 for each license holder applicant intending to act

17 as a manufactured home dealer or community-based

18 manufactured home dealer under this Section. The bond

19 shall be for the term of the license, for which

20 application is made, and shall expire not sooner than

21 December 31 of the year for which the license was issued.

22 The bond shall run to the People of the State of Illinois,

23 with surety by a bonding or insurance company authorized

24 to do business in this State. It shall be conditioned upon

25 the proper transmittal of all title and registration fees

26 and taxes (excluding taxes under the Retailers' Occupation

1 Tax Act) accepted by the applicant as a manufactured home
2 dealer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (1) in the case of a new manufactured home or park

1 model, a manufacturer's statement of origin, and in the
2 case of a previously owned manufactured home or park
3 model, a certificate of title, in either case properly
4 assigned to the purchaser;

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

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

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

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

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

1 this Section that requires an individual or entity to obtain a
2 license to sell 5 or more vehicles must obtain a license under
3 the relevant provisions of this Code.

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

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

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

9 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

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

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

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

1 regulation prescribe and shall contain:

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

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

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

24 4. A statement that the applicant has complied with
25 the appropriate liability insurance requirement. A
26 Certificate of Insurance in a solvent company authorized

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

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 used vehicle
5 dealer's automobile, the used vehicle dealer's insurance
6 shall be primary and the permitted user's insurance shall
7 be secondary.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (F) The Retailers' Occupation Tax Act.

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

26 (A) The Consumer Finance Act;

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

11 7.5. A statement that, within 10 years of application,

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

13 greater ownership interest therein, proprietor, partner,

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

15 principal in the business of the applicant has not

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

17 administrative proceeding, in any calendar year one or

18 more forcible felonies under the Criminal Code of 1961 or

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

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

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

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

23 1961 or the Criminal Code of 2012, or a similar

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

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

26 of the Criminal Code of 2012.

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

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

16 10. A statement that the applicant understands Chapter
17 1 through Chapter 5 of this Code.

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

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

24 (c) Any change which renders no longer accurate any
25 information contained in any application for a used vehicle
26 dealer's license shall be amended within 30 days after the

1 occurrence of each change on such form as the Secretary of
2 State may prescribe by rule or regulation, accompanied by an
3 amendatory fee of \$2.

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

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

19 1. The name of the person licensed;

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

26 3. In case of an original license, the established

1 place of business of the licensee;

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

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

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

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

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

1 the effective license shall remain in force until the
2 application for renewal is granted or denied by the Secretary
3 of State.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 23 1. The year, make, model, style and color of the
- 24 vehicle;
- 25 2. The vehicle's manufacturer's identification number
- 26 or, if applicable, the Secretary of State or Illinois

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

11 The register shall be submitted to the Secretary of State

12 via written or electronic means within 10 calendar days from

13 the date of the auction.

14 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;

15 101-505, eff. 1-1-20.)

16 (625 ILCS 5/5-102.8)

17 Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle

18 dealers.

19 (a) As used in this Section, "Buy Here, Pay Here used

20 vehicle dealer" means any entity that engages in the business

21 of selling or leasing of vehicles and finances the sale or

22 purchase price of the vehicle to a customer without the

23 customer using a third-party lender.

24 (b) No person shall engage in the business of selling or

25 dealing in, on consignment or otherwise, 5 or more used

1 vehicles of any make during the year (except rebuilt salvage
2 vehicles sold by their rebuilders to persons licensed under
3 this Chapter), or act as an intermediary, agent, or broker for
4 any licensed dealer or vehicle purchaser (other than as a
5 salesperson) or represent or advertise that he or she is so
6 engaged or intends to so engage in such business of a Buy Here,
7 Pay Here used vehicle dealer unless licensed to do so by the
8 Secretary of State under the provisions of this Section.

9 (c) An application for a Buy Here, Pay Here used vehicle
10 dealer's license shall be filed with the Secretary of State,
11 duly verified by oath, in such form as the Secretary of State
12 may by rule or regulation prescribe and shall contain:

13 (1) The name and type of business organization
14 established and additional places of business, if any, in
15 this State.

16 (2) If the applicant is a corporation, a list of its
17 officers, directors, and shareholders having a 10% or
18 greater ownership interest in the corporation, setting
19 forth the residence address of each; if the applicant is a
20 sole proprietorship, a partnership, an unincorporated
21 association, a trust, or any similar form of business
22 organization, the names and residence address of the
23 proprietor or of each partner, member, officer, director,
24 trustee, or manager.

25 (3) A statement that the applicant has been approved
26 for registration under the Retailers' Occupation Tax Act

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

9 (4) A statement that the applicant has complied with
10 the appropriate liability insurance requirement. A
11 Certificate of Insurance in a solvent company authorized
12 to do business in the State of Illinois shall be included
13 with each application covering each location at which he
14 or she proposes to act as a Buy Here, Pay Here used vehicle
15 dealer. The policy must provide liability coverage in the
16 minimum amounts of \$100,000 for bodily injury to, or death
17 of, any person, \$300,000 for bodily injury to, or death
18 of, 2 or more persons in any one accident, and \$50,000 for
19 damage to property. Such policy shall expire not sooner
20 than December 31 of the year for which the license was
21 issued or renewed. The expiration of the insurance policy
22 shall not terminate the liability under the policy arising
23 during the period for which the policy was filed.

24 If the permitted user has a liability insurance policy
25 that provides automobile liability insurance coverage of
26 at least \$100,000 for bodily injury to or the death of any

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

14 When a permitted user is "test driving" a Buy Here,
15 Pay Here used vehicle dealer's automobile, the Buy Here,
16 Pay Here used vehicle dealer's insurance shall be primary
17 and the permitted user's insurance shall be secondary.

18 As used in this paragraph, "permitted user" means a
19 person who, with the permission of the Buy Here, Pay Here
20 used vehicle dealer or an employee of the Buy Here, Pay
21 Here used vehicle dealer, drives a vehicle owned and held
22 for sale or lease by the Buy Here, Pay Here used vehicle
23 dealer that the person is considering to purchase or
24 lease, in order to evaluate the performance, reliability,
25 or condition of the vehicle. "Permitted user" includes a
26 person who, with the permission of the Buy Here, Pay Here

1 used vehicle dealer, drives a vehicle owned or held for
2 sale or lease by the Buy Here, Pay Here used vehicle dealer
3 for loaner purposes while the user's vehicle is being
4 repaired or evaluated.

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

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

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

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

1 each additional place of business, if any, to which
2 the application pertains. License fees shall be
3 returnable only if the application is denied by the
4 Secretary of State. Of the money received by the
5 Secretary of State as license fees under this
6 subparagraph, 95% shall be deposited into the General
7 Revenue Fund.

8 (B) Except for dealers selling 25 or fewer
9 automobiles or as provided in subsection (h) of
10 Section 5-102.7 of this Code, an Annual Dealer
11 Recovery Fund Fee in the amount of \$500 for the
12 applicant's established place of business, and \$50 for
13 each additional place of business, if any, to which
14 the application pertains; but if the application is
15 made after June 15 of any year, the fee shall be \$250
16 for the applicant's established place of business plus
17 \$25 for each additional place of business, if any, to
18 which the application pertains. For a license renewal
19 application, the fee shall be based on the amount of
20 automobiles sold in the past year according to the
21 following formula:

22 (1) \$0 for dealers selling 25 or less
23 automobiles;

24 (2) \$150 for dealers selling more than 25 but
25 less than 200 automobiles;

26 (3) \$300 for dealers selling 200 or more

1 automobiles but less than 300 automobiles; and
2 (4) \$500 for dealers selling 300 or more
3 automobiles.

4 Fees shall be returnable only if the application
5 is denied by the Secretary of State. Money received
6 under this subparagraph shall be deposited into the
7 Dealer Recovery Trust Fund. A Buy Here, Pay Here used
8 vehicle dealer shall pay into the Dealer Recovery
9 Trust Fund for every vehicle that is financed, sold,
10 or otherwise transferred to an individual or entity
11 other than the Buy Here, Pay Here used vehicle dealer
12 even if the individual or entity to which the Buy Here,
13 Pay Here used vehicle dealer transfers the vehicle is
14 unable to continue to adhere to the terms of the
15 transaction by the Buy Here, Pay Here used vehicle
16 dealer.

17 (6) A statement that each officer, director,
18 shareholder having a 10% or greater ownership interest
19 therein, proprietor, partner, member, officer, director,
20 trustee, manager, or other principal in the business of
21 the applicant has not committed in the past 3 years any one
22 violation as determined in any civil, criminal, or
23 administrative proceedings of any one of the following:

- 24 (A) the Anti-Theft Laws of this Code;
25 (B) the Certificate of Title Laws of this Code;
26 (C) the Offenses against Registration and

1 Certificates of Title Laws of this Code;

2 (D) the Dealers, Transporters, Wreckers and
3 Rebuilders Laws of this Code;

4 (E) Section 21-2 of the Illinois Criminal Code of
5 1961 or the Criminal Code of 2012, Criminal Trespass
6 to Vehicles; or

7 (F) the Retailers' Occupation Tax Act.

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

16 (A) the Consumer Finance Act;

17 (B) the Consumer Installment Loan Act;

18 (C) the Retail Installment Sales Act;

19 (D) the Motor Vehicle Retail Installment Sales
20 Act;

21 (E) the Interest Act;

22 (F) the Illinois Wage Assignment Act;

23 (G) Part 8 of Article XII of the Code of Civil
24 Procedure; or

25 (H) the Consumer Fraud and Deceptive Business
26 Practices Act.

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

17 (9) A bond or Certificate of Deposit in the amount of
18 \$50,000 for each location at which the applicant intends
19 to act as a Buy Here, Pay Here used vehicle dealer. The
20 bond shall be for the term of the license. The bond shall
21 run to the People of the State of Illinois, with surety by
22 a bonding or insurance company authorized to do business
23 in this State. It shall be conditioned upon the proper
24 transmittal of all title and registration fees and taxes
25 (excluding taxes under the Retailers' Occupation Tax Act)
26 accepted by the applicant as a Buy Here, Pay Here used

1 vehicle dealer.

2 (10) Such other information concerning the business of
3 the applicant as the Secretary of State may by rule
4 prescribe.

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

7 (12) A copy of the certification from the prelicensing
8 education program.

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

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

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

23 (f) The Secretary of State shall, within a reasonable time
24 after receipt, examine an application submitted under this
25 Section. Unless the Secretary makes a determination that the
26 application does not conform to this Section or that grounds

1 exist for a denial of the application under Section 5-501 of
2 this Chapter, the Secretary must grant the applicant an
3 original Buy Here, Pay Here used vehicle dealer's license in
4 writing for his or her established place of business and a
5 supplemental license in writing for each additional place of
6 business in such form as the Secretary may prescribe by rule
7 that shall include the following:

8 (1) The name of the person licensed.

9 (2) If a corporation, the name and address of its
10 officers or if a sole proprietorship, a partnership, an
11 unincorporated association, or any similar form of
12 business organization, the name and address of the
13 proprietor or of each partner, member, officer, director,
14 trustee, or manager.

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 additional place of business to which the supplemental
20 license pertains.

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

25 (g) The appropriate instrument evidencing the license or a
26 certified copy thereof, provided by the Secretary of State

1 shall be kept posted, conspicuously, in the established place
2 of business of the licensee and in each additional place of
3 business, if any, maintained by the licensee.

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

9 (i) A Buy Here, Pay Here used vehicle dealer's license may
10 be renewed upon application and payment of the fee required
11 herein, and submission of proof of coverage by an approved
12 bond under the Retailers' Occupation Tax Act or proof that the
13 applicant is not subject to such bonding requirements, as in
14 the case of an original license, but in the case of an
15 application for the renewal of an effective license made
16 during the month of December, the effective license shall
17 remain in force until the application for renewal is granted
18 or denied by the Secretary of State.

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

22 (1) a certificate of title properly assigned to the
23 purchaser;

24 (2) a statement verified under oath that all
25 identifying numbers on the vehicle agree with those on the
26 certificate of title;

1 (3) a bill of sale properly executed on behalf of the
2 person;

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

5 (5) in the case of a rebuilt vehicle, a copy of the
6 Disclosure of Rebuilt Vehicle Status; and

7 (6) in the case of a vehicle for which the warranty has
8 been reinstated, a copy of the warranty.

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

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

21 (l) A Buy Here, Pay Here used vehicle dealer licensed
22 under this Section shall provide the Secretary of State a
23 register for the sale at auction of each salvage or junk
24 certificate vehicle. Each register shall include the following
25 information:

26 (1) the year, make, model, style, and color of the

1 vehicle;

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

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

6 (4) the name and address of the person from whom the
7 vehicle was acquired;

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

13 (6) the purchase price of the vehicle.

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

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

18 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

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

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

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

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

20 1. The name and type of business organization of the
21 applicant and his principal or additional places of
22 business, if any, in this State.

23 2. The kind or kinds of business enumerated in
24 subsection (a) of this Section to be conducted at each
25 location.

26 3. If the applicant is a corporation, a list of its

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

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

17 (a) the Anti-Theft Laws of the Illinois Vehicle
18 Code;

19 (b) the "Certificate of Title Laws" of the
20 Illinois Vehicle Code;

21 (c) the "Offenses against Registration and
22 Certificates of Title Laws" of the Illinois Vehicle
23 Code;

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

26 (e) Section 21-2 of the Criminal Code of 1961 or

1 the Criminal Code of 2012, Criminal Trespass to
2 Vehicles; or

3 (f) the Retailers Occupation Tax Act.

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

12 (a) the Consumer Finance Act;

13 (b) the Consumer Installment Loan Act;

14 (c) the Retail Installment Sales Act;

15 (d) the Motor Vehicle Retail Installment Sales
16 Act;

17 (e) the Interest Act;

18 (f) the Illinois Wage Assignment Act;

19 (g) Part 8 of Article XII of the Code of Civil
20 Procedure; or

21 (h) the Consumer Fraud Act.

22 6. An application for a license shall be accompanied
23 by the following fees: \$50 for applicant's established
24 place of business; \$25 for each additional place of
25 business, if any, to which the application pertains;
26 provided, however, that if such an application is made

1 after June 15 of any year, the license fee shall be \$25 for
2 applicant's established place of business plus \$12.50 for
3 each additional place of business, if any, to which the
4 application pertains. License fees shall be returnable
5 only in the event that such application shall be denied by
6 the Secretary of State.

7 7. A statement that the applicant understands Chapter
8 1 through Chapter 5 of this Code.

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

11 9. A statement indicating if the applicant, including
12 any of the applicant's affiliates or predecessor
13 corporations, has been subject to the revocation or
14 nonrenewal of a business license by a municipality under
15 Section 5-501.5 of this Code.

16 10. The applicant's National Motor Vehicle Title
17 Information System number and a statement of compliance if
18 applicable.

19 11. 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 license filed
25 with the Secretary of State shall be amended within 30 days
26 after the occurrence of such change on such form as the

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

3 (d) Anything in this Chapter to the contrary,
4 notwithstanding, no person shall be licensed under this
5 Section unless such person shall maintain an established place
6 of business as defined in this Chapter.

7 (e) The Secretary of State shall within a reasonable time
8 after receipt thereof, examine an application submitted to him
9 under this Section and unless he makes a determination that
10 the application submitted to him does not conform with the
11 requirements of this Section or that grounds exist for a
12 denial of the application, as prescribed in Section 5-501 of
13 this Chapter, grant the applicant an original license as
14 applied for in writing for his established place of business
15 and a supplemental license in writing for each additional
16 place of business in such form as he may prescribe by rule or
17 regulation which shall 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. a designation of the kind or kinds of business
26 enumerated in subsection (a) of this Section to be

1 conducted at each location;

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

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

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

12 (f) The appropriate instrument evidencing the license or a
13 certified copy thereof, provided by the Secretary of State
14 shall be kept, posted, conspicuously in the established place
15 of business of the licensee and in each additional place of
16 business, if any, maintained by such licensee. The licensee
17 also shall post conspicuously in the established place of
18 business and in each additional place of business a notice
19 which states that such business is required to be licensed by
20 the Secretary of State under Section 5-301, and which provides
21 the license number of the business and the license expiration
22 date. This notice also shall advise the consumer that any
23 complaints as to the quality of service may be brought to the
24 attention of the Attorney General. The information required on
25 this notice also shall be printed conspicuously on all
26 estimates and receipts for work by the licensee subject to

1 this Section. The Secretary of State shall prescribe the
2 specific format of this notice.

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

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

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

18 1. provide proof that the property on which first time
19 applicants plan to do business is in compliance with local
20 zoning laws and regulations, and a listing of zoning
21 classification;

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

26 3. provide proof that the applicant for a rebuilder's

1 license complies with the proper workers' compensation
2 rate code or classification for the repair industry or the
3 auto parts recycling industry and listing the code of
4 classification;

5 4. provide proof that the applicant has obtained or
6 applied for a hazardous waste generator number, and
7 listing the actual number if available or certificate of
8 exemption;

9 5. provide proof that applicant has proper liability
10 insurance, and listing the name of the insurer and the
11 policy number; and

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

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

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

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

24 2. provide proof that the property on which all first
25 time applicants will do business does comply to the proper
26 local zoning laws in existence, and a listing of zoning

1 classifications;

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

5 4. provide proof that applicant has obtained or
6 applied for the proper State sales tax classification and
7 federal identification tax number, and listing the actual
8 numbers if available.

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

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