



## 97TH GENERAL ASSEMBLY

### State of Illinois

### 2011 and 2012

### HB2912

Introduced 2/23/2011, 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.

LRB097 08953 HEP 49086 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.