



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB0183

Introduced 1/14/2009, by Rep. Edward J. Acevedo

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-301	from Ch. 95 1/2, par. 5-301
625 ILCS 5/5-401.3	from Ch. 95 1/2, par. 5-401.3
625 ILCS 5/5-402.1	from Ch. 95 1/2, par. 5-402.1

Amends the Illinois Vehicle Code. Prohibits a recyclable metal dealer from acquiring or possessing a vehicle, junk vehicle, vehicle cowl, or essential vehicle parts for the purpose of processing them into a form other than a vehicle unless the recyclable metal dealer is also licensed as a scrap processor. Makes various changes regarding: furnishing documentary proof of ownership to a scrap processor; information to be recorded by a scrap processor on a weight ticket or affixed to a weight ticket; maintenance of records by a scrap processor; penalties for failure to record certain information or failure to acquire and maintain documentary proof of ownership; affirmative defenses; admissibility of evidence; disposition of essential parts; and other matters. Provides that a scrap processor who finds a nonconforming vehicle identification number on documentary proof of ownership of a vehicle, junk vehicle, or vehicle cowl provided by a person attempting to dispose of the item shall report the offense to the Secretary of State, and provides for penalties for violations. Prohibits scrap processors from using the Secretary of State Uniform Invoice for any purpose under the Dealers, Transporters, Wreckers and Rebuilders Chapter of the Code, and provides for penalties for violations. Effective immediately.

LRB096 03405 AJT 13428 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning vehicles.

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 changing
5 Sections 5-301, 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
17 license issued to a new vehicle dealer under Section 5-101 of
18 this Code shall also be deemed to be a repairer license.

19 (a-5) No recyclable metal dealer may acquire or possess a
20 vehicle, junk vehicle, vehicle cowl, or essential vehicle
21 parts, as defined by Section 1-118 of this Code, for the
22 purpose of processing them into a form other than a vehicle
23 unless that recyclable metal dealer is also licensed by the

1 Secretary of State as a scrap processor pursuant to this
2 Section. A recyclable metal dealer who fails to obtain a scrap
3 processor's license shall be subject to the provisions of
4 Sections 5-503 and 5-801 of this Code.

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

8 1. The name and type of business organization of the
9 applicant and his principal or additional places of
10 business, if any, in this State.

11 2. The kind or kinds of business enumerated in
12 subsection (a) of this Section to be conducted at each
13 location.

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

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

1 in the business have not committed in the past three years
2 any one violation as determined in any civil or 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 Criminal Code of 1961,
15 Criminal Trespass to Vehicles; or

16 (f) The Retailers Occupation Tax Act.

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

25 (a) The Consumer Finance Act;

26 (b) The Consumer Installment Loan Act;

- 1 (c) The Retail Installment Sales Act;
- 2 (d) The Motor Vehicle Retail Installment Sales
- 3 Act;
- 4 (e) The Interest Act;
- 5 (f) The Illinois Wage Assignment Act;
- 6 (g) Part 8 of Article XII of the Code of Civil
- 7 Procedure; or
- 8 (h) The Consumer Fraud Act.

9 6. An application for a license shall be accompanied by

10 the following fees: \$50 for applicant's established place

11 of business; \$25 for each additional place of business, if

12 any, to which the application pertains; provided, however,

13 that if such an application is made after June 15 of any

14 year, the license fee shall be \$25 for applicant's

15 established place of business plus \$12.50 for each

16 additional place of business, if any, to which the

17 application pertains. License fees shall be returnable

18 only in the event that such application shall be denied by

19 the Secretary of State.

20 7. A statement that the applicant understands Chapter 1

21 through Chapter 5 of this Code.

22 8. A statement that the applicant shall comply with

23 subsection (e) of this Section.

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

25 information contained in any application for a license filed

26 with the Secretary of State shall be amended within 30 days

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

4 (d) Anything in this chapter to the contrary,
5 notwithstanding, no person shall be licensed under this Section
6 unless such person shall maintain 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 thereof, examine an application submitted to him
10 under this Section and unless he makes a determination that the
11 application submitted to him does not conform with the
12 requirements of this Section or that grounds exist for a denial
13 of the application, as prescribed in Section 5-501 of this
14 Chapter, grant the applicant an original license as applied for
15 in writing for his established place of business and a
16 supplemental license in writing for each additional place of
17 business in such form as he may prescribe by rule or regulation
18 which shall 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. A designation of the kind or kinds of business

1 enumerated in subsection (a) of this Section to be
2 conducted at each location;

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

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

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

26 (g) Except as provided in subsection (h) hereof, licenses

1 granted under this Section shall expire by operation of law on
2 December 31 of the calendar year for which they are granted
3 unless sooner revoked or cancelled under the provisions of
4 Section 5-501 of this Chapter.

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

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

15 1. Provide proof that the property on which first time
16 applicants plan to do business is in compliance with local
17 zoning laws and regulations, and a listing of zoning
18 classification;

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

23 3. Provide proof that the applicant for a rebuilder's
24 license complies with the proper workers' compensation
25 rate code or classification for the repair industry or the
26 auto parts recycling industry and listing the code of

1 classification;

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

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

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

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

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

18 1. A statement that the applicant purchases 5 vehicles
19 per year or has 5 hulks or chassis in stock;

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

24 3. Provide proof that applicant complies with the
25 proper workers' compensation rate code or classification,
26 and listing the code of classification; and

1 4. Provide proof that applicant has obtained or applied
2 for the proper State sales tax classification and federal
3 identification tax number, and listing the actual numbers
4 if available.

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

6 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

7 Sec. 5-401.3. Scrap processors required to keep records.

8 (a) Every person licensed or required to be licensed as a
9 scrap processor pursuant to Section 5-301 of this Chapter shall
10 maintain for 3 years, at his established place of business, the
11 following records relating to the acquisition of recyclable
12 metals or the acquisition of a vehicle, junk vehicle, or
13 vehicle cowl which has been acquired for the purpose of
14 processing into a form other than a vehicle, junk vehicle or
15 vehicle cowl which is possessed in the State or brought into
16 this State from another state, territory or country. No scrap
17 metal processor shall sell a vehicle or essential part, as
18 such, except for engines, transmissions, and powertrains,
19 unless licensed to do so under another provision of this Code.
20 A scrap processor who is additionally licensed as an automotive
21 parts recycler shall not be subject to the record keeping
22 requirements for a scrap processor when acting as an automotive
23 parts recycler.

24 (1) For a vehicle, junk vehicle, or vehicle cowl
25 acquired from a person who is licensed under this Chapter,

1 the scrap processor shall record the name and address of
2 the person, and the Illinois or out-of-state dealer license
3 number of such person on the scrap processor's weight
4 ticket at the time of the acquisition. The person disposing
5 of the vehicle, junk vehicle, or vehicle cowl shall furnish
6 the scrap processor with documentary proof of ownership of
7 the vehicle, junk vehicle, or vehicle cowl in one of the
8 following forms: a Certificate of Title, a Salvage
9 Certificate, or a Junking Certificate, ~~a Secretary of State~~
10 ~~Junking Manifest, a Uniform Invoice, a Certificate of~~
11 ~~Purchase, or other similar documentary proof of ownership.~~
12 The scrap processor shall not acquire a vehicle, junk
13 vehicle or vehicle cowl without obtaining one of the
14 aforementioned documentary proofs of ownership.

15 (2) For a vehicle, junk vehicle or vehicle cowl
16 acquired from a person who is not licensed under this
17 Chapter, the scrap processor shall verify and record that
18 person's identity by recording the identification of such
19 person from at least 2 sources of identification, one of
20 which shall be a driver's license or State Identification
21 Card, on the scrap processor's weight ticket at the time of
22 the acquisition. The person disposing of the vehicle, junk
23 vehicle, or vehicle cowl shall furnish the scrap processor
24 with documentary proof of ownership of the vehicle, junk
25 vehicle, or vehicle cowl in one of the following forms: a
26 Certificate of Title, a Salvage Certificate, or a Junking

1 Certificate, ~~a Secretary of State Junking Manifest, a~~
2 ~~Certificate of Purchase, or other similar documentary~~
3 ~~proof of ownership~~. The scrap processor shall not acquire a
4 vehicle, junk vehicle or vehicle cowl without obtaining one
5 of the aforementioned documentary proofs of ownership.

6 (3) In addition to the other information required on
7 the scrap processor's weight ticket, a scrap processor who
8 at the time of acquisition of a vehicle, junk vehicle, or
9 vehicle cowl is furnished a Certificate of Title, a Salvage
10 Certificate, or a Junking Certificate ~~Certificate of~~
11 ~~Purchase~~ shall record the Vehicle Identification Number on
12 the weight ticket or affix a copy of the Certificate of
13 Title, Salvage Certificate, or Junking Certificate
14 ~~Certificate of Purchase~~ to the weight ticket and the
15 identification of the person acquiring the information on
16 the behalf of the scrap processor.

17 (4) The scrap processor shall maintain a copy of a Junk
18 Vehicle Notification relating to any Certificate of Title,
19 Salvage Certificate, or Junking Certificate, ~~Certificate~~
20 ~~of Purchase~~ or similarly acceptable out-of-state document
21 surrendered to the Secretary of State pursuant to the
22 provisions of Section 3-117.2 of this Code.

23 (5) For recyclable metals valued at \$100 or more, the
24 scrap processor shall, for each transaction, record the
25 identity of the person from whom the recyclable metals were
26 acquired by verifying the identification of that person

1 from one source of identification, which shall be a valid
2 driver's license or State Identification Card, on the scrap
3 processor's weight ticket at the time of the acquisition
4 and by making and recording a photocopy or electronic scan
5 of the driver's license or State Identification Card. Such
6 information shall be available for inspection by any law
7 enforcement official. If the person delivering the
8 recyclable metal does not have a valid driver's license or
9 State Identification Card, the scrap processor shall not
10 complete the transaction. The inspection of records
11 pertaining only to recyclable metals shall not be counted
12 as an inspection of a premises for purposes of subparagraph
13 (7) of Section 5-403 of this Code.

14 This subdivision (a)(5) does not apply to electrical
15 contractors, to agencies or instrumentalities of the State
16 of Illinois or of the United States, to common carriers, to
17 purchases from persons, firms, or corporations regularly
18 engaged in the business of manufacturing recyclable metal,
19 in the business of selling recyclable metal at retail or
20 wholesale, or in the business of razing, demolishing,
21 destroying, or removing buildings, to the purchase by one
22 recyclable metal dealer from another, or the purchase from
23 persons, firms, or corporations engaged in either the
24 generation, transmission, or distribution of electric
25 energy or in telephone, telegraph, and other
26 communications if such common carriers, persons, firms, or

1 corporations at the time of the purchase provide the
2 recyclable metal dealer with a bill of sale or other
3 written evidence of title to the recyclable metal. This
4 subdivision (a)(5) also does not apply to contractual
5 arrangements between dealers.

6 (b) Any licensee who knowingly fails to record any of the
7 specific information required to be recorded on the weight
8 ticket required under any other subsection of this Section, or
9 Section 5-401 of this Code, or who knowingly fails to acquire
10 and maintain for 3 years documentary proof of ownership in one
11 of the prescribed forms shall be guilty of a Class A
12 misdemeanor and subject to suspension of his or her license for
13 a period of up to 5 years ~~a fine not to exceed \$1,000~~. Each
14 violation shall constitute a separate and distinct offense and
15 a separate count may be brought in the same complaint for each
16 violation. Any licensee who commits a second violation of this
17 Section within two years of a previous conviction of a
18 violation of this Section shall be guilty of a Class 4 felony.

19 (c) It shall be an affirmative defense to an offense
20 brought under paragraph (b) of this Section that the licensee
21 or person required to be licensed both reasonably and in good
22 faith relied on information appearing on a Certificate of
23 Title, a Salvage Certificate, or a Junking Certificate, ~~a~~
24 ~~Secretary of State Manifest, a Secretary of State's Uniform~~
25 ~~Invoice, a Certificate of Purchase, or other documentary proof~~
26 ~~of ownership prepared under Section 3 117.1(a) of this Code,~~

1 ~~relating to the transaction for which the required record was~~
2 ~~not kept which was supplied to the licensee by another licensee~~
3 ~~or an out-of-state dealer.~~

4 (d) No later than 15 days prior to going out of business,
5 selling the business, or transferring the ownership of the
6 business, the scrap processor shall notify the Secretary of
7 that fact. Failure to so notify the Secretary of State shall
8 constitute a failure to keep records under this Section.

9 (e) (Blank). ~~Evidence derived directly or indirectly from~~
10 ~~the keeping of records required to be kept under this Section~~
11 ~~shall not be admissible in a prosecution of the licensee for an~~
12 ~~alleged violation of Section 4-102(a)(3) of this Code.~~

13 (f) Any scrap processor who finds a nonconforming vehicle
14 identification number on any documentary proof of ownership of
15 a vehicle, junk vehicle, or vehicle cowl provided by the person
16 attempting to dispose of such item shall report the offense to
17 the Secretary of State, including the name of the person
18 attempting to dispose of the vehicle, junk vehicle, or vehicle
19 cowl, the actual vehicle identification number, the
20 nonconforming vehicle number, the vehicle license plate
21 number, a copy of the document used, and the license number of
22 the person or persons involved in the attempted transaction.
23 Any person licensed as a scrap processor pursuant to Section
24 5-301 who is found to be in violation of this subsection or any
25 licensed entity found in violation of this subsection shall be
26 subject to suspension of his, her, or its license for a period

1 of up to 5 years. Any person in violation of this subsection
2 shall be guilty of a Class 2 felony.

3 (Source: P.A. 95-253, eff. 1-1-08; 95-979, eff. 1-2-09.)

4 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

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

7 (a) Except for scrap processors, every person licensed or
8 required to be licensed under Section 5-101, 5-101.1, 5-102 or
9 5-301 of this Code shall issue, in a form the Secretary of
10 State may by rule or regulation prescribe, a Uniform Invoice,
11 which may also act as a bill of sale, made out in triplicate
12 with respect to each transaction in which he disposes of an
13 essential part other than quarter panels and transmissions of
14 vehicles of the first division. Such Invoice shall be made out
15 at the time of the disposition of the essential part. ~~If the~~
16 ~~licensee disposes of several essential parts in the same~~
17 ~~transaction, the licensee may issue one Uniform Invoice~~
18 ~~covering all essential parts disposed of in that transaction.~~

19 (b) The following information shall be contained on the
20 Uniform Invoice:

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

23 (2) the name and address of the person acquiring the
24 essential part, and if that person is a dealer, the
25 Illinois or out-of-state dealer license number of that

1 dealer;

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

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

5 (5) the manufacturer's vehicle identification number,
6 Secretary of State identification number or Illinois
7 Department of State Police identification number, for each
8 essential part disposed of by the person;

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

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

14 (c) Except for scrap processors, and except as set forth in
15 subsection (d) of this Section, whenever a person licensed or
16 required to be licensed by Section 5-101, 5-101.1, 5-102, or
17 5-301 accepts delivery of an essential part, other than quarter
18 panels and transmissions of vehicles of the first division,
19 that person shall, at the time of the acceptance or delivery,
20 comply with the following procedures:

21 (1) Before acquiring or accepting delivery of any
22 essential part, the licensee or his authorized agent or
23 employee shall inspect the part to determine whether the
24 vehicle identification number, Secretary of State
25 identification number, Illinois Department of State Police
26 identification number, or identification plate or sticker

1 attached to or stamped on any part being acquired or
2 delivered has been removed, falsified, altered, defaced,
3 destroyed, or tampered with. If the licensee or his agent
4 or employee determines that the vehicle identification
5 number, Secretary of State identification number, Illinois
6 Department of State Police identification number,
7 identification plate or identification sticker containing
8 an identification number, or Federal Certificate label of
9 an essential part has been removed, falsified, altered,
10 defaced, destroyed or tampered with, the licensee or agent
11 shall not accept or receive that part.

12 If that part was physically acquired by or delivered to
13 a licensee or his agent or employee while that licensee,
14 agent or employee was outside this State, that licensee or
15 agent or employee shall not bring that essential part into
16 this State or cause it to be brought into this State.

17 (2) If the person disposing of or delivering the
18 essential part to the licensee is a licensed in-state or
19 out-of-state dealer, the licensee or his agent or employee,
20 after inspecting the essential part as required by
21 paragraph (1) of this subsection (c), shall examine the
22 Uniform Invoice, or bill of sale, as the case may be, to
23 ensure that it contains all the information required to be
24 provided by persons disposing of essential parts as set
25 forth in subsection (b) of this Section. If the Uniform
26 Invoice or bill of sale does not contain all the

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

1 into this State.

2 (3) If the person disposing of the essential part is
3 not a licensed dealer, the licensee or his agent or
4 employee shall, after inspecting the essential part as
5 required by paragraph (1) of subsection (c) of this Section
6 verify the identity of the person disposing of the
7 essential part by examining 2 sources of identification,
8 one of which shall be either a driver's license or state
9 identification card. The licensee or his agent or employee
10 shall then prepare a Uniform Invoice listing all the
11 information required to be provided by subsection (b) of
12 this Section. In the space on the Uniform Invoice provided
13 for the dealer license number of the person disposing of
14 the part, the licensee or his agent or employee shall list
15 the numbers taken from the documents of identification
16 provided by the person disposing of the part. The person
17 disposing of the part shall affix his printed name and
18 legible signature on the space on the Uniform Invoice
19 provided for the person disposing of the essential part and
20 the licensee or his agent or employee acquiring the part
21 shall affix his printed name and legible signature on the
22 space provided on the Uniform Invoice for the person
23 acquiring the essential part. If the person disposing of
24 the essential part cannot or does not provide all the
25 information required to be provided by this paragraph, or
26 does not present 2 satisfactory forms of identification,

1 the licensee or his agent or employee shall not acquire
2 that essential part.

3 (d) If an essential part other than quarter panels and
4 transmissions of vehicles of the first division was delivered
5 by a licensed commercial delivery service delivering such part
6 on behalf of a licensed dealer, the person required to comply
7 with subsection (c) of this Section may conduct the inspection
8 of that part required by paragraph (1) of subsection (c) and
9 examination of the Uniform Invoice or bill of sale required by
10 paragraph (2) of subsection (c) of this Section immediately
11 after the acceptance of the part.

12 (1) If the inspection of the essential part pursuant to
13 paragraph (1) of subsection (c) reveals that the vehicle
14 identification number, Secretary of State identification
15 number, Illinois Department of State Police identification
16 number, identification plate or sticker containing an
17 identification number, or Federal Certificate label of an
18 essential part has been removed, falsified, altered,
19 defaced, destroyed or tampered with, the licensee or his
20 agent shall immediately record such fact on the Uniform
21 Invoice or bill of sale, assign the part an inventory or
22 stock number, place such inventory or stock number on both
23 the essential part and the Uniform Invoice or bill of sale,
24 and record the date of the inspection of the part on the
25 Uniform Invoice or bill of sale. The licensee shall, within
26 7 days of such inspection, return such part to the dealer

1 from whom it was acquired.

2 (2) If the examination of the Uniform Invoice or bill
3 of sale pursuant to paragraph (2) of subsection (c) reveals
4 that any of the information required to be listed by
5 subsection (b) of this Section is missing, the licensee or
6 person required to be licensed shall immediately assign a
7 stock or inventory number to such part, place such stock or
8 inventory number on both the essential part and the Uniform
9 Invoice or bill of sale, and record the date of examination
10 on the Uniform Invoice or bill of sale. The licensee or
11 person required to be licensed shall acquire the
12 information missing from the Uniform Invoice or bill of
13 sale within 7 days of the examination of such Uniform
14 Invoice or bill of sale. Such information may be received
15 by telephone conversation with the dealer from whom the
16 part was acquired. If the dealer provides the missing
17 information the licensee shall record such information on
18 the Uniform Invoice or bill of sale along with the name of
19 the person providing the information. If the dealer does
20 not provide the required information within the
21 aforementioned 7 day period, the licensee shall return the
22 part to that dealer.

23 (e) Except for scrap processors, all persons licensed or
24 required to be licensed who acquire or dispose of essential
25 parts other than quarter panels and transmissions of vehicles
26 of the first division shall retain a copy of the Uniform

1 Invoice required to be made by subsections (a), (b) and (c) of
2 this Section for a period of 3 years.

3 (f) Except for scrap processors, any person licensed or
4 required to be licensed under Sections 5-101, 5-102 or 5-301
5 who knowingly fails to record on a Uniform Invoice any of the
6 information or entries required to be recorded by subsections
7 (a), (b) and (c) of this Section, or who knowingly places false
8 entries or other misleading information on such Uniform
9 Invoice, or who knowingly fails to retain for 3 years a copy of
10 a Uniform Invoice reflecting transactions required to be
11 recorded by subsections (a), (b) and (c) of this Section, or
12 who knowingly acquires or disposes of essential parts without
13 receiving, issuing, or executing a Uniform Invoice reflecting
14 that transaction as required by subsections (a), (b) and (c) of
15 this Section, or who brings or causes to be brought into this
16 State essential parts for which the information required to be
17 recorded on a Uniform Invoice is not recorded as prohibited by
18 subsection (c) of this Section, or who knowingly fails to
19 comply with the provisions of this Section in any other manner
20 shall be guilty of a Class 2 felony. Each violation shall
21 constitute a separate and distinct offense and a separate count
22 may be brought in the same indictment or information for each
23 essential part for which a record was not kept as required by
24 this Section or for which the person failed to comply with
25 other provisions of this Section.

26 (g) The records required to be kept by this Section may be

1 examined by a person or persons making a lawful inspection of
2 the licensee's premises pursuant to Section 5-403.

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

6 (i) (Blank). ~~The requirements of this Section shall not~~
7 ~~apply to the disposition of an essential part other than a cow~~
8 ~~which has been damaged or altered to a state in which it can no~~
9 ~~longer be returned to a usable condition and which is being~~
10 ~~sold or transferred to a scrap processor or for delivery to a~~
11 ~~scrap processor.~~

12 (j) Scrap processors shall, under no circumstances, be
13 permitted to use the Uniform Invoice for any purpose under this
14 Chapter. Any person found in violation of this subsection (j)
15 shall be guilty of a Class 2 felony.

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

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.