



Rep. Edward J. Acevedo

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09500HB5126ham001

LRB095 15616 LCT 49075 a

1 AMENDMENT TO HOUSE BILL 5126

2 AMENDMENT NO. _____. Amend House Bill 5126 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 5-301 and 5-401.3 and 5-402.1 as follows:

6 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

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

9 (a) No person in this State shall, except as an incident to
10 the servicing of vehicles, carry on or conduct the business of
11 a automotive parts recyclers, a scrap processor, a repairer, or
12 a rebuilder, unless licensed to do so in writing by the
13 Secretary of State under this Section. No person shall rebuild
14 a salvage vehicle unless such person is licensed as a rebuilder
15 by the Secretary of State under this Section. Each license
16 shall be applied for and issued separately, except that a

1 license issued to a new vehicle dealer under Section 5-101 of
2 this Code shall also be deemed to be a repairer license.

3 (a-5) No recyclable metal dealer, as defined in Section
4 1-169.3 of this Code, may acquire or possess a vehicle, junk
5 vehicle, vehicle cowl, or essential vehicle parts as defined by
6 Section 1-118 of this Code, for the purpose of processing it
7 into a form other than a vehicle, unless that recyclable metal
8 dealer is also licensed by the Secretary of State as a scrap
9 processor pursuant to this Section. A recyclable metal dealer
10 who fails to obtain a scrap processor's license shall be
11 subject to the provisions of Sections 5-503 and 5-801 of this
12 Code.

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

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

19 2. The kind or kinds of business enumerated in
20 subsection (a) of this Section to be conducted at each
21 location.

22 3. If the applicant is a corporation, a list of its
23 officers, directors, and shareholders having a ten percent
24 or greater ownership interest in the corporation, setting
25 forth the residence address of each; if the applicant is a
26 sole proprietorship, a partnership, an unincorporated

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

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

13 (a) The Anti Theft Laws of the Illinois Vehicle
14 Code;

15 (b) The "Certificate of Title Laws" of the Illinois
16 Vehicle Code;

17 (c) The "Offenses against Registration and
18 Certificates of Title Laws" of the Illinois Vehicle
19 Code;

20 (d) The "Dealers, Transporters, Wreckers and
21 Rebuilders Laws" of the Illinois Vehicle Code;

22 (e) Section 21-2 of the Criminal Code of 1961,
23 Criminal Trespass to Vehicles; or

24 (f) The Retailers Occupation Tax Act.

25 5. A statement that the applicant's officers,
26 directors, shareholders having a ten percent or greater

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

7 (a) The Consumer Finance Act;

8 (b) The Consumer Installment Loan Act;

9 (c) The Retail Installment Sales Act;

10 (d) The Motor Vehicle Retail Installment Sales
11 Act;

12 (e) The Interest Act;

13 (f) The Illinois Wage Assignment Act;

14 (g) Part 8 of Article XII of the Code of Civil
15 Procedure; or

16 (h) The Consumer Fraud Act.

17 6. An application for a license shall be accompanied by
18 the following fees: \$50 for applicant's established place
19 of business; \$25 for each additional place of business, if
20 any, to which the application pertains; provided, however,
21 that if such an application is made after June 15 of any
22 year, the license fee shall be \$25 for applicant's
23 established place of business plus \$12.50 for each
24 additional place of business, if any, to which the
25 application pertains. License fees shall be returnable
26 only in the event that such application shall be denied by

1 the Secretary of State.

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

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

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

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

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

- 1 1. The name of the person licensed;
- 2 2. If a corporation, the name and address of its
3 officers or if a sole proprietorship, a partnership, an
4 unincorporated association or any similar form of business
5 organization, the name and address of the proprietor or of
6 each partner, member, officer, director, trustee or
7 manager;
- 8 3. A designation of the kind or kinds of business
9 enumerated in subsection (a) of this Section to be
10 conducted at each location;
- 11 4. In the case of an original license, the established
12 place of business of the licensee;
- 13 5. In the case of a supplemental license, the
14 established place of business of the licensee and the
15 additional place of business to which such supplemental
16 license pertains.
- 17 (f) The appropriate instrument evidencing the license or a
18 certified copy thereof, provided by the Secretary of State
19 shall be kept, posted, conspicuously in the established place
20 of business of the licensee and in each additional place of
21 business, if any, maintained by such licensee. The licensee
22 also shall post conspicuously in the established place of
23 business and in each additional place of business a notice
24 which states that such business is required to be licensed by
25 the Secretary of State under Section 5-301, and which provides
26 the license number of the business and the license expiration

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

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

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

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

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

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

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

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

13 5. Provide proof that applicant has proper liability
14 insurance, and listing the name of the insurer and the
15 policy number; and

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

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

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

26 1. A statement that the applicant purchases 5 vehicles

1 per year or has 5 hulks or chassis in stock;

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

6 3. Provide proof that applicant complies with the
7 proper workers' compensation rate code or classification,
8 and listing the code of classification; and

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

13 (Source: P.A. 94-784, eff. 1-1-07.)

14 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

15 Sec. 5-401.3. Scrap processors and recyclable metal
16 dealers required to keep records.

17 (a) Every person licensed or required to be licensed as a
18 scrap processor pursuant to Section 5-301 of this Chapter, and
19 every recyclable metal dealer as defined in Section 1-169.3 of
20 this Code, shall maintain for 3 years, at his established place
21 of business, the following records relating to the acquisition
22 of scrap metals or the acquisition of a vehicle, junk vehicle,
23 or vehicle cowl which has been acquired for the purpose of
24 processing into a form other than a vehicle, junk vehicle or
25 vehicle cowl which is possessed in the State or brought into

1 this State from another state, territory or country. No scrap
2 metal processor or recyclable metal dealer shall sell a vehicle
3 or essential part, as such, except for engines, transmissions,
4 and powertrains, unless licensed to do so under another
5 provision of this Code. A scrap processor or recyclable metal
6 dealer who is additionally licensed as an automotive parts
7 recycler shall not be subject to the record keeping
8 requirements for a scrap processor or recyclable metal dealer
9 when acting as an automotive parts recycler.

10 (1) For a vehicle, junk vehicle, or vehicle cowl
11 acquired from a person who is licensed under this Chapter,
12 the scrap processor or recyclable metal dealer shall record
13 the name and address of the person, and the Illinois or
14 out-of-state dealer license number of such person on the
15 scrap processor or recyclable metal dealer's weight ticket
16 at the time of the acquisition. The person disposing of the
17 vehicle, junk vehicle, or vehicle cowl shall furnish the
18 scrap processor or recyclable metal dealer with
19 documentary proof of ownership of the vehicle, junk
20 vehicle, or vehicle cowl in one of the following forms: ~~a~~
21 ~~Certificate of Title,~~ a Salvage Certificate or, a Junking
22 Certificate, ~~a Secretary of State Junking Manifest, a~~
23 ~~Uniform Invoice, a Certificate of Purchase, or other~~
24 ~~similar documentary proof of ownership.~~ The scrap
25 processor or recyclable metal dealer shall not acquire a
26 vehicle, junk vehicle or vehicle cowl without obtaining one

1 of the aforementioned documentary proofs of ownership.

2 (2) For a vehicle, junk vehicle or vehicle cowl
3 acquired from a person who is not licensed under this
4 Chapter, the scrap processor or recyclable metal dealer
5 shall verify and record that person's identity by recording
6 the identification of such person from at least 2 sources
7 of identification, one of which shall be a driver's license
8 or State Identification Card, on the scrap processor or
9 recyclable metal dealer's weight ticket at the time of the
10 acquisition. The person disposing of the vehicle, junk
11 vehicle, or vehicle cowl shall furnish the scrap processor
12 or recyclable metal dealer with documentary proof of
13 ownership of the vehicle, junk vehicle, or vehicle cowl in
14 one of the following forms: ~~a Certificate of Title, a~~
15 ~~Salvage Certificate~~ or, ~~a Junking Certificate, a Secretary~~
16 ~~of State Junking Manifest, a Certificate of Purchase, or~~
17 ~~other similar documentary proof of ownership.~~ The scrap
18 processor or recyclable metal dealer shall not acquire a
19 vehicle, junk vehicle or vehicle cowl without obtaining one
20 of the aforementioned documentary proofs of ownership.

21 (3) In addition to the other information required on
22 the scrap processor or recyclable metal dealer's weight
23 ticket, a scrap processor or recyclable metal dealer who at
24 the time of acquisition of a vehicle, junk vehicle, or
25 vehicle cowl is furnished a ~~Certificate of Title,~~ Salvage
26 Certificate or a Junking Certificate ~~Certificate of~~

1 ~~Purchase~~ shall record the vehicle Identification Number on
2 the weight ticket or affix a copy of the ~~Certificate of~~
3 ~~Title,~~ Salvage Certificate or Junking Certificate
4 ~~Certificate of Purchase~~ to the weight ticket and the
5 identification of the person acquiring the information on
6 the behalf of the scrap processor or recyclable metal
7 dealer.

8 (4) The scrap processor or recyclable metal dealer
9 shall maintain a copy of a Junk Vehicle Notification
10 relating to any ~~Certificate of Title,~~ Salvage Certificate
11 or Junking Certificate, ~~Certificate of Purchase~~ or
12 similarly acceptable out-of-state document surrendered to
13 the Secretary of State pursuant to the provisions of
14 Section 3-117.2 of this Code.

15 (5) For recyclable scrap metals valued at \$100 or more,
16 the scrap processor or recyclable metal dealer shall verify
17 and record the identity of the person from whom the
18 recyclable scrap metals were acquired by recording the
19 identification of that person from one source of
20 identification, which shall be a driver's license or State
21 Identification Card, on the scrap processor or recyclable
22 metal dealer's weight ticket at the time of the
23 acquisition. The inspection of records pertaining only to
24 recyclable scrap metals shall not be counted as an
25 inspection of a premises for purposes of subparagraph (7)
26 of Section 5-403 of this Code.

1 This subdivision (a)(5) does not apply to electrical
2 contractors, to agencies or instrumentalities of the State
3 of Illinois or of the United States, to common carriers, to
4 purchases from persons, firms, or corporations regularly
5 engaged in the business of manufacturing recyclable metal,
6 in the business of selling recyclable metal at retail or
7 wholesale, or in the business of razing, demolishing,
8 destroying, or removing buildings, to purchases of
9 vehicles or vehicle essential parts, to the purchase by one
10 recyclable metal dealer from another, or the purchase from
11 persons, firms, or corporations engaged in either the
12 generation, transmission, or distribution of electric
13 energy or in telephone, telegraph, and other
14 communications if such common carriers, persons, firms, or
15 corporations at the time of the purchase provide the
16 recyclable metal dealer with a bill of sale or other
17 written evidence of title to the recyclable metal. This
18 subdivision (a)(5) also does not apply to contractual
19 arrangements between dealers.

20 (b) Any licensee or recyclable metal dealer who knowingly
21 fails to record any of the specific information required to be
22 recorded on the weight ticket or who knowingly fails to acquire
23 and maintain for 3 years documentary proof of ownership in one
24 of the prescribed forms shall be guilty of a Class A
25 misdemeanor and subject to suspension of his or her license for
26 a period of 5 years ~~a fine not to exceed \$1,000~~. Each violation

1 shall constitute a separate and distinct offense and a separate
2 count may be brought in the same complaint for each violation.
3 Any licensee or recyclable metal dealer who commits a second
4 violation of this Section within two years of a previous
5 conviction of a violation of this Section shall be guilty of a
6 Class 4 felony.

7 (c) It shall be an affirmative defense to an offense
8 brought under paragraph (b) of this Section that the licensee
9 or recyclable metal dealer or person required to be licensed
10 both reasonably and in good faith relied on information
11 appearing on a ~~Certificate of Title,~~ a Salvage Certificate or ~~7~~
12 a Junking Certificate, ~~a Secretary of State Manifest, a~~
13 ~~Secretary of State's Uniform Invoice, a Certificate of~~
14 ~~Purchase, or other documentary proof of ownership prepared~~
15 ~~under Section 3-117.1 (a) of this Code, relating to the~~
16 ~~transaction for which the required record was not kept which~~
17 ~~was supplied to the licensee or recyclable metal dealer by~~
18 ~~another licensee or recyclable metal dealer or an out of state~~
19 ~~dealer.~~

20 (d) No later than 15 days prior to going out of business,
21 selling the business, or transferring the ownership of the
22 business, the scrap processor or recyclable metal dealer shall
23 notify the Secretary of that fact. Failure to so notify the
24 Secretary of State shall constitute a failure to keep records
25 under this Section.

26 (e) Any scrap processor or recyclable metal dealer who

1 finds a nonconforming vehicle identification number on any
2 documentary proof of ownership of a vehicle, junk vehicle, or
3 vehicle cowl provided by the person attempting to dispose of
4 such item shall report the offense to the Secretary of State,
5 including the name of the person attempting to dispose of the
6 vehicle, junk vehicle, or vehicle cowl, the actual vehicle
7 identification number, the nonconforming vehicle number, the
8 vehicle license plate number, a copy of the document used, and
9 the license number of the person or persons involved in the
10 attempted transaction. Any person licensed as a scrap processor
11 pursuant to Section 5-301 who is found to be in violation of
12 this subsection or any licensed entity found in violation of
13 this subsection shall be subject to suspension of his, her, or
14 its license for a period of up to 5 years. Any person in
15 violation of this subsection shall be guilty of a Class 2
16 felony. Evidence derived directly or indirectly from the
17 keeping of records required to be kept under this Section shall
18 not be admissible in a prosecution of the licensee or
19 recyclable metal dealer for an alleged violation of Section
20 4-102 (a) (3) of this Code.

21 (Source: P.A. 95-253, eff. 1-1-08.)

22 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

23 Sec. 5-402.1. Use of Secretary of State Uniform Invoice for
24 Essential Parts.

25 (a) Except for scrap processors, every person licensed or

1 required to be licensed under Section 5-101, 5-101.1, 5-102 or
2 5-301 of this Code shall issue, in a form the Secretary of
3 State may by rule or regulation prescribe, a Uniform Invoice,
4 which may also act as a bill of sale, made out in triplicate
5 with respect to each transaction in which he disposes of an
6 essential part other than quarter panels and transmissions of
7 vehicles of the first division. Such Invoice shall be made out
8 at the time of the disposition of the essential part. If the
9 licensee disposes of several essential parts in the same
10 transaction, the licensee may issue one Uniform Invoice
11 covering all essential parts disposed of in that transaction.

12 (b) The following information shall be contained on the
13 Uniform Invoice:

14 (1) the business name, address and dealer license
15 number of the person disposing of the essential part;

16 (2) the name and address of the person acquiring the
17 essential part, and if that person is a dealer, the
18 Illinois or out-of-state dealer license number of that
19 dealer;

20 (3) the date of the disposition of the essential part;

21 (4) the year, make, model, color and description of
22 each essential part disposed of by the person;

23 (5) the manufacturer's vehicle identification number,
24 Secretary of State identification number or Illinois
25 Department of State Police identification number, for each
26 essential part disposed of by the person;

1 (6) the printed name and legible signature of the
2 person or agent disposing of the essential part; and

3 (7) if the person is a dealer the printed name and
4 legible signature of the dealer or his agent or employee
5 accepting delivery of the essential part.

6 (c) Except for scrap processors, and except as set forth in
7 subsection (d) of this Section, whenever a person licensed or
8 required to be licensed by Section 5-101, 5-101.1, 5-102, or
9 5-301 accepts delivery of an essential part, other than quarter
10 panels and transmissions of vehicles of the first division,
11 that person shall, at the time of the acceptance or delivery,
12 comply with the following procedures:

13 (1) Before acquiring or accepting delivery of any
14 essential part, the licensee or his authorized agent or
15 employee shall inspect the part to determine whether the
16 vehicle identification number, Secretary of State
17 identification number, Illinois Department of State Police
18 identification number, or identification plate or sticker
19 attached to or stamped on any part being acquired or
20 delivered has been removed, falsified, altered, defaced,
21 destroyed, or tampered with. If the licensee or his agent
22 or employee determines that the vehicle identification
23 number, Secretary of State identification number, Illinois
24 Department of State Police identification number,
25 identification plate or identification sticker containing
26 an identification number, or Federal Certificate label of

1 an essential part has been removed, falsified, altered,
2 defaced, destroyed or tampered with, the licensee or agent
3 shall not accept or receive that part.

4 If that part was physically acquired by or delivered to
5 a licensee or his agent or employee while that licensee,
6 agent or employee was outside this State, that licensee or
7 agent or employee shall not bring that essential part into
8 this State or cause it to be brought into this State.

9 (2) If the person disposing of or delivering the
10 essential part to the licensee is a licensed in-state or
11 out-of-state dealer, the licensee or his agent or employee,
12 after inspecting the essential part as required by
13 paragraph (1) of this subsection (c), shall examine the
14 Uniform Invoice, or bill of sale, as the case may be, to
15 ensure that it contains all the information required to be
16 provided by persons disposing of essential parts as set
17 forth in subsection (b) of this Section. If the Uniform
18 Invoice or bill of sale does not contain all the
19 information required to be listed by subsection (b) of this
20 Section, the dealer disposing of or delivering such part or
21 his agent or employee shall record such additional
22 information or other needed modifications on the Uniform
23 Invoice or bill of sale or, if needed, an attachment
24 thereto. The dealer or his agent or employee delivering the
25 essential part shall initial all additions or
26 modifications to the Uniform Invoice or bill of sale and

1 legibly print his name at the bottom of each document
2 containing his initials. If the transaction involves a bill
3 of sale rather than a Uniform Invoice, the licensee or his
4 agent or employee accepting delivery of or acquiring the
5 essential part shall affix his printed name and legible
6 signature on the space on the bill of sale provided for his
7 signature or, if no space is provided, on the back of the
8 bill of sale. If the dealer or his agent or employee
9 disposing of or delivering the essential part cannot or
10 does not provide all the information required by subsection
11 (b) of this Section, the licensee or his agent or employee
12 shall not accept or receive any essential part for which
13 that required information is not provided. If such
14 essential part for which the information required is not
15 fully provided was physically acquired while the licensee
16 or his agent or employee was outside this State, the
17 licensee or his agent or employee shall not bring that
18 essential part into this State or cause it to be brought
19 into this State.

20 (3) If the person disposing of the essential part is
21 not a licensed dealer, the licensee or his agent or
22 employee shall, after inspecting the essential part as
23 required by paragraph (1) of subsection (c) of this Section
24 verify the identity of the person disposing of the
25 essential part by examining 2 sources of identification,
26 one of which shall be either a driver's license or state

1 identification card. The licensee or his agent or employee
2 shall then prepare a Uniform Invoice listing all the
3 information required to be provided by subsection (b) of
4 this Section. In the space on the Uniform Invoice provided
5 for the dealer license number of the person disposing of
6 the part, the licensee or his agent or employee shall list
7 the numbers taken from the documents of identification
8 provided by the person disposing of the part. The person
9 disposing of the part shall affix his printed name and
10 legible signature on the space on the Uniform Invoice
11 provided for the person disposing of the essential part and
12 the licensee or his agent or employee acquiring the part
13 shall affix his printed name and legible signature on the
14 space provided on the Uniform Invoice for the person
15 acquiring the essential part. If the person disposing of
16 the essential part cannot or does not provide all the
17 information required to be provided by this paragraph, or
18 does not present 2 satisfactory forms of identification,
19 the licensee or his agent or employee shall not acquire
20 that essential part.

21 (d) If an essential part other than quarter panels and
22 transmissions of vehicles of the first division was delivered
23 by a licensed commercial delivery service delivering such part
24 on behalf of a licensed dealer, the person required to comply
25 with subsection (c) of this Section may conduct the inspection
26 of that part required by paragraph (1) of subsection (c) and

1 examination of the Uniform Invoice or bill of sale required by
2 paragraph (2) of subsection (c) of this Section immediately
3 after the acceptance of the part.

4 (1) If the inspection of the essential part pursuant to
5 paragraph (1) of subsection (c) reveals that the vehicle
6 identification number, Secretary of State identification
7 number, Illinois Department of State Police identification
8 number, identification plate or sticker containing an
9 identification number, or Federal Certificate label of an
10 essential part has been removed, falsified, altered,
11 defaced, destroyed or tampered with, the licensee or his
12 agent shall immediately record such fact on the Uniform
13 Invoice or bill of sale, assign the part an inventory or
14 stock number, place such inventory or stock number on both
15 the essential part and the Uniform Invoice or bill of sale,
16 and record the date of the inspection of the part on the
17 Uniform Invoice or bill of sale. The licensee shall, within
18 7 days of such inspection, return such part to the dealer
19 from whom it was acquired.

20 (2) If the examination of the Uniform Invoice or bill
21 of sale pursuant to paragraph (2) of subsection (c) reveals
22 that any of the information required to be listed by
23 subsection (b) of this Section is missing, the licensee or
24 person required to be licensed shall immediately assign a
25 stock or inventory number to such part, place such stock or
26 inventory number on both the essential part and the Uniform

1 Invoice or bill of sale, and record the date of examination
2 on the Uniform Invoice or bill of sale. The licensee or
3 person required to be licensed shall acquire the
4 information missing from the Uniform Invoice or bill of
5 sale within 7 days of the examination of such Uniform
6 Invoice or bill of sale. Such information may be received
7 by telephone conversation with the dealer from whom the
8 part was acquired. If the dealer provides the missing
9 information the licensee shall record such information on
10 the Uniform Invoice or bill of sale along with the name of
11 the person providing the information. If the dealer does
12 not provide the required information within the
13 aforementioned 7 day period, the licensee shall return the
14 part to that dealer.

15 (e) Except for scrap processors, all persons licensed or
16 required to be licensed who acquire or dispose of essential
17 parts other than quarter panels and transmissions of vehicles
18 of the first division shall retain a copy of the Uniform
19 Invoice required to be made by subsections (a), (b) and (c) of
20 this Section for a period of 3 years.

21 (f) Except for scrap processors, any person licensed or
22 required to be licensed under Sections 5-101, 5-102 or 5-301
23 who knowingly fails to record on a Uniform Invoice any of the
24 information or entries required to be recorded by subsections
25 (a), (b) and (c) of this Section, or who knowingly places false
26 entries or other misleading information on such Uniform

1 Invoice, or who knowingly fails to retain for 3 years a copy of
2 a Uniform Invoice reflecting transactions required to be
3 recorded by subsections (a), (b) and (c) of this Section, or
4 who knowingly acquires or disposes of essential parts without
5 receiving, issuing, or executing a Uniform Invoice reflecting
6 that transaction as required by subsections (a), (b) and (c) of
7 this Section, or who brings or causes to be brought into this
8 State essential parts for which the information required to be
9 recorded on a Uniform Invoice is not recorded as prohibited by
10 subsection (c) of this Section, or who knowingly fails to
11 comply with the provisions of this Section in any other manner
12 shall be guilty of a Class 2 felony. Each violation shall
13 constitute a separate and distinct offense and a separate count
14 may be brought in the same indictment or information for each
15 essential part for which a record was not kept as required by
16 this Section or for which the person failed to comply with
17 other provisions of this Section.

18 (g) The records required to be kept by this Section may be
19 examined by a person or persons making a lawful inspection of
20 the licensee's premises pursuant to Section 5-403.

21 (h) The records required to be kept by this Section shall
22 be retained by the licensee at his principal place of business
23 for a period of 7 years.

24 (i) The requirements of this Section shall not apply to the
25 disposition of an essential part other than a cowl which has
26 been damaged or altered to a state in which it can no longer be

1 returned to a usable condition and which is being sold or
2 transferred to a scrap processor or for delivery to a scrap
3 processor.

4 (j) Scrap processors and recyclable metal dealers shall,
5 under no circumstances, be permitted to use the Uniform Invoice
6 for any purpose under this Chapter.

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