



Sen. John M. Sullivan

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1 AMENDMENT TO SENATE BILL 1702

2 AMENDMENT NO. _____. Amend Senate Bill 1702 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 5-401.2 and by adding Section 5-101.2 as
6 follows:

7 (625 ILCS 5/5-101.2 new)

8 Sec. 5-101.2. Manufactured home dealers; licensing.

9 (a) For the purposes of this Section, the following words
10 shall have the meanings ascribed to them as follows:

11 "Community-based manufactured home dealer" means an
12 individual or entity that operates a tract of land or 2 or
13 more contiguous tracts of land which contain sites with the
14 necessary utilities for 5 or more independent manufactured
15 homes for permanent habitation, either free of charge or
16 for revenue purposes, and shall include any building,

1 structure, vehicle, or enclosure used or intended for use
2 as a part of the equipment of the manufactured home park
3 who may, incidental to the operation of the manufactured
4 home community, sell, trade, or buy a manufactured home or
5 park model that is located within the manufactured home
6 community or is located in a different manufactured home
7 community that is owned or managed by the community-based
8 manufactured home dealer.

9 "Established place of business" means the place owned
10 or leased and occupied by any person duly licensed or
11 required to be licensed as a manufactured home dealer or a
12 community-based manufactured home dealer for the purpose
13 of engaging in selling, buying, bartering, displaying,
14 exchanging, or dealing in, on consignment or otherwise,
15 manufactured homes or park models and for such other
16 ancillary purposes as may be permitted by the Secretary by
17 rule. An established place of business shall include a
18 single or central office in which the manufactured home
19 dealer's or community-based manufactured home dealer's
20 records shall be separate and distinct from any other
21 business or tenant which may occupy space in the same
22 building, except as provided in this Section, and the
23 office shall not be located in a tent, temporary stand,
24 temporary address, room or rooms in a hotel or rooming
25 house, nor the premises occupied by a single or multiple
26 unit residence, unless the multiple unit residence has a

1 separate and distinct office.

2 "Manufactured home" means a factory assembled
3 structure built on a permanent chassis, transportable in
4 one or more sections in the travel mode, incapable of
5 self-propulsion, and bears a label indicating the
6 manufacturer's compliance with the United States
7 Department of Housing and Urban Development standards, as
8 applicable, that is without a permanent foundation and is
9 designed for year round occupancy as a single-family
10 residence when connected to approved water, sewer, and
11 electrical utilities.

12 "Manufactured home dealer" means an individual or
13 entity that engages in the business of acquiring or
14 disposing of a manufactured home or park model, either a
15 new manufactured home or park model, pursuant to a
16 franchise agreement with a manufacturer, or used
17 manufactured homes or park models, and who has an
18 established place of business that is not in a residential
19 community-based setting.

20 "Park model" means a vehicle that is incapable of
21 self-propulsion that is less than 400 square feet of
22 habitable space that is built to American National
23 Standards Institute (ANSI) standards that prohibits
24 occupancy on a permanent basis and is built on a vehicle
25 chassis.

26 "Supplemental license" means a license that a

1 community-based manufactured home dealer receives and
2 displays at locations in which the licensee is authorized
3 to sell, buy, barter, display, exchange, or deal in, on
4 consignment or otherwise, manufactured homes or park
5 models, but is not the established place of business of the
6 licensee.

7 (b) No person shall engage in this State in the business of
8 selling or dealing in, on consignment or otherwise,
9 manufactured homes or park models of any make, or act as an
10 intermediary, agent, or broker for any manufactured home or
11 park model purchaser, other than as a salesperson or to
12 represent or advertise that he or she is so engaged, or intends
13 to so engage, in the business, unless licensed to do so by the
14 Secretary of State under the provisions of this Section.

15 (c) An application for a manufactured home dealer's license
16 or a community-based manufactured home dealer's license shall
17 be filed with the Secretary of State and duly verified by oath,
18 on such form as the Secretary of State may by rule prescribe
19 and shall contain all of the following:

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

23 (2) If the applicant is a corporation, a list of its
24 officers, directors, and shareholders having a 10% or
25 greater ownership interest in the corporation. If the
26 applicant is a sole proprietorship, a partnership, a

1 limited liability company, an unincorporated association,
2 a trust, or any similar form of business organization, the
3 name and residence address of the proprietor, or the name
4 and residence address of each partner, member, officer,
5 director, trustee, or manager.

6 (3) The make or makes of new manufactured homes or park
7 models that the applicant will offer for sale at retail in
8 the State.

9 (4) The name of each manufacturer or franchised
10 distributor, if any, of new manufactured homes or park
11 models with whom the applicant has contracted for the sale
12 of new manufactured homes or park models. As evidence of
13 this fact, the application shall be accompanied by a signed
14 statement from each manufacturer or franchised
15 distributor.

16 (5) A statement that the applicant has been approved
17 for registration under the Retailers' Occupation Tax Act by
18 the Department of Revenue, provided that this requirement
19 does not apply to a manufactured home dealer who is already
20 licensed with the Secretary of State, and who is merely
21 applying for a renewal of his or her license. As evidence
22 of this fact, the application shall be accompanied by a
23 certification from the Department of Revenue showing that
24 the Department has approved the applicant for registration
25 under the Retailers' Occupation Tax Act.

26 (6) An application for:

1 (A) a manufactured home dealer's license, when the
2 applicant is selling new manufactured homes or park
3 models on behalf of a manufacturer of manufactured
4 homes or park models, or 5 or more used manufactured
5 homes or park models during the calendar year, shall be
6 accompanied by a \$1,000 license fee for the applicant's
7 established place of business, and \$100 for each
8 additional place of business, if any, to which the
9 application pertains. If the application is made after
10 June 15 in any year, the license fee shall be \$500 for
11 the applicant's established place of business, and \$50
12 for each additional place of business, if any, to which
13 the application pertains. License fees shall be
14 returnable only in the event that the application is
15 denied by the Secretary of State; or

16 (B) a community-based manufactured home dealer's
17 license, when the applicant is selling 5 or more
18 manufactured homes during the calendar year not on
19 behalf of a manufacturer of manufactured homes, but
20 within a community setting, shall be accompanied by a
21 license fee of \$500 for the applicant's established
22 place of business, and \$50 for each additional place of
23 business, if any to which the application pertains. If
24 the application is made after June 15 in any year, the
25 license fee shall be \$250 for the applicant's
26 established place of business, and \$50 for each

1 additional place of business, if any, to which the
2 application pertains. License fees shall be returnable
3 only in the event that the application is denied by the
4 Secretary of State.

5 Of the monies received by the Secretary of State as
6 license fees under this paragraph (6), 95% shall be
7 deposited into the General Revenue Fund and 5% into the
8 Motor Vehicle License Plate Fund.

9 (7) A statement that the applicant's officers,
10 directors, and shareholders having a 10% or greater
11 ownership interest therein, proprietor, a partner, member,
12 officer, director, trustee, manager, or other principals
13 in the business, have not committed in the past 3 years any
14 one violation, as determined in any civil, criminal, or
15 administrative hearing proceeding, of any one of the
16 following Acts:

17 (A) the Anti Theft Laws of the Illinois Vehicle
18 Code;

19 (B) the Certificate of Title Laws of the Illinois
20 Vehicle Code;

21 (C) the Offenses against Registration and
22 Certificates of Title Laws of the Illinois Vehicle
23 Code;

24 (D) the Dealers, Transporters, Wreckers, and
25 Rebuilders Laws of the Illinois Vehicle Code;

26 (E) Section 21-2 of the Criminal Code of 2012

1 (criminal trespass to vehicles);

2 (F) the Retailers Occupation Tax Act;

3 (G) the Consumer Finance Act;

4 (H) the Consumer Installment Loan Act;

5 (I) the Retail Installment Sales Act;

6 (J) the Motor Vehicle Retail Installment Sales

7 Act;

8 (K) the Interest Act;

9 (L) the Illinois Wage Assignment Act;

10 (M) Part 8 of Article XII of the Code of Civil

11 Procedure; or

12 (N) the Consumer Fraud Act.

13 (8) A statement that the applicant's officers,
14 directors, and shareholders having a 10% or greater
15 ownership interest therein, proprietor, a partner, member,
16 officer, director, trustee, manager, or other principals
17 in the business, have not been convicted in any calendar
18 year, as determined in any criminal proceeding, of a
19 forcible felony under the Criminal Code of 1961, the
20 Criminal Code of 2012, or a similar out-of-state offense.
21 For the purposes of this paragraph, "forcible felony" has
22 the meaning as defined in Section 2-8 of the Criminal Code
23 of 2012.

24 (9) A bond or certificate of deposit in the amount of
25 \$20,000 for each license holder applicant intending to act
26 as a manufactured home dealer or community-based

1 manufactured home dealer under this Section. The bond shall
2 be for the term of the license, for which application is
3 made, and shall expire not sooner than December 31 of the
4 year for which the license was issued. The bond shall run
5 to the People of the State of Illinois, with surety by a
6 bonding or insurance company authorized to do business in
7 this State. It shall be conditioned upon the proper
8 transmittal of all title and registration fees and taxes
9 (excluding taxes under the Retailers' Occupation Tax Act)
10 accepted by the applicant as a manufactured home dealer.

11 (10) Dealers in business for over 5 years may
12 substitute a certificate of insurance in lieu of the bond
13 or certificate of deposit upon renewing their license.

14 (11) Any other information concerning the business of
15 the applicant as the Secretary of State may by rule
16 prescribe.

17 (12) A statement that the applicant has read and
18 understands Chapters 1 through 5 of this Code.

19 (d) Any change which renders no longer accurate any
20 information contained in any application for a license under
21 this Section shall be amended within 30 days after the
22 occurrence of the change on a form the Secretary of State may
23 prescribe, by rule, accompanied by an amendatory fee of \$25.

24 (e) The Secretary of State shall, within a reasonable time
25 after receipt, examine an application submitted to him or her
26 under this Section, and unless he or she makes a determination

1 that the application submitted to him or her does not conform
2 with the requirements of this Section or that grounds exist for
3 a denial of the application under Section 5-501 of this
4 Chapter, grant the applicant an initial manufactured home
5 dealer's license or a community-based manufactured home
6 dealer's license in writing for his or her established place of
7 business and a supplemental license in writing for each
8 additional place of business in a form the Secretary may
9 prescribe by rule, which shall include the following:

10 (1) the name of the person or entity licensed;

11 (2) if a corporation, the name and address of its
12 officers; if a sole proprietorship, a partnership, an
13 unincorporated association, or any similar form of
14 business organization, the name and address of the
15 proprietor, or the name and address of each partner,
16 member, officer, director, trustee or manager; or if a
17 limited liability company, the name and address of the
18 general partner or partners, or managing member or members;

19 (3) in the case of an original license, the established
20 place of business of the licensee;

21 (4) in the case of a supplemental license, the
22 established place of business of the licensee and the
23 additional place of business to which the supplemental
24 license pertains; and

25 (5) if applicable, the make or makes of new
26 manufactured homes or park models to which a manufactured

1 home dealer is licensed to sell.

2 (f) The appropriate instrument evidencing the license or a
3 certified copy of the instrument, provided by the Secretary of
4 State, shall be kept posted conspicuously in the established
5 place of business of the licensee and in each additional place
6 of business, if any, maintained by the licensee, unless the
7 licensee is a community-based manufactured home dealer, then
8 the license shall be posted in the community-based manufactured
9 home dealer's central office and it shall include a list of the
10 other locations that the community-based manufactured home
11 dealer may oversee.

12 (g) Except as provided in subsection (i) of this Section,
13 all licenses granted under this Section shall expire by
14 operation of law on December 31 of the calendar year for which
15 the licenses were granted, unless sooner revoked or cancelled
16 under the provisions of Section 5-501 of this Chapter.

17 (h) All persons licensed as a manufactured home dealer or a
18 community-based manufactured home dealer are required to
19 furnish each purchaser of a manufactured home or park model:

20 (1) in the case of a new manufactured home or park
21 model, a manufacturer's statement of origin, and in the
22 case of a previously owned manufactured home or park model,
23 a certificate of title, in either case properly assigned to
24 the purchaser;

25 (2) a statement verified under oath that all
26 identifying numbers on the vehicle match the identifying

1 numbers on the certificate of title or manufacturer's
2 statement of origin;

3 (3) a bill of sale properly executed on behalf of the
4 purchaser;

5 (4) a copy of the Uniform Invoice-transaction
6 reporting return form referred to in Section 5-402; and

7 (5) for a new manufactured home or park model, a
8 warranty, and in the case of a manufactured home or park
9 model for which the warranty has been reinstated, a copy of
10 the warranty; if no warranty is provided, a disclosure or
11 statement that the manufactured home or park model is being
12 sold "AS IS".

13 (i) This Section shall not apply to a (i) seller who
14 privately owns his or her manufactured home or park model as
15 his or her main residence and is selling the manufactured home
16 or park model to another individual or to a licensee; (ii) a
17 retailer or entity licensed under either Section 5-101 or 5-102
18 of this Code; or (iii) an individual or entity licensed to sell
19 truck campers, travel trailers, motor homes, or mini motor
20 homes as defined by this Code. Any vehicle not covered by this
21 Section that requires an individual or entity to obtain a
22 license to sell 5 or more vehicles must obtain a license under
23 the relevant provisions of this Code.

24 (j) This Section shall not apply to any person licensed
25 under the Real Estate License Act of 2000.

26 (k) The Secretary of State may adopt any rules necessary to

1 implement this Section.

2 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

3 Sec. 5-401.2. Licensees required to keep records and make
4 inspections.

5 (a) Every person licensed or required to be licensed under
6 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-301 or 5-302 of this
7 Code, shall, with the exception of scrap processors, maintain
8 for 3 years, in a form as the Secretary of State may by rule or
9 regulation prescribe, at his established place of business,
10 additional place of business, or principal place of business if
11 licensed under Section 5-302, the following records relating to
12 the acquisition or disposition of vehicles and their essential
13 parts possessed in this State, brought into this State from
14 another state, territory or country, or sold or transferred to
15 another person in this State or in another state, territory, or
16 country.

17 (1) The following records pertaining to new or used
18 vehicles shall be kept:

19 (A) the year, make, model, style and color of the
20 vehicle;

21 (B) the vehicle's manufacturer's identification
22 number or, if applicable, the Secretary of State or
23 Illinois Department of State Police identification
24 number;

25 (C) the date of acquisition of the vehicle;

1 (D) the name and address of the person from whom
2 the vehicle was acquired and, if that person is a
3 dealer, the Illinois or out-of-state dealer license
4 number of such person;

5 (E) the signature of the person making the
6 inspection of a used vehicle as required under
7 subsection (d) of this Section, if applicable;

8 (F) the purchase price of the vehicle, if
9 applicable;

10 (G) the date of the disposition of the vehicle;

11 (H) the name and address of the person to whom any
12 vehicle was disposed, and if that person is a dealer,
13 the Illinois or out-of-State dealer's license number
14 of that dealer;

15 (I) the uniform invoice number reflecting the
16 disposition of the vehicle, if applicable; and

17 (J) The sale price of the vehicle, if applicable.

18 (2) (A) The following records pertaining to used
19 essential parts other than quarter panels and
20 transmissions of vehicles of the first division shall be
21 kept:

22 (i) the year, make, model, color and type of such
23 part;

24 (ii) the vehicle's manufacturer's identification
25 number, derivative number, or, if applicable, the
26 Secretary of State or Illinois Department of State

1 Police identification number of such part;

2 (iii) the date of the acquisition of each part;

3 (iv) the name and address of the person from whom
4 the part was acquired and, if that person is a dealer,
5 the Illinois or out-of-state dealer license number of
6 such person; if the essential part being acquired is
7 from a person other than a dealer, the licensee shall
8 verify and record that person's identity by recording
9 the identification numbers from at least two sources of
10 identification, one of which shall be a drivers license
11 or State identification card;

12 (v) the uniform invoice number or out-of-state
13 bill of sale number reflecting the acquisition of such
14 part;

15 (vi) the stock number assigned to the essential
16 part by the licensee, if applicable;

17 (vii) the date of the disposition of such part;

18 (viii) the name and address of the person to whom
19 such part was disposed of and, if that person is a
20 dealer, the Illinois or out-of-state dealer license
21 number of that person;

22 (ix) the uniform invoice number reflecting the
23 disposition of such part.

24 (B) Inspections of all essential parts shall be
25 conducted in accordance with Section 5-402.1.

26 (C) A separate entry containing all of the information

1 required to be recorded in subparagraph (A) of paragraph
2 (2) of subsection (a) of this Section shall be made for
3 each separate essential part. Separate entries shall be
4 made regardless of whether the part was a large purchase
5 acquisition. In addition, a separate entry shall be made
6 for each part acquired for immediate sale or transfer, or
7 for placement into the overall inventory or stock to be
8 disposed of at a later time, or for use on a vehicle to be
9 materially altered by the licensee, or acquired for any
10 other purpose or reason. Failure to make a separate entry
11 for each essential part acquired or disposed of, or a
12 failure to record any of the specific information required
13 to be recorded concerning the acquisition or disposition of
14 each essential part as set forth in subparagraph (A) of
15 paragraph (2) of subsection (a) shall constitute a failure
16 to keep records.

17 (D) The vehicle's manufacturer's identification number
18 or Secretary of State or Illinois Department of State
19 Police identification number for the essential part shall
20 be ascertained and recorded even if such part is acquired
21 from a person or dealer located in a State, territory, or
22 country which does not require that such information be
23 recorded. If the vehicle's manufacturer's identification
24 number or Secretary of State or Illinois Department of
25 State Police identification number for an essential part
26 cannot be obtained, that part shall not be acquired by the

1 licensee or any of his agents or employees. If such part or
2 parts were physically acquired by the licensee or any of
3 his agents or employees while the licensee or agent or
4 employee was outside this State, that licensee or agent or
5 employee was outside the State, that licensee, agent or
6 employee shall not bring such essential part into this
7 State or cause it to be brought into this State. The
8 acquisition or disposition of an essential part by a
9 licensee without the recording of the vehicle
10 identification number or Secretary of State identification
11 number for such part or the transportation into the State
12 by the licensee or his agent or employee of such part or
13 parts shall constitute a failure to keep records.

14 (E) The records of essential parts required to be kept
15 by this Section shall apply to all hulks, chassis, frames
16 or cowls, regardless of the age of those essential parts.
17 The records required to be kept by this Section for
18 essential parts other than hulks, chassis, frames or cowls,
19 shall apply only to those essential parts which are 6 model
20 years of age or newer. In determining the model year of
21 such an essential part it may be presumed that the
22 identification number of the vehicle from which the
23 essential part came or the identification number affixed to
24 the essential part itself acquired by the licensee denotes
25 the model year of that essential part. This presumption,
26 however, shall not apply if the gross appearance of the

1 essential part does not correspond to the year, make or
2 model of either the identification number of the vehicle
3 from which the essential part is alleged to have come or
4 the identification number which is affixed to the essential
5 part itself. To determine whether an essential part is 6
6 years of age or newer within this paragraph, the model year
7 of the essential part shall be subtracted from the calendar
8 year in which the essential part is acquired or disposed of
9 by the licensee. If the remainder is 6 or less, the record
10 of the acquisition or disposition of that essential part
11 shall be kept as required by this Section.

12 (F) The requirements of paragraph (2) of subsection (a)
13 of this Section shall not apply to the disposition of an
14 essential part other than a cowl which has been damaged or
15 altered to a state in which it can no longer be returned to
16 a usable condition and which is being sold or transferred
17 to a scrap processor or for delivery to a scrap processor.

18 (3) the following records for vehicles on which junking
19 certificates are obtained shall be kept:

20 (A) the year, make, model, style and color of the
21 vehicle;

22 (B) the vehicle's manufacturer's identification number
23 or, if applicable, the Secretary of State or Illinois
24 Department of State Police identification number;

25 (C) the date the vehicle was acquired;

26 (D) the name and address of the person from whom the

1 vehicle was acquired and, if that person is a dealer, the
2 Illinois or out-of-state dealer license number of that
3 person;

4 (E) the certificate of title number or salvage
5 certificate number for the vehicle, if applicable;

6 (F) the junking certificate number obtained by the
7 licensee; this entry shall be recorded at the close of
8 business of the fifth business day after receiving the
9 junking certificate;

10 (G) the name and address of the person to whom the
11 junking certificate has been assigned, if applicable, and
12 if that person is a dealer, the Illinois or out-of-state
13 dealer license number of that dealer;

14 (H) if the vehicle or any part of the vehicle is
15 dismantled for its parts to be disposed of in any way, or
16 if such parts are to be used by the licensee to materially
17 alter a vehicle, those essential parts shall be recorded
18 and the entries required by paragraph (2) of subsection (a)
19 shall be made.

20 (4) The following records for rebuilt vehicles shall be
21 kept:

22 (A) the year, make, model, style and color of the
23 vehicle;

24 (B) the vehicle's manufacturer's identification number
25 of the vehicle or, if applicable, the Secretary of State or
26 Illinois Department of State Police identification number;

1 (C) the date the vehicle was acquired;

2 (D) the name and address of the person from whom the
3 vehicle was acquired, and if that person is a dealer, the
4 Illinois or out-of-state dealer license number of that
5 person;

6 (E) the salvage certificate number for the vehicle;

7 (F) the newly issued certificate of title number for
8 the vehicle;

9 (G) the date of disposition of the vehicle;

10 (H) the name and address of the person to whom the
11 vehicle was disposed, and if a dealer, the Illinois or
12 out-of-state dealer license number of that dealer;

13 (I) The sale price of the vehicle.

14 (a-1) A person licensed or required to be licensed under
15 Section 5-101 or Section 5-102 of this Code who issues
16 temporary registration permits as permitted by this Code and by
17 rule must electronically file the registration with the
18 Secretary and must maintain records of the registration in the
19 manner prescribed by the Secretary.

20 (b) A failure to make separate entries for each vehicle
21 acquired, disposed of, or assigned, or a failure to record any
22 of the specific information required to be recorded concerning
23 the acquisition or disposition of each vehicle as set forth in
24 paragraphs (1), (3) and (4) of subsection (a) shall constitute
25 a failure to keep records.

26 (c) All entries relating to the acquisition of a vehicle or

1 essential part required by subsection (a) of this Section shall
2 be recorded no later than the close of business on the seventh
3 calendar day following such acquisition. All entries relating
4 to the disposition of a vehicle or an essential part shall be
5 made at the time of such disposition. If the vehicle or
6 essential part was disposed of on the same day as its
7 acquisition or the day thereafter, the entries relating to the
8 acquisition of the vehicle or essential part shall be made at
9 the time of the disposition of the vehicle or essential part.
10 Failure to make the entries required in or at the times
11 prescribed by this subsection following the acquisition or
12 disposition of such vehicle or essential part shall constitute
13 a failure to keep records.

14 (d) Every person licensed or required to be licensed shall,
15 before accepting delivery of a used vehicle, inspect the
16 vehicle to determine whether the manufacturer's public vehicle
17 identification number has been defaced, destroyed, falsified,
18 removed, altered, or tampered with in any way. If the person
19 making the inspection determines that the manufacturer's
20 public vehicle identification number has been altered,
21 removed, defaced, destroyed, falsified or tampered with he
22 shall not acquire that vehicle but instead shall promptly
23 notify law enforcement authorities of his finding.

24 (e) The information required to be kept in subsection (a)
25 of this Section shall be kept in a manner prescribed by rule or
26 regulation of the Secretary of State.

1 (f) Every person licensed or required to be licensed shall
2 have in his possession a separate certificate of title, salvage
3 certificate, junking certificate, certificate of purchase,
4 uniform invoice, out-of-state bill of sale or other acceptable
5 documentary evidence of his right to the possession of every
6 vehicle or essential part.

7 (g) Every person licensed or required to be licensed as a
8 transporter under Section 5-201 shall maintain for 3 years, in
9 such form as the Secretary of State may by rule or regulation
10 prescribe, at his principal place of business a record of every
11 vehicle transported by him, including numbers of or other marks
12 of identification thereof, the names and addresses of persons
13 from whom and to whom the vehicle was delivered and the dates
14 of delivery.

15 (h) No later than 15 days prior to going out of business,
16 selling the business, or transferring the ownership of the
17 business, the licensee shall notify the Secretary of State that
18 he is going out of business or that he is transferring the
19 ownership of the business. Failure to notify under this
20 paragraph shall constitute a failure to keep records.

21 (i) (Blank).

22 (j) A person who knowingly fails to comply with the
23 provisions of this Section or knowingly fails to obey, observe,
24 or comply with any order of the Secretary or any law
25 enforcement agency issued in accordance with this Section is
26 guilty of a Class B misdemeanor for the first violation and a

1 Class A misdemeanor for the second and subsequent violations.
2 Each violation constitutes a separate and distinct offense and
3 a separate count may be brought in the same indictment or
4 information for each vehicle or each essential part of a
5 vehicle for which a record was not kept as required by this
6 Section.

7 (k) Any person convicted of failing to keep the records
8 required by this Section with intent to conceal the identity or
9 origin of a vehicle or its essential parts or with intent to
10 defraud the public in the transfer or sale of vehicles or their
11 essential parts is guilty of a Class 2 felony. Each violation
12 constitutes a separate and distinct offense and a separate
13 count may be brought in the same indictment or information for
14 each vehicle or essential part of a vehicle for which a record
15 was not kept as required by this Section.

16 (l) A person may not be criminally charged with or
17 convicted of both a knowing failure to comply with this Section
18 and a knowing failure to comply with any order, if both
19 offenses involve the same record keeping violation.

20 (m) The Secretary shall adopt rules necessary for
21 implementation of this Section, which may include the
22 imposition of administrative fines.

23 (Source: P.A. 91-415, eff. 1-1-00; 92-773, eff. 8-6-02.)".