



Sen. Dave Sullivan

Filed: 4/28/2005

09400HB1059sam001

LRB094 09349 DRH 45371 a

1 AMENDMENT TO HOUSE BILL 1059

2 AMENDMENT NO. _____. Amend House Bill 1059 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 1-154.7 and 5-302 as follows:

6 (625 ILCS 5/1-154.7)

7 Sec. 1-154.7. Out-of-state salvage vehicle buyer. A person
8 who is eligible to acquire salvage vehicles in his or her home
9 state or country ~~licensed in another state for the primary~~
10 ~~purpose of acquiring salvage vehicles~~ and who is issued an
11 out-of-state salvage vehicle buyer's identification card in
12 this State for the sole purpose of acquiring salvage vehicles
13 and taking them out of state.

14 (Source: P.A. 90-89, eff. 1-1-98.)

15 (625 ILCS 5/5-302) (from Ch. 95 1/2, par. 5-302)

16 Sec. 5-302. Out-of-state salvage vehicle buyer must be
17 eligible to acquire salvage vehicles in his or her home state
18 or country ~~licensed~~.

19 (a) No person in this State shall sell or offer at auction
20 salvage vehicles to a nonresident who has not been issued an
21 out-of-state salvage vehicle buyer's ID card from the Secretary
22 of State under this Section. To qualify for this ID card, the
23 applicant shall submit the required fee and be eligible to

1 acquire salvage vehicles in his or her home state or country
2 ~~with the application an out-of-state dealer license which is~~
3 ~~issued by the applicant's state and is substantially equivalent~~
4 ~~to that of a rebuilder, automotive parts recycler or scrap~~
5 ~~processor, as licensed under this Code.~~

6 (b) Any application filed with the Secretary of State,
7 shall be duly verified by oath, in such form as the Secretary
8 of State may by rule or regulation prescribe.

9 (c) An application for an out-of-state ID card shall be
10 accompanied by a fee of \$100; provided however, that if an
11 application is made after June 15 of any year, the ID card fee
12 shall be \$50. Any fees shall be returnable only in the event
13 that such application is denied by the Secretary of State.

14 (d) The Secretary of State shall within a reasonable time
15 after receipt thereof, examine an application submitted to him
16 under this Section and unless he makes a determination that the
17 application submitted to him does not conform with the
18 requirements of this Section or that grounds exist for a denial
19 of the application, as prescribed in Section 5-501 of this
20 Chapter, grant the applicant an out-of-state salvage vehicle
21 buyer's ID card.

22 (e) Except as provided in subsection (f) of this Section,
23 licenses granted under this Section shall expire by operation
24 of law on December 31 of the calendar year for which they are
25 granted unless revoked or cancelled under the provisions of
26 Section 5-501 of this Chapter.

27 (f) Any license granted under this Section may be renewed
28 upon application and payment of the fee required for an
29 original license, provided however, that where an application
30 for the renewal of a license is made during the month of
31 December, the license in effect at the time of application for
32 renewal shall remain in force until such application is granted
33 or denied by the Secretary of State.

34 (g) An out-of-state salvage vehicle buyer shall be subject

1 to the inspection of records pertaining to the acquisition of
2 salvage vehicles in this State in accordance with this Code and
3 such rules as the Secretary of State may promulgate.

4 (h) Beginning July 1, 1988, the application filed with the
5 Secretary of State shall also contain:

6 1. The name and type of business organization of the
7 applicant and his principal or other places of business;

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

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

23 (A) The "Anti Theft Laws" of the Illinois Vehicle Code;

24 (B) The "Certificate of Title Laws" of the Illinois Vehicle
25 Code;

26 (C) The "Offenses against Registration and Certificates of
27 Title Laws" of the Illinois Vehicle Code;

28 (D) The "Dealers, Transporters, Wreckers and Rebuilders
29 Laws" of the Illinois Vehicle Code;

30 (E) Section 21-2 of the Criminal Code of 1961, Criminal
31 Trespass to Vehicles; or

32 (F) The "Retailers Occupation Tax Act";

33 4. A statement that the applicant's officers, directors,
34 shareholders having a 10% or greater ownership interest

1 therein, proprietor, partner, member, officer, director,
2 trustee, manager or other principals in the business have not
3 committed in any calendar year 3 or more violations, as
4 determined in any civil or criminal or administrative
5 proceedings, of any one or more of the following Acts:

6 (A) The "Consumer Finance Act";

7 (B) The "Consumer Installment Loan Act";

8 (C) The "Retail Installment Sales Act";

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

10 (E) "An Act in relation to the rate of interest and other
11 charges in connection with sales on credit and the lending of
12 money", approved May 24, 1879, as amended;

13 (F) "An Act to promote the welfare of wage earners by
14 regulating the assignment of wages, and prescribing a penalty
15 for the violation thereof", approved July 1, 1935, as amended;

16 (G) Part 8 of Article XII of the Code of Civil Procedure;
17 or

18 (H) The "Consumer Fraud Act"; and

19 5. A statement that the applicant understands Chapters 1
20 through 5 of this Code.

21 (i) Any change which renders no longer accurate any
22 information contained in any application for a license filed
23 with the Secretary of State shall be amended within 30 days
24 after the occurrence of such change on such form as the
25 Secretary of State may prescribe by rule or regulation,
26 accompanied by an amendatory fee of \$2.

27 (Source: P.A. 86-444.)".