

HB2773



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB2773

Introduced 2/21/2013, by Rep. Donald L. Moffitt

SYNOPSIS AS INTRODUCED:

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

Amends the Illinois Vehicle Code. Changes the fee schedule for new and used vehicle dealers that is charged for inclusion in the Dealer Recovery Trust Fund to a graduated payment schedule based on the number of cars sold in the previous year. Provides that the fees for renewal of license are (i) \$150 for automobile dealers selling fewer than 200 automobiles per year, (ii) \$300 for automobile dealers selling 200 or more automobiles but less than 300 automobiles per year, and (iii) \$500 for automobile dealers selling 300 or more automobiles a year.

LRB098 08411 MLW 38517 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 5. The Illinois Vehicle Code is amended by changing
5 Sections 5-101 and 5-102 as follows:

6 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

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

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

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

20 1. The name and type of business organization of the
21 applicant and his established and additional places of
22 business, if any, in this State.

23 2. If the applicant is a corporation, a list of its

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

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

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

25 5. A statement that the applicant has been approved for
26 registration under the Retailers' Occupation Tax Act by the

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

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

25 If the permitted user has a liability insurance policy
26 that provides automobile liability insurance coverage of

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

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

19 As used in this paragraph 6, a "permitted user" is a
20 person who, with the permission of the new vehicle dealer
21 or an employee of the new vehicle dealer, drives a vehicle
22 owned and held for sale or lease by the new vehicle dealer
23 which the person is considering to purchase or lease, in
24 order to evaluate the performance, reliability, or
25 condition of the vehicle. The term "permitted user" also
26 includes a person who, with the permission of the new

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

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

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

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

18 (i) \$1,000 for applicant's established place of
19 business, and \$100 for each additional place of
20 business, if any, to which the application pertains;
21 but if the application is made after June 15 of any
22 year, the license fee shall be \$500 for applicant's
23 established place of business plus \$50 for each
24 additional place of business, if any, to which the
25 application pertains. License fees shall be returnable
26 only in the event that the application is denied by the

1 Secretary of State. All moneys received by the
2 Secretary of State as license fees under this
3 subparagraph (i) prior to applications for the 2004
4 licensing year shall be deposited into the Motor
5 Vehicle Review Board Fund and shall be used to
6 administer the Motor Vehicle Review Board under the
7 Motor Vehicle Franchise Act. Of the money received by
8 the Secretary of State as license fees under this
9 subparagraph (i) for the 2004 licensing year and
10 thereafter, 10% shall be deposited into the Motor
11 Vehicle Review Board Fund and shall be used to
12 administer the Motor Vehicle Review Board under the
13 Motor Vehicle Franchise Act and 90% shall be deposited
14 into the General Revenue Fund.

15 (ii) Except as provided in subsection (h) of
16 Section 5-102.7 of this Code, an Annual Dealer Recovery
17 Fund Fee. For applications for the initial issuance of
18 a dealer's license, the fee shall be in the amount of
19 \$500 for the applicant's established place of
20 business, and \$50 for each additional place of
21 business, if any, to which the application pertains;
22 but if the application is made after June 15 of any
23 year, the fee shall be \$250 for the applicant's
24 established place of business plus \$25 for each
25 additional place of business, if any, to which the
26 application pertains. For a license renewal

1 application, the fee shall be based on the amount of
2 automobiles sold in past year according to the
3 following formula:

4 (1) \$150 for dealers selling fewer than 200
5 automobiles;

6 (2) \$300 for dealers selling 200 or more
7 automobiles but less than 300 automobiles; and

8 (3) \$500 for dealers selling 300 or more
9 automobiles.

10 License fees shall be returnable only in the event
11 that the application is denied by the Secretary of
12 State. Moneys received under this subparagraph (ii)
13 shall be deposited into the Dealer Recovery Trust Fund.

14 (B) An application for a new vehicle dealer's license,
15 other than for a new motor vehicle dealer's license, shall
16 be accompanied by the following license fees:

17 (i) \$1,000 for applicant's established place of
18 business, and \$50 for each additional place of
19 business, if any, to which the application pertains;
20 but if the application is made after June 15 of any
21 year, the license fee shall be \$500 for applicant's
22 established place of business plus \$25 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 the application is denied by the
26 Secretary of State. Of the money received by the

1 Secretary of State as license fees under this
2 subparagraph (i) for the 2004 licensing year and
3 thereafter, 95% shall be deposited into the General
4 Revenue Fund.

5 (ii) Except as provided in subsection (h) of
6 Section 5-102.7 of this Code, an Annual Dealer Recovery
7 Fund Fee in the amount of \$500 for the applicant's
8 established place of business, and \$50 for each
9 additional place of business, if any, to which the
10 application pertains; but if the application is made
11 after June 15 of any year, the fee shall be \$250 for
12 the applicant's established place of business plus \$25
13 for each additional place of business, if any, to which
14 the application pertains. License fees shall be
15 returnable only in the event that the application is
16 denied by the Secretary of State. Moneys received under
17 this subparagraph (ii) shall be deposited into the
18 Dealer Recovery Trust 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 or
11 the Criminal Code of 2012, Criminal Trespass to
12 Vehicles; or

13 (F) The Retailers' Occupation Tax Act.

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

22 (A) The Consumer Finance Act;

23 (B) The Consumer Installment Loan Act;

24 (C) The Retail Installment Sales Act;

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

- 1 (E) The Interest Act;
- 2 (F) The Illinois Wage Assignment Act;
- 3 (G) Part 8 of Article XII of the Code of Civil
- 4 Procedure; or
- 5 (H) The Consumer Fraud Act.

6 10. A bond or certificate of deposit in the amount of

7 \$20,000 for each location at which the applicant intends to

8 act as a new vehicle dealer. The bond shall be for the term

9 of the license, or its renewal, for which application is

10 made, and shall expire not sooner than December 31 of the

11 year for which the license was issued or renewed. The bond

12 shall run to the People of the State of Illinois, with

13 surety by a bonding or insurance company authorized to do

14 business in this State. It shall be conditioned upon the

15 proper transmittal of all title and registration fees and

16 taxes (excluding taxes under the Retailers' Occupation Tax

17 Act) accepted by the applicant as a new vehicle dealer.

18 11. Such other information concerning the business of

19 the applicant as the Secretary of State may by rule or

20 regulation prescribe.

21 12. A statement that the applicant understands Chapter

22 One through Chapter Five of this Code.

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

24 information contained in any application for a new vehicle

25 dealer's license shall be amended within 30 days after the

26 occurrence of such change on such form as the Secretary of

1 State may prescribe by rule or regulation, accompanied by an
2 amendatory fee of \$2.

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

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

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

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

22 1. The name of the person licensed;

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

1 each partner, member, officer, director, trustee or
2 manager;

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

5 4. 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 5. The make or makes of new vehicles which the licensee
10 is licensed to sell.

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

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

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

1 an effective license is made during the month of December, the
2 effective license shall remain in force until the application
3 is granted or denied by the Secretary of State.

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

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

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

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

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

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

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

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

1 copy for 30 days.

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

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

8 (Source: P.A. 97-480, eff. 10-1-11; 97-1150, eff. 1-25-13.)

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

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

20 (B) Except as provided in subsection (h) of Section
21 5-102.7 of this Code, an Annual Dealer Recovery Fund
22 Fee. For applications for the initial issuance of a
23 dealer's license, the fee shall be ~~in the amount of~~
24 \$500 for the applicant's established place of
25 business, and \$50 for each additional place of
26 business, if any, to which the application pertains;

1 but if the application is made after June 15 of any
2 year, the fee shall be \$250 for the applicant's
3 established place of business plus \$25 for each
4 additional place of business, if any, to which the
5 application pertains. For a license renewal
6 application, the fee shall be based on the amount of
7 automobiles sold in past year according to the
8 following formula:

9 (1) \$150 for dealers selling fewer than 200
10 automobiles;

11 (2) \$300 for dealers selling 200 or more
12 automobiles but less than 300 automobiles; and

13 (3) \$500 for dealers selling 300 or more
14 automobiles.

15 License fees shall be returnable only in the event
16 that the application is denied by the Secretary of
17 State. Moneys received under this subparagraph (B)
18 shall be deposited into the Dealer Recovery Trust Fund.

19 6. A statement that the applicant's officers,
20 directors, shareholders having a 10% or greater ownership
21 interest therein, proprietor, 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 Illinois Criminal Code of
11 1961 or the Criminal Code of 2012, Criminal Trespass to
12 Vehicles; or

13 (F) The Retailers' Occupation Tax Act.

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

22 (A) The Consumer Finance Act;

23 (B) The Consumer Installment Loan Act;

24 (C) The Retail Installment Sales Act;

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

- 1 (E) The Interest Act;
- 2 (F) The Illinois Wage Assignment Act;
- 3 (G) Part 8 of Article XII of the Code of Civil
4 Procedure; or
- 5 (H) The Consumer Fraud Act.

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

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

21 10. A statement that the applicant understands Chapter
22 1 through Chapter 5 of this Code.

23 11. A copy of the certification from the prelicensing
24 education program.

25 (c) Any change which renders no longer accurate any
26 information contained in any application for a used vehicle

1 dealer's license shall be amended within 30 days after the
2 occurrence of each change on such form as the Secretary of
3 State may prescribe by rule or regulation, accompanied by an
4 amendatory fee of \$2.

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

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

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

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

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

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

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

17 (h) A used vehicle dealer's license may be renewed upon
18 application and payment of the fee required herein, and
19 submission of proof of coverage by an approved bond under the
20 "Retailers' Occupation Tax Act" or proof that applicant is not
21 subject to such bonding requirements, as in the case of an
22 original license, but in case an application for the renewal of
23 an effective license is made during the month of December, the
24 effective license shall remain in force until the application
25 for renewal is granted or denied by the Secretary of State.

26 (i) All persons licensed as a used vehicle dealer are

1 required to furnish each purchaser of a motor vehicle:

2 1. A certificate of title properly assigned to the
3 purchaser;

4 2. A statement verified under oath that all identifying
5 numbers on the vehicle agree with those on the certificate
6 of title;

7 3. A bill of sale properly executed on behalf of such
8 person;

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

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

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

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

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

23 (2) the date of sale,

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

26 (4) the Illinois certificate of title number.

1 The foregoing records shall be available for inspection by
2 any officer of the Secretary of State's Office at any
3 reasonable hour.

4 (k) Except at the time of sale or repossession of the
5 vehicle, no person licensed as a used vehicle dealer may issue
6 any other person a newly created key to a vehicle unless the
7 used vehicle dealer makes a copy of the driver's license or
8 State identification card of the person requesting or obtaining
9 the newly created key. The used vehicle dealer must retain the
10 copy for 30 days.

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

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

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

21 2. The vehicle's manufacturer's identification number
22 or, if applicable, the Secretary of State or Illinois
23 Department of State Police identification number;

24 3. The date of acquisition of the vehicle;

25 4. The name and address of the person from whom the
26 vehicle was acquired;

1 5. The name and address of the person to whom any
2 vehicle was disposed, the person's Illinois license number
3 or if the person is an out-of-state salvage vehicle buyer,
4 the license number from the state or jurisdiction where the
5 buyer is licensed; and

6 6. The purchase price of the vehicle.

7 The register shall be submitted to the Secretary of State
8 via written or electronic means within 10 calendar days from
9 the date of the auction.

10 (Source: P.A. 96-678, eff. 8-25-09; 97-480, eff. 10-1-11;
11 97-1150, eff. 1-25-13.)