



Sen. Antonio Munoz

**Filed: 4/29/2009**

09600SB0941sam001

LRB096 07050 AJT 25453 a

1 AMENDMENT TO SENATE BILL 941

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 941 by replacing  
3 everything after the enacting clause with the following:

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

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

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

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

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

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

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

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

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

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

1 organization, the names and residence address of the  
2 proprietor or of each partner, member, officer, director,  
3 trustee or manager.

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

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

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

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

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

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

23 (f) The Retailers Occupation Tax Act.

24 5. A statement that the applicant's officers,  
25 directors, shareholders having a ten percent or greater  
26 ownership interest therein, proprietor, partner, member,

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

6 (a) The Consumer Finance Act;

7 (b) The Consumer Installment Loan Act;

8 (c) The Retail Installment Sales Act;

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

11 (e) The Interest Act;

12 (f) The Illinois Wage Assignment Act;

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

15 (h) The Consumer Fraud Act.

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

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

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

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

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

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

26           1. The name of the person licensed;

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

7           3. A designation of the kind or kinds of business  
8 enumerated in subsection (a) of this Section to be  
9 conducted at each location;

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

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

16          (f) The appropriate instrument evidencing the license or a  
17 certified copy thereof, provided by the Secretary of State  
18 shall be kept, posted, conspicuously in the established place  
19 of business of the licensee and in each additional place of  
20 business, if any, maintained by such licensee. The licensee  
21 also shall post conspicuously in the established place of  
22 business and in each additional place of business a notice  
23 which states that such business is required to be licensed by  
24 the Secretary of State under Section 5-301, and which provides  
25 the license number of the business and the license expiration  
26 date. This notice also shall advise the consumer that any

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

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

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

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

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

26 2. Provide proof that the applicant for a repairer's

1 license complies with the proper workers' compensation  
2 rate code or classification, and listing the code of  
3 classification for that industry;

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

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

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

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

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

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

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



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

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

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

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

13 (625 ILCS 5/5-401.3) (from Ch. 95 1/2, par. 5-401.3)

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

15 (a) Every person licensed or required to be licensed as a  
16 scrap processor pursuant to Section 5-301 of this Chapter shall  
17 maintain for 3 years, at his established place of business, the  
18 following records relating to the acquisition of recyclable  
19 metals or the acquisition of a vehicle, junk vehicle, or  
20 vehicle cowl which has been acquired for the purpose of  
21 processing into a form other than a vehicle, junk vehicle or  
22 vehicle cowl which is possessed in the State or brought into  
23 this State from another state, territory or country. No scrap  
24 metal processor shall sell a vehicle or essential part, as  
25 such, except for engines, transmissions, and powertrains,

1 unless licensed to do so under another provision of this Code.  
2 A scrap processor who is additionally licensed as an automotive  
3 parts recycler shall not be subject to the record keeping  
4 requirements for a scrap processor when acting as an automotive  
5 parts recycler.

6 (1) For a vehicle, junk vehicle, or vehicle cowl  
7 acquired from a person who is licensed under this Chapter,  
8 the scrap processor shall record the name and address of  
9 the person, and the Illinois or out-of-state dealer license  
10 number of such person on the scrap processor's weight  
11 ticket at the time of the acquisition. The person disposing  
12 of the vehicle, junk vehicle, or vehicle cowl shall furnish  
13 the scrap processor with documentary proof of ownership of  
14 the vehicle, junk vehicle, or vehicle cowl in one of the  
15 following forms: a Certificate of Title, a Salvage  
16 Certificate, or a Junking Certificate, ~~a Secretary of State~~  
17 ~~Junking Manifest, a Uniform Invoice, a Certificate of~~  
18 ~~Purchase, or other similar documentary proof of ownership.~~

19 The scrap processor shall not acquire a vehicle, junk  
20 vehicle or vehicle cowl without obtaining one of the  
21 aforementioned documentary proofs of ownership.

22 (2) For a vehicle, junk vehicle or vehicle cowl  
23 acquired from a person who is not licensed under this  
24 Chapter, the scrap processor shall verify and record that  
25 person's identity by recording the identification of such  
26 person from at least 2 sources of identification, one of

1 which shall be a driver's license or State Identification  
2 Card, on the scrap processor's weight ticket at the time of  
3 the acquisition. The person disposing of the vehicle, junk  
4 vehicle, or vehicle cowl shall furnish the scrap processor  
5 with documentary proof of ownership of the vehicle, junk  
6 vehicle, or vehicle cowl in one of the following forms: a  
7 Certificate of Title, a Salvage Certificate, or a Junking  
8 Certificate, ~~a Secretary of State Junking Manifest, a~~  
9 ~~Certificate of Purchase, or other similar documentary~~  
10 ~~proof of ownership~~. The scrap processor shall not acquire a  
11 vehicle, junk vehicle or vehicle cowl without obtaining one  
12 of the aforementioned documentary proofs of ownership.

13 (3) In addition to the other information required on  
14 the scrap processor's weight ticket, a scrap processor who  
15 at the time of acquisition of a vehicle, junk vehicle, or  
16 vehicle cowl is furnished a Certificate of Title, a Salvage  
17 Certificate, or a Junking Certificate ~~Certificate of~~  
18 ~~Purchase~~ shall record the Vehicle Identification Number on  
19 the weight ticket or affix a copy of the Certificate of  
20 Title, Salvage Certificate, or Junking Certificate  
21 ~~Certificate of Purchase~~ to the weight ticket and the  
22 identification of the person acquiring the information on  
23 the behalf of the scrap processor.

24 (4) The scrap processor shall maintain a copy of a Junk  
25 Vehicle Notification relating to any Certificate of Title,  
26 Salvage Certificate, or Junking Certificate, ~~Certificate~~

1 ~~of Purchase~~ or similarly acceptable out-of-state document  
2 surrendered to the Secretary of State pursuant to the  
3 provisions of Section 3-117.2 of this Code.

4 (5) For recyclable metals valued at \$100 or more, the  
5 scrap processor shall, for each transaction, record the  
6 identity of the person from whom the recyclable metals were  
7 acquired by verifying the identification of that person  
8 from one source of identification, which shall be a valid  
9 driver's license or State Identification Card, on the scrap  
10 processor's weight ticket at the time of the acquisition  
11 and by making and recording a photocopy or electronic scan  
12 of the driver's license or State Identification Card. Such  
13 information shall be available for inspection by any law  
14 enforcement official. If the person delivering the  
15 recyclable metal does not have a valid driver's license or  
16 State Identification Card, the scrap processor shall not  
17 complete the transaction. The inspection of records  
18 pertaining only to recyclable metals shall not be counted  
19 as an inspection of a premises for purposes of subparagraph  
20 (7) of Section 5-403 of this Code.

21 This subdivision (a) (5) does not apply to electrical  
22 contractors, to agencies or instrumentalities of the State  
23 of Illinois or of the United States, to common carriers, to  
24 purchases from persons, firms, or corporations regularly  
25 engaged in the business of manufacturing recyclable metal,  
26 in the business of selling recyclable metal at retail or

1       wholesale, or in the business of razing, demolishing,  
2       destroying, or removing buildings, to the purchase by one  
3       recyclable metal dealer from another, or the purchase from  
4       persons, firms, or corporations engaged in either the  
5       generation, transmission, or distribution of electric  
6       energy or in telephone, telegraph, and other  
7       communications if such common carriers, persons, firms, or  
8       corporations at the time of the purchase provide the  
9       recyclable metal dealer with a bill of sale or other  
10      written evidence of title to the recyclable metal. This  
11      subdivision (a)(5) also does not apply to contractual  
12      arrangements between dealers.

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

26      (c) It shall be an affirmative defense to an offense

1 brought under paragraph (b) of this Section that the licensee  
2 or person required to be licensed both reasonably and in good  
3 faith relied on information appearing on a Certificate of  
4 Title, a Salvage Certificate, or a Junking Certificate, ~~a~~  
5 ~~Secretary of State Manifest, a Secretary of State's Uniform~~  
6 ~~Invoice, a Certificate of Purchase, or other documentary proof~~  
7 ~~of ownership prepared under Section 3 117.1(a) of this Code,~~  
8 ~~relating to the transaction for which the required record was~~  
9 ~~not kept which was supplied to the licensee by another licensee~~  
10 ~~or an out-of-state dealer.~~

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

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

20 (f) Any scrap processor who finds a nonconforming vehicle  
21 identification number on any documentary proof of ownership of  
22 a vehicle, junk vehicle, or vehicle cowl provided by the person  
23 attempting to dispose of such item shall report the offense to  
24 the Secretary of State, including the name of the person  
25 attempting to dispose of the vehicle, junk vehicle, or vehicle  
26 cowl, the actual vehicle identification number, the

1 nonconforming vehicle number, the vehicle license plate  
2 number, a copy of the document used, and the license number of  
3 the person or persons involved in the attempted transaction.  
4 Any person licensed as a scrap processor pursuant to Section  
5 5-301 who is found to be in violation of this subsection or any  
6 licensed entity found in violation of this subsection shall be  
7 subject to suspension of his, her, or its license for a period  
8 of up to 5 years. Any person in violation of this subsection  
9 shall be guilty of a Class 2 felony.

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

11 (625 ILCS 5/5-402.1) (from Ch. 95 1/2, par. 5-402.1)

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

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

1 (b) The following information shall be contained on the  
2 Uniform Invoice:

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

5 (2) the name and address of the person acquiring the  
6 essential part, and if that person is a dealer, the  
7 Illinois or out-of-state dealer license number of that  
8 dealer;

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

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

12 (5) the manufacturer's vehicle identification number,  
13 Secretary of State identification number or Illinois  
14 Department of State Police identification number, for each  
15 essential part disposed of by the person;

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

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

21 (c) Except for scrap processors, and except as set forth in  
22 subsection (d) of this Section, whenever a person licensed or  
23 required to be licensed by Section 5-101, 5-101.1, 5-102, or  
24 5-301 accepts delivery of an essential part, other than quarter  
25 panels and transmissions of vehicles of the first division,  
26 that person shall, at the time of the acceptance or delivery,



1 comply with the following procedures:

2 (1) Before acquiring or accepting delivery of any  
3 essential part, the licensee or his authorized agent or  
4 employee shall inspect the part to determine whether the  
5 vehicle identification number, Secretary of State  
6 identification number, Illinois Department of State Police  
7 identification number, or identification plate or sticker  
8 attached to or stamped on any part being acquired or  
9 delivered has been removed, falsified, altered, defaced,  
10 destroyed, or tampered with. If the licensee or his agent  
11 or employee determines that the vehicle identification  
12 number, Secretary of State identification number, Illinois  
13 Department of State Police identification number,  
14 identification plate or identification sticker containing  
15 an identification number, or Federal Certificate label of  
16 an essential part has been removed, falsified, altered,  
17 defaced, destroyed or tampered with, the licensee or agent  
18 shall not accept or receive that part.

19 If that part was physically acquired by or delivered to  
20 a licensee or his agent or employee while that licensee,  
21 agent or employee was outside this State, that licensee or  
22 agent or employee shall not bring that essential part into  
23 this State or cause it to be brought into this State.

24 (2) If the person disposing of or delivering the  
25 essential part to the licensee is a licensed in-state or  
26 out-of-state dealer, the licensee or his agent or employee,

1 after inspecting the essential part as required by  
2 paragraph (1) of this subsection (c), shall examine the  
3 Uniform Invoice, or bill of sale, as the case may be, to  
4 ensure that it contains all the information required to be  
5 provided by persons disposing of essential parts as set  
6 forth in subsection (b) of this Section. If the Uniform  
7 Invoice or bill of sale does not contain all the  
8 information required to be listed by subsection (b) of this  
9 Section, the dealer disposing of or delivering such part or  
10 his agent or employee shall record such additional  
11 information or other needed modifications on the Uniform  
12 Invoice or bill of sale or, if needed, an attachment  
13 thereto. The dealer or his agent or employee delivering the  
14 essential part shall initial all additions or  
15 modifications to the Uniform Invoice or bill of sale and  
16 legibly print his name at the bottom of each document  
17 containing his initials. If the transaction involves a bill  
18 of sale rather than a Uniform Invoice, the licensee or his  
19 agent or employee accepting delivery of or acquiring the  
20 essential part shall affix his printed name and legible  
21 signature on the space on the bill of sale provided for his  
22 signature or, if no space is provided, on the back of the  
23 bill of sale. If the dealer or his agent or employee  
24 disposing of or delivering the essential part cannot or  
25 does not provide all the information required by subsection  
26 (b) of this Section, the licensee or his agent or employee

1 shall not accept or receive any essential part for which  
2 that required information is not provided. If such  
3 essential part for which the information required is not  
4 fully provided was physically acquired while the licensee  
5 or his agent or employee was outside this State, the  
6 licensee or his agent or employee shall not bring that  
7 essential part into this State or cause it to be brought  
8 into this State.

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

1 the licensee or his agent or employee acquiring the part  
2 shall affix his printed name and legible signature on the  
3 space provided on the Uniform Invoice for the person  
4 acquiring the essential part. If the person disposing of  
5 the essential part cannot or does not provide all the  
6 information required to be provided by this paragraph, or  
7 does not present 2 satisfactory forms of identification,  
8 the licensee or his agent or employee shall not acquire  
9 that essential part.

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

19 (1) If the inspection of the essential part pursuant to  
20 paragraph (1) of subsection (c) reveals that the vehicle  
21 identification number, Secretary of State identification  
22 number, Illinois Department of State Police identification  
23 number, identification plate or sticker containing an  
24 identification number, or Federal Certificate label of an  
25 essential part has been removed, falsified, altered,  
26 defaced, destroyed or tampered with, the licensee or his

1 agent shall immediately record such fact on the Uniform  
2 Invoice or bill of sale, assign the part an inventory or  
3 stock number, place such inventory or stock number on both  
4 the essential part and the Uniform Invoice or bill of sale,  
5 and record the date of the inspection of the part on the  
6 Uniform Invoice or bill of sale. The licensee shall, within  
7 7 days of such inspection, return such part to the dealer  
8 from whom it was acquired.

9 (2) If the examination of the Uniform Invoice or bill  
10 of sale pursuant to paragraph (2) of subsection (c) reveals  
11 that any of the information required to be listed by  
12 subsection (b) of this Section is missing, the licensee or  
13 person required to be licensed shall immediately assign a  
14 stock or inventory number to such part, place such stock or  
15 inventory number on both the essential part and the Uniform  
16 Invoice or bill of sale, and record the date of examination  
17 on the Uniform Invoice or bill of sale. The licensee or  
18 person required to be licensed shall acquire the  
19 information missing from the Uniform Invoice or bill of  
20 sale within 7 days of the examination of such Uniform  
21 Invoice or bill of sale. Such information may be received  
22 by telephone conversation with the dealer from whom the  
23 part was acquired. If the dealer provides the missing  
24 information the licensee shall record such information on  
25 the Uniform Invoice or bill of sale along with the name of  
26 the person providing the information. If the dealer does

1 not provide the required information within the  
2 aforementioned 7 day period, the licensee shall return the  
3 part to that dealer.

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

10 (f) Except for scrap processors, any person licensed or  
11 required to be licensed under Sections 5-101, 5-102 or 5-301  
12 who knowingly fails to record on a Uniform Invoice any of the  
13 information or entries required to be recorded by subsections  
14 (a), (b) and (c) of this Section, or who knowingly places false  
15 entries or other misleading information on such Uniform  
16 Invoice, or who knowingly fails to retain for 3 years a copy of  
17 a Uniform Invoice reflecting transactions required to be  
18 recorded by subsections (a), (b) and (c) of this Section, or  
19 who knowingly acquires or disposes of essential parts without  
20 receiving, issuing, or executing a Uniform Invoice reflecting  
21 that transaction as required by subsections (a), (b) and (c) of  
22 this Section, or who brings or causes to be brought into this  
23 State essential parts for which the information required to be  
24 recorded on a Uniform Invoice is not recorded as prohibited by  
25 subsection (c) of this Section, or who knowingly fails to  
26 comply with the provisions of this Section in any other manner

1 shall be guilty of a Class 2 felony. Each violation shall  
2 constitute a separate and distinct offense and a separate count  
3 may be brought in the same indictment or information for each  
4 essential part for which a record was not kept as required by  
5 this Section or for which the person failed to comply with  
6 other provisions of this Section.

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

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

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

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

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

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law."