

# HB5117



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

HB5117

Introduced 1/29/2010, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-101  
625 ILCS 5/5-102

from Ch. 95 1/2, par. 5-101  
from Ch. 95 1/2, par. 5-102

Amends the Illinois Vehicle Code. Provides that the licensing fee for a new or used trailer dealer license shall be \$100 for applicant's established place of business (rather than \$1,000) and each additional place of business, if any, to which the application pertains (rather than \$500).

LRB096 16839 AJT 32150 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 1. The purpose of this Act is to promote job growth  
5 and lure truckers back to Illinois.

6 Section 5. The Illinois Vehicle Code is amended by changing  
7 Sections 5-101 and 5-102 as follows:

8 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

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

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

18 (b) An application for a new vehicle dealer's license shall  
19 be filed with the Secretary of State, duly verified by oath, on  
20 such form as the Secretary of State may by rule or regulation  
21 prescribe and shall contain:

22 1. The name and type of business organization of the

1 applicant and his established and additional places of  
2 business, if any, in this State.

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

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

14 4. The name of each manufacturer or franchised  
15 distributor, if any, of new vehicles with whom the  
16 applicant has contracted for the sale of such new vehicles.  
17 As evidence of this fact, the application shall be  
18 accompanied by a signed statement from each such  
19 manufacturer or franchised distributor. If the applicant  
20 is in the business of offering for sale new conversion  
21 vehicles, trucks or vans, except for trucks modified to  
22 serve a special purpose which includes but is not limited  
23 to the following vehicles: street sweepers, fertilizer  
24 spreaders, emergency vehicles, implements of husbandry or  
25 maintenance type vehicles, he must furnish evidence of a  
26 sales and service agreement from both the chassis

1 manufacturer and second stage manufacturer.

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

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

1 exempt from this requirement.

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

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

22 As used in this paragraph 6, a "permitted user" is a  
23 person who, with the permission of the new vehicle dealer  
24 or an employee of the new vehicle dealer, drives a vehicle  
25 owned and held for sale or lease by the new vehicle dealer  
26 which the person is considering to purchase or lease, in

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

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

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

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

21 \$1,000 for applicant's established place of  
22 business, and \$100 for each additional place of  
23 business, if any, to which the application pertains;  
24 but if the application is made after June 15 of any  
25 year, the license fee shall be \$500 for applicant's  
26 established place of business plus \$50 for each

1 additional place of business, if any, to which the  
2 application pertains. License fees shall be returnable  
3 only in the event that the application is denied by the  
4 Secretary of State. All moneys received by the  
5 Secretary of State as license fees under paragraph  
6 (7) (A) of subsection (b) of this Section prior to  
7 applications for the 2004 licensing year shall be  
8 deposited into the Motor Vehicle Review Board Fund and  
9 shall be used to administer the Motor Vehicle Review  
10 Board under the Motor Vehicle Franchise Act. Of the  
11 money received by the Secretary of State as license  
12 fees under paragraph (7) (A) of subsection (b) of this  
13 Section for the 2004 licensing year and thereafter, 10%  
14 shall be deposited into the Motor Vehicle Review Board  
15 Fund and shall be used to administer the Motor Vehicle  
16 Review Board under the Motor Vehicle Franchise Act and  
17 90% shall be deposited into the General Revenue Fund.

18 (B) An application for a new vehicle dealer's  
19 license, other than for a new motor vehicle dealer's  
20 license or a new trailer dealer license, shall be  
21 accompanied by the following license fees:

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

1 established place of business plus \$25 for each  
2 additional place of business, if any, to which the  
3 application pertains. License fees shall be returnable  
4 only in the event that the application is denied by the  
5 Secretary of State. Of the money received by the  
6 Secretary of State as license fees under this  
7 subsection for the 2004 licensing year and thereafter,  
8 95% shall be deposited into the General Revenue Fund.

9 (C) An application for a new trailer dealer license  
10 shall be accompanied by the following license fees:

11 \$100 for applicant's established place of business  
12 and each additional place of business, if any, to which  
13 the application pertains. License fees shall be  
14 returnable only in the event that the application is  
15 denied by the Secretary of State. Of the money received  
16 by the Secretary of State as license fees under this  
17 subsection, 95% shall be deposited into the General  
18 Revenue Fund.

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



1 (A) The Anti Theft Laws of the Illinois Vehicle  
2 Code;

3 (B) The Certificate of Title Laws of the Illinois  
4 Vehicle Code;

5 (C) The Offenses against Registration and  
6 Certificates of Title Laws of the Illinois Vehicle  
7 Code;

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

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

12 (F) The Retailers' Occupation Tax Act.

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

21 (A) The Consumer Finance Act;

22 (B) The Consumer Installment Loan Act;

23 (C) The Retail Installment Sales Act;

24 (D) The Motor Vehicle Retail Installment Sales  
25 Act;

26 (E) The Interest Act;

1 (F) The Illinois Wage Assignment Act;

2 (G) Part 8 of Article XII of the Code of Civil  
3 Procedure; or

4 (H) The Consumer Fraud Act.

5 10. A bond or certificate of deposit in the amount of  
6 \$20,000 for each location at which the applicant intends to  
7 act as a new vehicle dealer. The bond shall be for the term  
8 of the license, or its renewal, for which application is  
9 made, and shall expire not sooner than December 31 of the  
10 year for which the license was issued or renewed. The bond  
11 shall run to the People of the State of Illinois, with  
12 surety by a bonding or insurance company authorized to do  
13 business in this State. It shall be conditioned upon the  
14 proper transmittal of all title and registration fees and  
15 taxes (excluding taxes under the Retailers' Occupation Tax  
16 Act) accepted by the applicant as a new vehicle dealer.

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

20 12. A statement that the applicant understands Chapter  
21 One through Chapter Five of this Code.

22 (c) Any change which renders no longer accurate any  
23 information contained in any application for a new vehicle  
24 dealer's license shall be amended within 30 days after the  
25 occurrence of such change on such form as the Secretary of  
26 State may prescribe by rule or regulation, accompanied by an

1 amendatory fee of \$2.

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

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

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

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

21 1. The name of the person licensed;

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

1 manager;

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

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

8 5. The make or makes of new vehicles which the licensee  
9 is licensed to sell.

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

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

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

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

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

5 1. In the case of a new vehicle a manufacturer's  
6 statement of origin and in the case of a used motor vehicle  
7 a certificate of title, in either case properly assigned to  
8 the purchaser;

9 2. A statement verified under oath that all identifying  
10 numbers on the vehicle agree with those on the certificate  
11 of title or manufacturer's statement of origin;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23           4. A statement that the applicant has complied with the  
24 appropriate liability insurance requirement. A Certificate  
25 of Insurance in a solvent company authorized to do business  
26 in the State of Illinois shall be included with each

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

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



1 insurer shall be the primary insurer and the permitted  
2 user's insurer shall be the secondary insurer.

3 When a permitted user is "test driving" a used vehicle  
4 dealer's automobile, the used vehicle dealer's insurance  
5 shall be primary and the permitted user's insurance shall  
6 be secondary.

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

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

25 As used in this paragraph 4, "loaner purposes" means  
26 when a person who, with the permission of the used vehicle

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

4 5. (A) An application for a used vehicle dealer's  
5 license, other than for a used trailer dealer license,  
6 shall be accompanied by the following license fees:

7 \$1,000 for applicant's established place of business,  
8 and \$50 for each additional place of business, if any, to  
9 which the application pertains; however, if the  
10 application is made after June 15 of any year, the license  
11 fee shall be \$500 for applicant's established place of  
12 business plus \$25 for each additional place of business, if  
13 any, to which the application pertains. License fees shall  
14 be returnable only in the event that the application is  
15 denied by the Secretary of State. Of the money received by  
16 the Secretary of State as license fees under this Section  
17 for the 2004 licensing year and thereafter, 95% shall be  
18 deposited into the General Revenue Fund.

19 (B) An application for a used trailer dealer license  
20 shall be accompanied by the following license fees:

21 \$100 for applicant's established place of business and  
22 each additional place of business, if any, to which the  
23 application pertains. License fees shall be returnable  
24 only in the event that the application is denied by the  
25 Secretary of State. Of the money received by the Secretary  
26 of State as license fees under this subsection, 95% shall

1           be deposited into the General Revenue Fund.

2           6. 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 the past 3 years any one  
7           violation as determined in any civil, criminal or  
8           administrative proceedings of any one of the following  
9           Acts:

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

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

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

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

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

21                   (F) The Retailers' Occupation Tax Act.

22           7. A statement that the applicant's officers,  
23           directors, shareholders having a 10% or greater ownership  
24           interest therein, proprietor, partner, member, officer,  
25           director, trustee, manager or other principals in the  
26           business have not committed in any calendar year 3 or more

1 violations, as determined in any civil or criminal or  
2 administrative proceedings, of any one or more of the  
3 following Acts:

4 (A) The Consumer Finance Act;

5 (B) The Consumer Installment Loan Act;

6 (C) The Retail Installment Sales Act;

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

9 (E) The Interest Act;

10 (F) The Illinois Wage Assignment Act;

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

13 (H) The Consumer Fraud Act.

14 8. A bond or Certificate of Deposit in the amount of  
15 \$20,000 for each location at which the applicant intends to  
16 act as a used vehicle dealer. The bond shall be for the  
17 term of the license, or its renewal, for which application  
18 is made, and shall expire not sooner than December 31 of  
19 the year for which the license was issued or renewed. The  
20 bond shall run to the People of the State of Illinois, with  
21 surety by a bonding or insurance company authorized to do  
22 business in this State. It shall be conditioned upon the  
23 proper transmittal of all title and registration fees and  
24 taxes (excluding taxes under the Retailers' Occupation Tax  
25 Act) accepted by the applicant as a used vehicle dealer.

26 9. Such other information concerning the business of

1 the applicant as the Secretary of State may by rule or  
2 regulation prescribe.

3 10. A statement that the applicant understands Chapter  
4 1 through Chapter 5 of this Code.

5 11. A copy of the certification from the prelicensing  
6 education program.

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

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

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

1 include the following:

2 1. The name of the person licensed;

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

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

11 4. In the case of a supplemental license, the  
12 established place of business of the licensee and the  
13 additional place of business to which such supplemental  
14 license pertains.

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

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

25 (h) A used vehicle dealer's license may be renewed upon  
26 application and payment of the fee required herein, and

1 submission of proof of coverage by an approved bond under the  
2 "Retailers' Occupation Tax Act" or proof that applicant is not  
3 subject to such bonding requirements, as in the case of an  
4 original license, but in case an application for the renewal of  
5 an effective license is made during the month of December, the  
6 effective license shall remain in force until the application  
7 for renewal is granted or denied by the Secretary of State.

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

10 1. A certificate of title properly assigned to the  
11 purchaser;

12 2. A statement verified under oath that all identifying  
13 numbers on the vehicle agree with those on the certificate  
14 of title;

15 3. A bill of sale properly executed on behalf of such  
16 person;

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

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

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

23 (j) A real estate broker holding a valid certificate of  
24 registration issued pursuant to "The Real Estate Brokers and  
25 Salesmen License Act" may engage in the business of selling or  
26 dealing in house trailers not his own without being licensed as

1 a used vehicle dealer under this Section; however such broker  
2 shall maintain a record of the transaction including the  
3 following:

- 4 (1) the name and address of the buyer and seller,
- 5 (2) the date of sale,
- 6 (3) a description of the mobile home, including the  
7 vehicle identification number, make, model, and year, and
- 8 (4) the Illinois certificate of title number.

9 The foregoing records shall be available for inspection by  
10 any officer of the Secretary of State's Office at any  
11 reasonable hour.

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

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

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



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

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

6           3. The date of acquisition of the vehicle;

7           4. The name and address of the person from whom the  
8           vehicle was acquired;

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

14          6. The purchase price of the vehicle.

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

18          (Source: P.A. 95-783, eff. 1-1-09; 96-678, eff. 8-25-09.)