

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 Auction License Act is amended by changing
5 Section 10-1 as follows:

6 (225 ILCS 407/10-1)

7 (Text of Section after amendment by P.A. 95-572)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 10-1. Necessity of license; exemptions.

10 (a) It is unlawful for any person, corporation, limited
11 liability company, partnership, or other entity to conduct an
12 auction, provide an auction service, hold himself or herself
13 out as an auctioneer, or advertise his or her services as an
14 auctioneer in the State of Illinois without a license issued by
15 the Department under this Act, except at:

16 (1) an auction conducted solely by or for a
17 not-for-profit organization for charitable purposes;

18 (2) an auction conducted by the owner of the property,
19 real or personal;

20 (3) an auction for the sale or lease of real property
21 conducted by a licensee under the Real Estate License Act,
22 or its successor Acts, in accordance with the terms of that
23 Act;

1 (4) an auction conducted by a business registered as a
2 market agency under the federal Packers and Stockyards Act
3 (7 U.S.C. 181 et seq.) or under the Livestock Auction
4 Market Law;

5 (5) an auction conducted by an agent, officer, or
6 employee of a federal agency in the conduct of his or her
7 official duties; and

8 (6) an auction conducted by an agent, officer, or
9 employee of the State government or any political
10 subdivision thereof performing his or her official duties.

11 (b) Nothing in this Act shall be construed to apply to a
12 new or used vehicle dealer or a vehicle auctioneer licensed by
13 the Secretary of State of Illinois, or to any employee of the
14 licensee, who is a resident of the State of Illinois, while the
15 employee is acting in the regular scope of his or her
16 employment for the licensee while conducting an auction that is
17 not open to the public, provided that only new or used vehicle
18 dealers, rebuilders, automotive parts recyclers, or scrap
19 processors, ~~or out of state salvage vehicle buyers~~ licensed by
20 the Secretary of State or licensed by another state or
21 jurisdiction may buy property at the auction, or to sales by or
22 through the licensee. Out-of-state salvage vehicle buyers
23 licensed in another state or jurisdiction may also buy property
24 at the auction.

25 (c) Nothing in this Act shall be construed to prohibit a
26 person under the age of 18 from selling property under \$250 in

1 value while under the direct supervision of a licensed
2 auctioneer.

3 (d) Nothing in this Act, except Section 10-27, shall be
4 construed to apply to a person while providing an Internet
5 auction listing service as defined in Section 10-27.

6 (Source: P.A. 95-572, eff. 6-1-08.)

7 Section 10. The Illinois Vehicle Code is amended by
8 changing Sections 1-154.7, 3-117.1, 3-118, 5-102, 5-302,
9 5-403, and 5-702 as follows:

10 (625 ILCS 5/1-154.7)

11 Sec. 1-154.7. Out-of-state salvage vehicle buyer. A person
12 who is licensed in another state or jurisdiction and acquires
13 salvage or junk vehicles ~~state~~ for the primary purpose of
14 ~~acquiring salvage vehicles and who is issued an out of state~~
15 ~~salvage vehicle buyer's identification card in this State for~~
16 ~~the sole purpose of acquiring salvage vehicles and~~ taking them
17 out of state.

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

19 (625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

20 Sec. 3-117.1. When junking certificates or salvage
21 certificates must be obtained.

22 (a) Except as provided in Chapter 4 of this Code, a person
23 who possesses a junk vehicle shall within 15 days cause the

1 certificate of title, salvage certificate, certificate of
2 purchase, or a similarly acceptable out of state document of
3 ownership to be surrendered to the Secretary of State along
4 with an application for a junking certificate, except as
5 provided in Section 3-117.2, whereupon the Secretary of State
6 shall issue to such a person a junking certificate, which shall
7 authorize the holder thereof to possess, transport, or, by an
8 endorsement, transfer ownership in such junked vehicle, and a
9 certificate of title shall not again be issued for such
10 vehicle.

11 A licensee who possesses a junk vehicle and a Certificate
12 of Title, Salvage Certificate, Certificate of Purchase, or a
13 similarly acceptable out-of-state document of ownership for
14 such junk vehicle, may transport the junk vehicle to another
15 licensee prior to applying for or obtaining a junking
16 certificate, by executing a uniform invoice. The licensee
17 transferor shall furnish a copy of the uniform invoice to the
18 licensee transferee at the time of transfer. In any case, the
19 licensee transferor shall apply for a junking certificate in
20 conformance with Section 3-117.1 of this Chapter. The following
21 information shall be contained on a uniform invoice:

22 (1) The business name, address and dealer license
23 number of the person disposing of the vehicle, junk vehicle
24 or vehicle cowl;

25 (2) The name and address of the person acquiring the
26 vehicle, junk vehicle or vehicle cowl, and if that person

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

3 (3) The date of the disposition of the vehicle, junk
4 vehicle or vehicle cowl;

5 (4) The year, make, model, color and description of
6 each vehicle, junk vehicle or vehicle cowl disposed of by
7 such person;

8 (5) The manufacturer's vehicle identification number,
9 Secretary of State identification number or Illinois
10 Department of State Police number, for each vehicle, junk
11 vehicle or vehicle cowl part disposed of by such person;

12 (6) The printed name and legible signature of the
13 person or agent disposing of the vehicle, junk vehicle or
14 vehicle cowl; and

15 (7) The printed name and legible signature of the
16 person accepting delivery of the vehicle, junk vehicle or
17 vehicle cowl.

18 The Secretary of State may certify a junking manifest in a
19 form prescribed by the Secretary of State that reflects those
20 vehicles for which junking certificates have been applied or
21 issued. A junking manifest may be issued to any person and it
22 shall constitute evidence of ownership for the vehicle listed
23 upon it. A junking manifest may be transferred only to a person
24 licensed under Section 5-301 of this Code as a scrap processor.
25 A junking manifest will allow the transportation of those
26 vehicles to a scrap processor prior to receiving the junk

1 certificate from the Secretary of State.

2 (b) An application for a salvage certificate shall be
3 submitted to the Secretary of State in any of the following
4 situations:

5 (1) When an insurance company makes a payment of
6 damages on a total loss claim for a vehicle, the insurance
7 company shall be deemed to be the owner of such vehicle and
8 the vehicle shall be considered to be salvage except that
9 ownership of (i) a vehicle that has incurred only hail
10 damage that does not affect the operational safety of the
11 vehicle or (ii) any vehicle 9 model years of age or older
12 may, by agreement between the registered owner and the
13 insurance company, be retained by the registered owner of
14 such vehicle. The insurance company shall promptly deliver
15 or mail within 20 days the certificate of title along with
16 proper application and fee to the Secretary of State, and a
17 salvage certificate shall be issued in the name of the
18 insurance company. Notwithstanding the foregoing, an
19 insurer making payment of damages on a total loss claim for
20 the theft of a vehicle shall not be required to apply for a
21 salvage certificate unless the vehicle is recovered and has
22 incurred damage that initially would have caused the
23 vehicle to be declared a total loss by the insurer. ~~An~~
24 ~~insurer making payment of damages on a total loss claim for~~
25 ~~the theft of a vehicle may exchange the salvage certificate~~
26 ~~for a certificate of title if the vehicle is recovered~~

1 ~~without damage. In such a situation, the insurer shall fill~~
2 ~~out and sign a form prescribed by the Secretary of State~~
3 ~~which contains an affirmation under penalty of perjury that~~
4 ~~the vehicle was recovered without damage and the Secretary~~
5 ~~of State may, by rule or regulation, require photographs to~~
6 ~~be submitted.~~

7 (1.1) When a vehicle of a self-insured company is to be
8 sold in the State of Illinois and has sustained damaged by
9 collision, fire, theft, rust corrosion, or other means so
10 that the self-insured company determines the vehicle to be
11 a total loss, or if the cost of repairing the damage,
12 including labor, would be greater than 50% of its fair
13 market value without that damage, the vehicle shall be
14 considered salvage. The self-insured company shall
15 promptly deliver the certificate of title along with proper
16 application and fee to the Secretary of State, and a
17 salvage certificate shall be issued in the name of the
18 self-insured company. A self-insured company making
19 payment of damages on a total loss claim for the theft of a
20 vehicle may exchange the salvage certificate for a
21 certificate of title if the vehicle is recovered without
22 damage. In such a situation, the self-insured shall fill
23 out and sign a form prescribed by the Secretary of State
24 which contains an affirmation under penalty of perjury that
25 the vehicle was recovered without damage and the Secretary
26 of State may, by rule, require photographs to be submitted.

1 (2) When a vehicle the ownership of which has been
2 transferred to any person through a certificate of purchase
3 from acquisition of the vehicle at an auction, other
4 dispositions as set forth in Sections 4-208 and 4-209 of
5 this Code, a lien arising under Section 18a-501 of this
6 Code, or a public sale under the Abandoned Mobile Home Act
7 shall be deemed salvage or junk at the option of the
8 purchaser. The person acquiring such vehicle in such manner
9 shall promptly deliver or mail, within 20 days after the
10 acquisition of the vehicle, the certificate of purchase,
11 the proper application and fee, and, if the vehicle is an
12 abandoned mobile home under the Abandoned Mobile Home Act,
13 a certification from a local law enforcement agency that
14 the vehicle was purchased or acquired at a public sale
15 under the Abandoned Mobile Home Act to the Secretary of
16 State and a salvage certificate or junking certificate
17 shall be issued in the name of that person. The salvage
18 certificate or junking certificate issued by the Secretary
19 of State under this Section shall be free of any lien that
20 existed against the vehicle prior to the time the vehicle
21 was acquired by the applicant under this Code.

22 (3) A vehicle which has been repossessed by a
23 lienholder shall be considered to be salvage only when the
24 repossessed vehicle, on the date of repossession by the
25 lienholder, has sustained damage by collision, fire,
26 theft, rust corrosion, or other means so that the cost of

1 repairing such damage, including labor, would be greater
2 than 33 1/3% of its fair market value without such damage.
3 If the lienholder determines that such vehicle is damaged
4 in excess of 33 1/3% of such fair market value, the
5 lienholder shall, before sale, transfer or assignment of
6 the vehicle, make application for a salvage certificate,
7 and shall submit with such application the proper fee and
8 evidence of possession. If the facts required to be shown
9 in subsection (f) of Section 3-114 are satisfied, the
10 Secretary of State shall issue a salvage certificate in the
11 name of the lienholder making the application. In any case
12 wherein the vehicle repossessed is not damaged in excess of
13 33 1/3% of its fair market value, the lienholder shall
14 comply with the requirements of subsections (f), (f-5), and
15 (f-10) of Section 3-114, except that the affidavit of
16 repossession made by or on behalf of the lienholder shall
17 also contain an affirmation under penalty of perjury that
18 the vehicle on the date of sale is not damaged in excess of
19 33 1/3% of its fair market value. If the facts required to
20 be shown in subsection (f) of Section 3-114 are satisfied,
21 the Secretary of State shall issue a certificate of title
22 as set forth in Section 3-116 of this Code. The Secretary
23 of State may by rule or regulation require photographs to
24 be submitted.

25 (4) A vehicle which is a part of a fleet of more than 5
26 commercial vehicles registered in this State or any other

1 state or registered proportionately among several states
2 shall be considered to be salvage when such vehicle has
3 sustained damage by collision, fire, theft, rust,
4 corrosion or similar means so that the cost of repairing
5 such damage, including labor, would be greater than 33 1/3%
6 of the fair market value of the vehicle without such
7 damage. If the owner of a fleet vehicle desires to sell,
8 transfer, or assign his interest in such vehicle to a
9 person within this State other than an insurance company
10 licensed to do business within this State, and the owner
11 determines that such vehicle, at the time of the proposed
12 sale, transfer or assignment is damaged in excess of 33
13 1/3% of its fair market value, the owner shall, before such
14 sale, transfer or assignment, make application for a
15 salvage certificate. The application shall contain with it
16 evidence of possession of the vehicle. If the fleet vehicle
17 at the time of its sale, transfer, or assignment is not
18 damaged in excess of 33 1/3% of its fair market value, the
19 owner shall so state in a written affirmation on a form
20 prescribed by the Secretary of State by rule or regulation.
21 The Secretary of State may by rule or regulation require
22 photographs to be submitted. Upon sale, transfer or
23 assignment of the fleet vehicle the owner shall mail the
24 affirmation to the Secretary of State.

25 (5) A vehicle that has been submerged in water to the
26 point that rising water has reached over the door sill and

1 has entered the passenger or trunk compartment is a "flood
2 vehicle". A flood vehicle shall be considered to be salvage
3 only if the vehicle has sustained damage so that the cost
4 of repairing the damage, including labor, would be greater
5 than 33 1/3% of the fair market value of the vehicle
6 without that damage. The salvage certificate issued under
7 this Section shall indicate the word "flood", and the word
8 "flood" shall be conspicuously entered on subsequent
9 titles for the vehicle. A person who possesses or acquires
10 a flood vehicle that is not damaged in excess of 33 1/3% of
11 its fair market value shall make application for title in
12 accordance with Section 3-116 of this Code, designating the
13 vehicle as "flood" in a manner prescribed by the Secretary
14 of State. The certificate of title issued shall indicate
15 the word "flood", and the word "flood" shall be
16 conspicuously entered on subsequent titles for the
17 vehicle.

18 (c) Any person who without authority acquires, sells,
19 exchanges, gives away, transfers or destroys or offers to
20 acquire, sell, exchange, give away, transfer or destroy the
21 certificate of title to any vehicle which is a junk or salvage
22 vehicle shall be guilty of a Class 3 felony.

23 (d) Any person who knowingly fails to surrender to the
24 Secretary of State a certificate of title, salvage certificate,
25 certificate of purchase or a similarly acceptable out-of-state
26 document of ownership as required under the provisions of this

1 Section is guilty of a Class A misdemeanor for a first offense
2 and a Class 4 felony for a subsequent offense; except that a
3 person licensed under this Code who violates paragraph (5) of
4 subsection (b) of this Section is guilty of a business offense
5 and shall be fined not less than \$1,000 nor more than \$5,000
6 for a first offense and is guilty of a Class 4 felony for a
7 second or subsequent violation.

8 (e) Any vehicle which is salvage or junk may not be driven
9 or operated on roads and highways within this State. A
10 violation of this subsection is a Class A misdemeanor. A
11 salvage vehicle displaying valid special plates issued under
12 Section 3-601(b) of this Code, which is being driven to or from
13 an inspection conducted under Section 3-308 of this Code, is
14 exempt from the provisions of this subsection. A salvage
15 vehicle for which a short term permit has been issued under
16 Section 3-307 of this Code is exempt from the provisions of
17 this subsection for the duration of the permit.

18 (Source: P.A. 95-495, eff. 1-1-08.)

19 (625 ILCS 5/3-118) (from Ch. 95 1/2, par. 3-118)

20 Sec. 3-118. Application for salvage or junking
21 certificate; contents.

22 (a) An application for a salvage certificate or junking
23 certificate shall be made upon the forms prescribed by the
24 Secretary of State and contain:

25 1. The name and address of the owner;

1 2. A description of the vehicle including, so far as
2 the following data exists: its make, year-model,
3 identifying number, type of body, whether new or used;

4 3. The date of purchase by applicant; and

5 4. Any further information reasonably required by the
6 Secretary of State.

7 (b) The application for salvage certificate must also
8 contain the current odometer reading and that the stated
9 odometer reading is one of the following: actual mileage, not
10 the actual mileage or mileage is in excess of its mechanical
11 limits.

12 (c) A salvage certificate may be assigned to any person
13 licensed under this Act as a rebuilder, automotive parts
14 recycler, or scrap processor, or to an out-of-state salvage
15 vehicle buyer. A salvage certificate for a vehicle that has
16 come from a police impoundment may be assigned to a municipal
17 fire department. A junking certificate may be assigned to
18 anyone. The provisions for reassignment by dealers under
19 paragraph (a) of Section 3-113 shall apply to salvage
20 certificates, except as provided in Section 3-117.2. A salvage
21 certificate may be reassigned to one other person to whom a
22 salvage certificate may be assigned pursuant to this Section
23 ~~licensed under this Act.~~

24 (Source: P.A. 95-301, eff. 1-1-08.)

25 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

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

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

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

17 1. The name and type of business organization
18 established and additional places of business, if any, in
19 this State.

20 2. If the applicant is a corporation, a list of its
21 officers, directors, and shareholders having a ten percent
22 or greater ownership interest in the corporation, setting
23 forth the residence address of each; if the applicant is a
24 sole proprietorship, a partnership, an unincorporated
25 association, a trust, or any similar form of business
26 organization, the names and residence address of the

1 proprietor or of each partner, member, officer, director,
2 trustee or manager.

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

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

1 policy was filed. Trailer and mobile home dealers are
2 exempt from this requirement.

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

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

23 As used in this paragraph 4, a "permitted user" is a
24 person who, with the permission of the used vehicle dealer
25 or an employee of the used vehicle dealer, drives a vehicle
26 owned and held for sale or lease by the used vehicle dealer

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

8 As used in this paragraph 4, "test driving" occurs when
9 a permitted user who, with the permission of the used
10 vehicle dealer or an employee of the used vehicle dealer,
11 drives a vehicle owned and held for sale or lease by a used
12 vehicle dealer that the person is considering to purchase
13 or lease, in order to evaluate the performance,
14 reliability, or condition of the vehicle.

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

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

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

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

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

16 (A) The Anti Theft Laws of the Illinois Vehicle
17 Code;

18 (B) The Certificate of Title Laws of the Illinois
19 Vehicle Code;

20 (C) The Offenses against Registration and
21 Certificates of Title Laws of the Illinois Vehicle
22 Code;

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

25 (E) Section 21-2 of the Illinois Criminal Code of
26 1961, Criminal Trespass to Vehicles; or

1 (F) The Retailers' Occupation Tax Act.

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

10 (A) The Consumer Finance Act;

11 (B) The Consumer Installment Loan Act;

12 (C) The Retail Installment Sales Act;

13 (D) The Motor Vehicle Retail Installment Sales
14 Act;

15 (E) The Interest Act;

16 (F) The Illinois Wage Assignment Act;

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

19 (H) The Consumer Fraud Act.

20 8. A bond or Certificate of Deposit in the amount of
21 \$20,000 for each location at which the applicant intends to
22 act as a used vehicle dealer. The bond shall be for the
23 term of the license, or its renewal, for which application
24 is made, and shall expire not sooner than December 31 of
25 the year for which the license was issued or renewed. The
26 bond shall run to the People of the State of Illinois, with

1 surety by a bonding or insurance company authorized to do
2 business in this State. It shall be conditioned upon the
3 proper transmittal of all title and registration fees and
4 taxes (excluding taxes under the Retailers' Occupation Tax
5 Act) accepted by the applicant as a used vehicle dealer.

6 9. Such other information concerning the business of
7 the applicant as the Secretary of State may by rule or
8 regulation prescribe.

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

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

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

21 (e) The Secretary of State shall, within a reasonable time
22 after receipt, examine an application submitted to him under
23 this Section. Unless the Secretary makes a determination that
24 the application submitted to him does not conform to this
25 Section or that grounds exist for a denial of the application
26 under Section 5-501 of this Chapter, he must grant the

1 applicant an original used vehicle dealer's license in writing
2 for his established place of business and a supplemental
3 license in writing for each additional place of business in
4 such form as he may prescribe by rule or regulation which shall
5 include the following:

6 1. The name of the person licensed;

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

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

15 4. In the case of a supplemental license, the
16 established place of business of the licensee and the
17 additional place of business to which such supplemental
18 license pertains.

19 (f) The appropriate instrument evidencing the license or a
20 certified copy thereof, provided by the Secretary of State
21 shall be kept posted, conspicuously, in the established place
22 of business of the licensee and in each additional place of
23 business, if any, maintained by such licensee.

24 (g) Except as provided in subsection (h) of this Section,
25 all used vehicle dealer's licenses granted under this Section
26 expire by operation of law on December 31 of the calendar year

1 for which they are granted unless sooner revoked or cancelled
2 under Section 5-501 of this Chapter.

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

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

14 1. A certificate of title properly assigned to the
15 purchaser;

16 2. A statement verified under oath that all identifying
17 numbers on the vehicle agree with those on the certificate
18 of title;

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

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

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

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

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

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

9 (2) the date of sale,

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

12 (4) the Illinois certificate of title number.

13 The foregoing records shall be available for inspection by
14 any officer of the Secretary of State's Office at any
15 reasonable hour.

16 (k) Except at the time of sale or repossession of the
17 vehicle, no person licensed as a used vehicle dealer may issue
18 any other person a newly created key to a vehicle unless the
19 used vehicle dealer makes a copy of the driver's license or
20 State identification card of the person requesting or obtaining
21 the newly created key. The used vehicle dealer must retain the
22 copy for 30 days.

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

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

5 1. The year, make, model, style and color of the
6 vehicle;

7 2. The vehicle's manufacturer's identification number
8 or, if applicable, the Secretary of State or Illinois
9 Department of State Police identification number;

10 3. The date of acquisition of the vehicle;

11 4. The name and address of the person from whom the
12 vehicle was acquired;

13 5. The name and address of the person to whom any
14 vehicle was disposed, the person's Illinois license number
15 or if the person is an out-of-state salvage vehicle buyer,
16 the license number from the state or jurisdiction where the
17 buyer is licensed; and

18 6. The purchase price of the vehicle.

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

22 (Source: P.A. 92-391, eff. 8-16-01; 92-835, eff. 6-1-03; 93-32,
23 eff. 7-1-03.)

24 (625 ILCS 5/5-302) (from Ch. 95 1/2, par. 5-302)

25 Sec. 5-302. Out-of-state salvage vehicle buyer must be

1 licensed. (a) No person in this State shall sell or offer at
2 auction salvage vehicles to a nonresident who is not licensed
3 in another state or jurisdiction. ~~has not been issued an~~
4 ~~out-of-state salvage vehicle buyer's ID card from the Secretary~~
5 ~~of State under this Section. To qualify for this ID card, the~~
6 ~~applicant shall submit with the application an out of state~~
7 ~~dealer license which is issued by the applicant's state and is~~
8 ~~substantially equivalent to that of a rebuilder, automotive~~
9 ~~parts recycler or scrap processor, as licensed under this Code.~~

10 (b) (Blank) ~~Any application filed with the Secretary of~~
11 ~~State, shall be duly verified by oath, in such form as the~~
12 ~~Secretary of State may by rule or regulation prescribe.~~

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

19 (d) (Blank) ~~The Secretary of State shall within a~~
20 ~~reasonable time after receipt thereof, examine an application~~
21 ~~submitted to him under this Section and unless he makes a~~
22 ~~determination that the application submitted to him does not~~
23 ~~conform with the requirements of this Section or that grounds~~
24 ~~exist for a denial of the application, as prescribed in Section~~
25 ~~5-501 of this Chapter, grant the applicant an out-of-state~~
26 ~~salvage vehicle buyer's ID card.~~

1 (e) (Blank) ~~Except as provided in subsection (f) of this~~
2 ~~Section, licenses granted under this Section shall expire by~~
3 ~~operation of law on December 31 of the calendar year for which~~
4 ~~they are granted unless revoked or cancelled under the~~
5 ~~provisions of Section 5-501 of this Chapter.~~

6 (f) (Blank) ~~Any license granted under this Section may be~~
7 ~~renewed upon application and payment of the fee required for an~~
8 ~~original license, provided however, that where an application~~
9 ~~for the renewal of a license is made during the month of~~
10 ~~December, the license in effect at the time of application for~~
11 ~~renewal shall remain in force until such application is granted~~
12 ~~or denied by the Secretary of State.~~

13 (g) An out-of-state salvage vehicle buyer shall be subject
14 to the inspection of records pertaining to the acquisition of
15 salvage vehicles in this State in accordance with this Code and
16 such rules as the Secretary of State may promulgate.

17 (h) (Blank) ~~Beginning July 1, 1988, the application filed~~
18 ~~with the Secretary of State shall also contain:~~

19 1. ~~The name and type of business organization of the~~
20 ~~applicant and his principal or other places of business;~~

21 2. ~~If the applicant is a corporation, a list of its~~
22 ~~officers, directors, and shareholders having a 10% or greater~~
23 ~~ownership interest in the corporation, setting forth the~~
24 ~~residence address of each; if the applicant is a sole~~
25 ~~proprietorship, a partnership, an unincorporated association,~~
26 ~~a trust, or any similar form of business organization, the~~

1 ~~names and residence address of the proprietor, or of each~~
2 ~~partner, member, officer, director, trustee or manager;~~

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

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

11 ~~(B) The "Certificate of Title Laws" of the Illinois Vehicle~~
12 ~~Code;~~

13 ~~(C) The "Offenses against Registration and Certificates of~~
14 ~~Title Laws" of the Illinois Vehicle Code;~~

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

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

19 ~~(F) The "Retailers Occupation Tax Act";~~

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

1 ~~(A) The "Consumer Finance Act";~~
2 ~~(B) The "Consumer Installment Loan Act";~~
3 ~~(C) The "Retail Installment Sales Act";~~
4 ~~(D) The "Motor Vehicle Retail Installment Sales Act";~~
5 ~~(E) "An Act in relation to the rate of interest and other~~
6 ~~charges in connection with sales on credit and the lending of~~
7 ~~money", approved May 24, 1879, as amended;~~

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

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

13 ~~(H) The "Consumer Fraud Act"; and~~
14 ~~5. A statement that the applicant understands Chapters 1~~
15 ~~through 5 of this Code.~~

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

22 (Source: P.A. 86-444.)

23 (625 ILCS 5/5-403) (from Ch. 95 1/2, par. 5-403)

24 Sec. 5-403. (1) Authorized representatives of the
25 Secretary of State including officers of the Secretary of

1 State's Department of Police, other peace officers, and such
2 other individuals as the Secretary may designate from time to
3 time shall make inspections of individuals and facilities
4 licensed or required to be licensed under Chapter 5 of the
5 Illinois Vehicle Code for the purpose of reviewing records
6 required to be maintained under Chapter 5 for accuracy and
7 completeness and reviewing and examining the premises of the
8 licensee's established or additional place of business for the
9 purpose of determining the accuracy of the required records.
10 Premises that may be inspected in order to determine the
11 accuracy of the books and records required to be kept includes
12 all premises used by the licensee to store vehicles and parts
13 that are reflected by the required books and records.

14 (2) Persons having knowledge of or conducting inspections
15 pursuant to this Chapter shall not in advance of such
16 inspections knowingly notify a licensee or representative of a
17 licensee of the contemplated inspection unless the Secretary or
18 an individual designated by him for this purpose authorizes
19 such notification. Any individual who, without authorization,
20 knowingly violates this subparagraph shall be guilty of a Class
21 A misdemeanor.

22 (3) The licensee or a representative of the licensee shall
23 be entitled to be present during an inspection conducted
24 pursuant to Chapter 5, however, the presence of the licensee or
25 an authorized representative of the licensee is not a condition
26 precedent to such an inspection.

1 (4) Inspection conducted pursuant to Chapter 5 may be
2 initiated at any time that business is being conducted or work
3 is being performed, whether or not open to the public or when
4 the licensee or a representative of the licensee, other than a
5 mere custodian or watchman, is present. The fact that a
6 licensee or representative of the licensee leaves the licensed
7 premises after an inspection has been initiated shall not
8 require the termination of the inspection.

9 (5) Any inspection conducted pursuant to Chapter 5 shall
10 not continue for more than 24 hours after initiation.

11 (6) In the event information comes to the attention of the
12 individuals conducting an inspection that may give rise to the
13 necessity of obtaining a search warrant, and in the event steps
14 are initiated for the procurement of a search warrant, the
15 individuals conducting such inspection may take all necessary
16 steps to secure the premises under inspection until the warrant
17 application is acted upon by a judicial officer.

18 (7) No more than 6 inspections of a premises may be
19 conducted pursuant to Chapter 5 within any 6 month period
20 except pursuant to a search warrant. Notwithstanding this
21 limitation, nothing in this subparagraph (7) shall be construed
22 to limit the authority of law enforcement agents to respond to
23 public complaints of violations of the Code. For the purpose of
24 this subparagraph (7), a public complaint is one in which the
25 complainant identifies himself or herself and sets forth, in
26 writing, the specific basis for their complaint against the

1 licensee. For the purpose of this subparagraph (7), the
2 inspection of records pertaining only to scrap metals, as
3 provided in subdivision (a) (5) of Section 5-401.3 of this Code,
4 shall not be counted as an inspection of a premises.

5 (8) Nothing in this Section shall be construed to limit the
6 authority of individuals by the Secretary pursuant to this
7 Section to conduct searches of licensees pursuant to a duly
8 issued and authorized search warrant.

9 (9) Any licensee who, having been informed by a person
10 authorized to make inspections and examine records under this
11 Section that he desires to inspect records and the licensee's
12 premises as authorized by this Section, refuses either to
13 produce for that person records required to be kept by this
14 Chapter or to permit such authorized person to make an
15 inspection of the premises in accordance with this Section
16 shall subject the license to immediate suspension by the
17 Secretary of State.

18 (10) Beginning July 1, 1988, any person referenced ~~licensed~~
19 under Section 5-302 shall produce for inspection upon demand
20 those records pertaining to the acquisition of salvage vehicles
21 in this State. ~~This inspection may be conducted at the~~
22 ~~principal offices of the Secretary of State.~~

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

24 (625 ILCS 5/5-702) (from Ch. 95 1/2, par. 5-702)

25 Sec. 5-702. No person shall engage in the business of

1 auctioning any vehicles for which a salvage certificate is
2 required by law except to a bidder who is an out-of-state
3 salvage vehicle buyer or who is properly licensed as a
4 rebuilder, automotive parts recycler, or scrap processor ~~or~~
5 ~~out of state salvage buyer~~, as required by Section ~~Sections~~
6 5-301 ~~and 5-302~~ of this Chapter.

7 (Source: P.A. 89-663, eff. 8-14-96.)