

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 Section 5-401.2 and by adding Section 5-101.2 as follows:

6 (625 ILCS 5/5-101.2 new)

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

8 (a) As used in this Section:

9 "Community-based manufactured home dealer" means an  
10 operator of a tract of land or 2 or more contiguous tracts  
11 of land that contain sites with the necessary utilities for  
12 5 or more independent manufactured homes for permanent  
13 habitation, either free of charge or for revenue purposes,  
14 and including any building, structure, vehicle, and  
15 enclosure used or intended for use as a part of the  
16 equipment of the manufactured home park, who may,  
17 incidental to the operation of the manufactured home  
18 community, sell, trade, or buy a manufactured home or park  
19 model that is located within the manufactured home  
20 community or is located in a different manufactured home  
21 community that is owned or managed by the community-based  
22 manufactured home dealer.

23 "Established place of business" means the place owned

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

18 "Manufactured home" means a factory assembled  
19 structure built on a permanent chassis, transportable in  
20 one or more sections in the travel mode, incapable of  
21 self-propulsion, bears a label indicating the  
22 manufacturer's compliance with the United States  
23 Department of Housing and Urban Development standards, as  
24 applicable, is without a permanent foundation, and is  
25 designed for year round occupancy as a single-family  
26 residence when connected to approved water, sewer, and

1 electrical utilities.

2 "Manufactured home dealer" means an individual or  
3 entity that engages in the business of acquiring or  
4 disposing of a manufactured home or park model, either new  
5 manufactured homes or park models pursuant to a franchise  
6 agreement with a manufacturer or used manufactured homes or  
7 park models, and that has an established place of business  
8 that is not in a residential community-based setting.

9 "Park model" means a vehicle that is incapable of  
10 self-propulsion, has less than 400 square feet of habitable  
11 space, is built to American National Standards Institute  
12 standards, prohibits occupancy on a permanent basis, and is  
13 built on a vehicle chassis.

14 "Supplemental license" means a license that a  
15 community-based manufactured home dealer receives and  
16 displays at locations other than the established place of  
17 business of the licensee in which the licensee is  
18 authorized to sell, buy, barter, display, exchange, or deal  
19 in, on consignment or otherwise, manufactured homes or park  
20 models.

21 (b) No person shall engage in this State in the business of  
22 selling or dealing in, on consignment or otherwise,  
23 manufactured homes or park models of any make, or act as an  
24 intermediary, agent, or broker for any manufactured home or  
25 park model purchaser, other than as a salesperson or to  
26 represent or advertise that he or she is so engaged or intends

1 to so engage in the business, unless licensed to do so by the  
2 Secretary of State under this Section.

3 (c) An applicant for a manufactured home dealer's license  
4 or a community-based manufactured home dealer's license shall  
5 file an application with the Secretary of State. The  
6 application shall be duly verified by oath, on such form as the  
7 Secretary of State may by rule prescribe, and contain all of  
8 the following:

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

12 (2) If the applicant is a corporation, a list of its  
13 officers, directors, and shareholders having a 10% or  
14 greater ownership interest in the corporation. If the  
15 applicant is a sole proprietorship, a partnership, a  
16 limited liability company, an unincorporated association,  
17 a trust, or any similar form of business organization, the  
18 name and residential address of the proprietor, or the name  
19 and residential address of each partner, member, officer,  
20 director, trustee, or manager.

21 (3) The make or makes of new manufactured homes or park  
22 models that the applicant will offer for sale at retail in  
23 this State.

24 (4) The name of each manufacturer or franchised  
25 distributor, if any, of new manufactured homes or park  
26 models with whom the applicant has contracted for the sale

1 of new manufactured homes or park models. As evidence of  
2 this fact, the application shall be accompanied by a signed  
3 statement from each manufacturer or franchised  
4 distributor.

5 (5) A statement that the applicant has been approved  
6 for registration under the Retailers' Occupation Tax Act by  
7 the Department of Revenue, except that this requirement  
8 does not apply to a manufactured home dealer who is already  
9 licensed with the Secretary of State and who is merely  
10 applying for a renewal of a manufactured home dealer  
11 license. As evidence of this fact, the application shall be  
12 accompanied by a certification from the Department of  
13 Revenue showing that the Department has approved the  
14 applicant for registration under the Retailers' Occupation  
15 Tax Act.

16 (6) In the case of an application for a manufactured  
17 home dealer's license, when the applicant is selling new  
18 manufactured homes or park models on behalf of a  
19 manufacturer of manufactured homes or park models, or 5 or  
20 more used manufactured homes or park models during the  
21 calendar year, a \$1,000 license fee for the applicant's  
22 established place of business, and \$100 for each additional  
23 place of business, if any, to which the application  
24 pertains. If the application is made after June 15 in any  
25 year, the license fee shall be \$500 for the applicant's  
26 established place of business, and \$50 for each additional

1 place of business, if any, to which the application  
2 pertains. License fees shall be returnable only in the  
3 event that the application is denied by the Secretary of  
4 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) In the case of an application for a community-based  
10 manufactured home dealer's license, when the applicant is  
11 selling 5 or more manufactured homes during the calendar  
12 year not on behalf of a manufacturer of manufactured homes,  
13 but within a community setting, a license fee of \$500 for  
14 the applicant's established place of business, and \$50 for  
15 each additional place of business, if any, to which the  
16 application pertains. If the application is made after June  
17 15 in any year, the license fee shall be \$250 for the  
18 applicant's established place of business, and \$50 for each  
19 additional place of business, if any, to which the  
20 application pertains. License fees shall be returnable  
21 only in the event that the application is denied by the  
22 Secretary of State.

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

1           (8) A statement that the applicant's officers,  
2           directors, shareholders having a 10% or greater ownership  
3           interest, proprietors, partners, members, officers,  
4           directors, trustees, managers, or other principals in the  
5           business have not committed in the past 3 years any one  
6           violation, as determined in any civil, criminal, or  
7           administrative hearing proceeding, of any one of the  
8           following:

9                   (A) Article I of Chapter 4 of this Code;

10                   (B) Chapter 3 of this Code;

11                   (C) Chapter 5 of this Code;

12                   (D) Section 21-2 of the Criminal Code of 2012;

13                   (E) the Retailers' Occupation Tax Act;

14                   (F) the Consumer Finance Act;

15                   (G) the Consumer Installment Loan Act;

16                   (H) the Retail Installment Sales Act;

17                   (I) the Motor Vehicle Retail Installment Sales  
18           Act;

19                   (J) the Interest Act;

20                   (K) the Illinois Wage Assignment Act;

21                   (L) Part 8 of Article XII of the Code of Civil  
22           Procedure; or

23                   (M) the Consumer Fraud and Deceptive Business  
24           Practices Act.

25           (9) A bond or certificate of deposit in the amount of  
26           \$20,000 for each license holder applicant intending to act

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

12 (10) For dealers in business for over 5 years, at the  
13 option of the dealer, a certificate of insurance in lieu of  
14 the bond or certificate of deposit upon renewing a license  
15 under this Section.

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

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

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

26 (e) The Secretary of State shall, within a reasonable time



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

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

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

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

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

1           (5) if applicable, the make or makes of new  
2           manufactured homes or park models the manufactured home  
3           dealer is licensed to sell.

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

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

19           (h) A person licensed as a manufactured home dealer or a  
20           community-based manufactured home dealer is required to  
21           furnish each purchaser of a manufactured home or park model:

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

1           (2) a statement verified under oath that all  
2           identifying numbers on the vehicle match the identifying  
3           numbers on the certificate of title or manufacturer's  
4           statement of origin;

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

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

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

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

26           (j) This Section does not apply to any person licensed

1 under the Real Estate License Act of 2000.

2 (k) The Secretary of State may adopt any rules necessary to  
3 implement this Section.

4 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

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

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

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

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

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

1 number;

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

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

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

10 (F) the purchase price of the vehicle, if  
11 applicable;

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

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

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

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

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

24 (i) the year, make, model, color and type of such  
25 part;

26 (ii) the vehicle's manufacturer's identification

1 number, derivative number, or, if applicable, the  
2 Secretary of State or Illinois Department of State  
3 Police identification number of such part;

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

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

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

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

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

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

24 (ix) the uniform invoice number reflecting the  
25 disposition of such part.

26 (B) Inspections of all essential parts shall be

1 conducted in accordance with Section 5-402.1.

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

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

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

16 (E) The records of essential parts required to be kept  
17 by this Section shall apply to all hulks, chassis, frames  
18 or cowls, regardless of the age of those essential parts.  
19 The records required to be kept by this Section for  
20 essential parts other than hulks, chassis, frames or cowls,  
21 shall apply only to those essential parts which are 6 model  
22 years of age or newer. In determining the model year of  
23 such an essential part it may be presumed that the  
24 identification number of the vehicle from which the  
25 essential part came or the identification number affixed to  
26 the essential part itself acquired by the licensee denotes



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

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

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

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

24 (B) the vehicle's manufacturer's identification number  
25 or, if applicable, the Secretary of State or Illinois  
26 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 certificate of title number or salvage  
7 certificate number for the vehicle, if applicable;

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

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

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

22 (4) The following records for rebuilt vehicles shall be  
23 kept:

24 (A) the year, make, model, style and color of the  
25 vehicle;

26 (B) the vehicle's manufacturer's identification number

1 of the vehicle or, if applicable, the Secretary of State or  
2 Illinois Department of State Police identification number;

3 (C) the date the vehicle was acquired;

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

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

9 (F) the newly issued certificate of title number for  
10 the vehicle;

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

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

15 (I) The sale price of the vehicle.

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

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

1 a failure to keep records.

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

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

26 (e) The information required to be kept in subsection (a)

1 of this Section shall be kept in a manner prescribed by rule or  
2 regulation of the Secretary of State.

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

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

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

23 (i) (Blank).

24 (j) A person who knowingly fails to comply with the  
25 provisions of this Section or knowingly fails to obey, observe,  
26 or comply with any order of the Secretary or any law

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

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

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

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.