

AN ACT concerning transportation.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The Illinois Vehicle Code is amended by changing Sections 3-100.1, 3-100.2, 3-104, 3-104.5, 3-112.1, 3-113, 3-209, 3-403, 3-405.1, 3-506, 3-802, 3-805, 3-806.1, 3-806.5, 5-100, 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, and 5-301 and by adding Sections 1-213.8 and 5-505 as follows:

(625 ILCS 5/1-213.8 new)

Sec. 1-213.8. Uniform Invoice. A form created by the Secretary for the purpose of transporting vehicles and essential parts that does not convey or transfer ownership rights of a vehicle from one entity to another.

(625 ILCS 5/3-100.1)

Sec. 3-100.1. Use of electronic records.

(a) To the extent authorized by the Secretary of State and in accordance with standards and procedures prescribed by the Secretary of State:

(1) Certificates, certifications, affidavits, applications, assignments, statements, notices, documents, and other records required under this Chapter may be created, distributed, and received in electronic

form.

(2) Signatures required under this Chapter may be made as electronic signatures or may be waived.

(3) Delivery of records required under this Chapter may be made by any means, including electronic delivery.

(4) Fees and taxes required to be paid under this Chapter may be made by electronic means; provided that any forms, records, electronic records, and methods of electronic payment relating to the filing and payment of taxes shall be prescribed by the Department of Revenue.

(a-5) No later than July 1, 2022 ~~2021~~, the Secretary of State shall implement, manage, and administer an electronic lien and title system that will permit a lienholder to perfect, assign, and release a lien under this Code. The system may include the points in subsection (a) as to the identified objectives of the program. The Secretary shall establish by administrative rule the standards and procedures relating to the management and implementation of the mandatory electronic lien and title system established under this subsection. The Secretary may charge a reasonable fee for performing the services and functions relating to the management and administration of the system. The fee shall be set by administrative rule adopted by the Secretary.

(b) Electronic records accepted by the Secretary of State have the same force and effect as records created on paper by writing, typing, printing, or similar means. The procedures

established by the Secretary of State concerning the acceptance of electronic filings and electronic records shall ensure that the electronic filings and electronic records are received and stored accurately and that they are readily available to satisfy any statutory requirements that call for a written record.

(c) Electronic signatures accepted by the Secretary of State shall have the same force and effect as manual signatures.

(d) Electronic delivery of records accepted by the Secretary of State shall have the same force and effect as physical delivery of records.

(e) Electronic records and electronic signatures accepted by the Secretary of State shall be admissible in all administrative, quasi-judicial, and judicial proceedings. In any such proceeding, nothing in the application of the rules of evidence shall apply so as to deny the admissibility of an electronic record or electronic signature into evidence on the sole ground that it is an electronic record or electronic signature, or on the grounds that it is not in its original form or is not an original. Information in the form of an electronic record shall be given due evidentiary weight by the trier of fact.

(f) The Secretary may contract with a private contractor to carry out the Secretary's duties under this Section.

(Source: P.A. 101-490, eff. 1-1-20.)

(625 ILCS 5/3-100.2)

Sec. 3-100.2. Electronic access; agreements with submitters.

(a) No later than July 1, 2022 ~~2021~~, the Secretary of State shall require a licensee under Chapter 3 or 5 of this Code to submit any record required to be submitted to the Secretary of State by using electronic media deemed feasible by the Secretary of State. The Secretary of State may also require the licensee to submit the original paper record. The Secretary of State shall also require a person or licensee to receive any record to be provided by the Secretary of State by using electronic media deemed feasible by the Secretary of State, instead of providing the original paper record.

(b) No later than July 1, 2022 ~~2021~~, electronic submittal, receipt, and delivery of records and electronic signatures shall be supported by a signed agreement between the Secretary of State and the submitter. The agreement shall require, at a minimum, each record to include all information necessary to complete a transaction, certification by the submitter upon its best knowledge as to the truthfulness of the data to be submitted to the Secretary of State, and retention by the submitter of supporting records.

(c) No later than July 1, 2022 ~~2021~~, the Secretary of State shall establish minimum transaction volume levels, audit and security standards, technological requirements, and other

terms and conditions he or she deems necessary for approval of the electronic delivery process.

(d) When an agreement is made to accept electronic records, the Secretary of State shall not be required to produce a written record for the submitter with whom the Secretary of State has the agreement until requested to do so by the submitter.

(e) No later than July 1, 2022 ~~2021~~, the Secretary of State shall provide electronic notification to the lienholder submitter to verify the notation and perfection of the lienholder's security interest in a vehicle on the certificate of title required to be created as an electronic record under Section 3-100.1. Upon receipt of an electronic message from a lienholder submitter with a security interest in a vehicle for which the certificate of title is an electronic record that the lien should be released, the Secretary of State shall enter the appropriate electronic record of the release of lien and print and mail a paper certificate of title to the owner or lienholder at no expense. The Secretary of State may also mail the certificate to any other person that delivers to the Secretary of State an authorization from the owner to receive the certificate. If another lienholder holds a properly perfected security interest in the vehicle as reflected in the records of the Secretary of State, the certificate shall be delivered to that lienholder instead of the owner.

(f) The Secretary may contract with a private contractor

to carry out the Secretary's duties under this Section.

(Source: P.A. 101-490, eff. 1-1-20.)

(625 ILCS 5/3-104) (from Ch. 95 1/2, par. 3-104)

Sec. 3-104. Application for certificate of title.

(a) The application for a certificate of title for a vehicle in this State must be made by the owner to the Secretary of State on the form prescribed and must contain:

1. The name, Illinois residence, mail address, and, if available, email address of the owner;

2. A description of the vehicle including, so far as the following data exists: Its make, year-model, identifying number, type of body, whether new or used, as to house trailers as defined in Section 1-128 of this Code, and as to manufactured homes as defined in Section 1-144.03 of this Code, the square footage based upon the outside dimensions excluding the length of the tongue and hitch, and, as to vehicles of the second division, whether for-hire, not-for-hire, or both for-hire and not-for-hire;

3. The date of purchase by applicant and, if applicable, the name and address of the person from whom the vehicle was acquired and the names and addresses of any lienholders in the order of their priority and signatures of owners;

4. The current odometer reading at the time of transfer and that the stated odometer reading is one of

the following: actual mileage, not the actual mileage or mileage is in excess of its mechanical limits; and

5. Any further information the Secretary of State reasonably requires to identify the vehicle and to enable him to determine whether the owner is entitled to a certificate of title and the existence or nonexistence of security interests in the vehicle.

(a-5) The Secretary of State shall designate on the prescribed application form a space where the owner of a vehicle may designate a beneficiary, to whom ownership of the vehicle shall pass in the event of the owner's death.

(b) If the application refers to a vehicle purchased from a dealer, it must also be signed by the dealer as well as the owner, and the dealer must promptly mail or deliver the application and required documents to the Secretary of State.

(c) If the application refers to a vehicle last previously registered in another State or country, the application must contain or be accompanied by:

1. Any certified document of ownership so recognized and issued by the other State or country and acceptable to the Secretary of State, and

2. Any other information and documents the Secretary of State reasonably requires to establish the ownership of the vehicle and the existence or nonexistence of security interests in it.

(d) If the application refers to a new vehicle it must be

accompanied by the Manufacturer's Statement of Origin, or other documents as required and acceptable by the Secretary of State, with such assignments as may be necessary to show title in the applicant.

(e) If an application refers to a vehicle rebuilt from a vehicle previously salvaged, that application shall comply with the provisions set forth in Sections 3-302 through 3-304 of this Code.

(f) An application for a certificate of title for any vehicle, whether purchased in Illinois or outside Illinois, and even if previously registered in another State, must be accompanied by either an exemption determination from the Department of Revenue showing that no tax imposed pursuant to the Use Tax Act or the vehicle use tax imposed by Section 3-1001 of the Illinois Vehicle Code is owed by anyone with respect to that vehicle, or a receipt from the Department of Revenue showing that any tax so imposed has been paid. An application for a certificate of title for any vehicle purchased outside Illinois, even if previously registered in another state, must be accompanied by either an exemption determination from the Department of Revenue showing that no tax imposed pursuant to the Municipal Use Tax Act or the County Use Tax Act is owed by anyone with respect to that vehicle, or a receipt from the Department of Revenue showing that any tax so imposed has been paid. In the absence of such a receipt for payment or determination of exemption from the Department, no

certificate of title shall be issued to the applicant.

If the proof of payment of the tax or of nonliability therefor is, after the issuance of the certificate of title and display certificate of title, found to be invalid, the Secretary of State shall revoke the certificate and require that the certificate of title and, when applicable, the display certificate of title be returned to him.

(g) If the application refers to a vehicle not manufactured in accordance with federal safety and emission standards, the application must be accompanied by all documents required by federal governmental agencies to meet their standards before a vehicle is allowed to be issued title and registration.

(h) If the application refers to a vehicle sold at public sale by a sheriff, it must be accompanied by the required fee and a bill of sale issued and signed by a sheriff. The bill of sale must identify the new owner's name and address, the year model, make and vehicle identification number of the vehicle, court order document number authorizing such sale, if applicable, and the name and address of any lienholders in order of priority, if applicable.

(i) If the application refers to a vehicle for which a court of law determined the ownership, it must be accompanied with a certified copy of such court order and the required fee. The court order must indicate the new owner's name and address, the complete description of the vehicle, if known,

the name and address of the lienholder, if any, and must be signed and dated by the judge issuing such order.

(j) If the application refers to a vehicle sold at public auction pursuant to the Labor and Storage Lien (Small Amount) Act, it must be accompanied by an affidavit or affirmation furnished by the Secretary of State along with the documents described in the affidavit or affirmation and the required fee.

(k) The Secretary may provide an expedited process for the issuance of vehicle titles. Expedited title applications must be delivered to the Secretary of State's Vehicle Services Department in Springfield by express mail service or hand delivery. Applications must be complete, including necessary forms, fees, and taxes. Applications received before noon on a business day will be processed and shipped that same day. Applications received after noon on a business day will be processed and shipped the next business day. The Secretary shall charge an additional fee of \$30 for this service, and that fee shall cover the cost of return shipping via an express mail service. All fees collected by the Secretary of State for expedited services shall be deposited into the Motor Vehicle License Plate Fund. In the event the Vehicle Services Department determines that the volume of expedited title requests received on a given day exceeds the ability of the Vehicle Services Department to process those requests in an expedited manner, the Vehicle Services Department may decline

to provide expedited services, and the additional fee for the expedited service shall be refunded to the applicant.

(l) If the application refers to a homemade trailer, (i) it must be accompanied by the appropriate documentation regarding the source of materials used in the construction of the trailer, as required by the Secretary of State, (ii) the trailer must be inspected by a Secretary of State employee prior to the issuance of the title, and (iii) upon approval of the Secretary of State, the trailer must have a vehicle identification number, as provided by the Secretary of State, stamped or riveted to the frame.

(m) The holder of a Manufacturer's Statement of Origin to a manufactured home may deliver it to any person to facilitate conveying or encumbering the manufactured home. Any person receiving any such Manufacturer's Statement of Origin so delivered holds it in trust for the person delivering it.

(n) Within 45 days after the completion of the first retail sale of a manufactured home, the Manufacturer's Statement of Origin to that manufactured home must be surrendered to the Secretary of State either in conjunction with an application for a certificate of title for that manufactured home or in accordance with Section 3-116.1.

(o) Each application for certificate of title for a motor vehicle shall be verified by the National Motor Vehicle Title Information System (NMVTIS) for a vehicle history report prior to the Secretary issuing a certificate of title.

(p) The Secretary, at the Secretary's discretion, may use any commercially available title history service to assist in determining the proper title designation of a motor vehicle before the issuance of a certificate of title.

(Source: P.A. 99-414, eff. 8-20-15; 100-145, eff. 1-1-18.)

(625 ILCS 5/3-104.5)

Sec. 3-104.5. Application NMVTIS warnings or errors.

(a) Each application for a certificate of title or a salvage certificate for a motor vehicle that is verified by the National Motor Vehicle Title Information System (NMVTIS) that is returned with a warning or error shall be reviewed by the Secretary of State, or his or her designees, as to whether the warning or error warrants a change to the type of title or brand that is issued to a motor vehicle. If the Secretary needs supplemental information to verify or corroborate the information received from a NMVTIS report, then the Secretary may use any available commercial title history services or other Secretary of State resources to assist in determining the vehicle's proper designation.

(b) Any motor vehicle application for a certificate of title or a salvage certificate that another state has previously issued a title or brand indicating that the status of the motor vehicle is equivalent to a junk vehicle, as defined in Section 1-134.1 of this Code, shall receive a title with a "prior out of state junk" brand if that history item was

issued 120 months or more before the date of the submission of the current application for title.

(c) Any motor vehicle application for a certificate of title or a salvage certificate that is returned with a NMVTIS warning or error indicating that another state has previously issued a title or brand indicating the status of the motor vehicle is equivalent to a junk vehicle, as defined in Section 1-134.1 of this Code, shall be issued a junk certificate that reflects the motor vehicle's structural history, if the previously issued title or brand from another state was issued less than 120 months before the date of the submission of the current application for title.

(d) Any motor vehicle application for a certificate of title or a salvage certificate that is returned with a NMVTIS warning or error indicating a brand or label from another jurisdiction, that does not have a similar or comparable brand or label in this State, shall include a notation or brand on the certificate of title stating "previously branded".

(e) Any motor vehicle that is subject to the federal Truth in Mileage Act, and is returned with a NMVTIS warning or error indicating the stated mileage of the vehicle on the application for certificate of title is 1,500 or fewer miles less than a previously recorded mileage for the vehicle, shall be deemed as having an acceptable margin of error and the higher of the 2 figures shall be indicated on the new certificate of title, if the previous mileage was recorded

within 90 days of the date of the current application for title and if there are no indications of fraud or malfeasance, or of altering or tampering with the odometer.

(f) Any applicant for a certificate of title or a salvage certificate who receives an alternative salvage or junk certificate, or who receives a certificate of title with a brand or label indicating the vehicle was previously rebuilt prior out of state junk, previously branded, or flood, may contest the Secretary's designations by requesting an administrative hearing under Section 2-116 of this Code.

(g) The Secretary may adopt any rules necessary to implement this Section.

(h) The Secretary, in the Secretary's discretion, may use any commercially available title history service to assist in determining the proper title designation of a motor vehicle before the issuance of a certificate of title.

(Source: P.A. 99-414, eff. 8-20-15.)

(625 ILCS 5/3-112.1) (from Ch. 95 1/2, par. 3-112.1)

Sec. 3-112.1. Odometer.

(a) All titles issued by the Secretary of State beginning January, 1990, shall provide for an odometer certification substantially as follows:

"I certify to the best of my knowledge that the odometer reading is and reflects the actual mileage of the vehicle unless one of the following statements is checked.

.....

() 1. The mileage stated is in excess of its mechanical limits.

() 2. The odometer reading is not the actual mileage. Warning - Odometer Discrepancy."

(b) When executing any transfer of title which contains the odometer certification as described in paragraph (a) above, each transferor of a motor vehicle must supply on the title form the following information:

(1) The odometer reading at the time of transfer and an indication if the mileage is in excess of its mechanical limits or if it is not the actual mileage;

(2) The date of transfer;

(3) The transferor's printed name and signature; and

(4) The transferee's printed name and address.

(c) The transferee must sign on the title form indicating that he or she is aware of the odometer certification made by the transferor.

(d) The transferor will not be required to disclose the current odometer reading and the transferee will not have to acknowledge such disclosure under the following circumstances:

(1) A vehicle having a Gross Vehicle Weight Rating of more than 16,000 pounds;

(2) A vehicle that is not self-propelled;

(3) A vehicle that: ~~is~~

(A) before January 1, 2031, is model year 2010 or

older; or

(B) after January 1, 2031, is 20 ~~40~~ years old or older;

(4) A vehicle sold directly by the manufacturer to any agency of the United States; and

(5) A vehicle manufactured without an odometer.

(e) When the transferor signs the title transfer such transferor acknowledges that he or she is aware that Federal regulations and State law require him or her to state the odometer mileage upon transfer of ownership. An inaccurate or untruthful statement with intent to defraud subjects the transferor to liability for damages to the transferee pursuant to the federal Motor Vehicle Information and Cost Act of 1972, P.L. 92-513 as amended by P.L. 94-364. No transferor shall be liable for damages as provided under this Section who transfers title to a motor vehicle which has an odometer reading that has been altered or tampered with by a previous owner, unless that transferor knew or had reason to know of such alteration or tampering and sold such vehicle with an intent to defraud. A cause of action is hereby created by which any person who, with intent to defraud, violates any requirement imposed under this Section shall be liable in an amount equal to the sum of:

(1) three times the amount of actual damages sustained or \$1,500, whichever is the greater; and

(2) in the case of any successful action to enforce

the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

Any recovery based on a cause of action under this Section shall be offset by any recovery made pursuant to the federal Motor Vehicle Information and Cost Savings Act of 1972.

(f) The provisions of this Section shall not apply to any motorcycle, motor driven cycle, moped, antique vehicle, or expanded-use antique vehicle.

(g) The Secretary of State may adopt rules and regulations providing for a transition period for all non-conforming titles.

(Source: P.A. 97-412, eff. 1-1-12.)

(625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)

Sec. 3-113. Transfer to or from dealer; records.

(a) After a dealer buys a vehicle and holds it for resale, the dealer must procure the certificate of title from the owner or the lienholder. The dealer may hold the certificate until he or she transfers the vehicle to another person. Upon transferring the vehicle to another person, the dealer shall promptly and within 20 days execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any lienholder holding a security interest created or reserved at the time of the resale, in the spaces provided therefor on the certificate or as the Secretary of State prescribes, and mail or deliver the

certificate to the Secretary of State with the transferee's application for a new certificate, except as provided in Section 3-117.2. A dealer has complied with this Section if the date of the mailing of the certificate, as indicated by the postmark, is within 20 days of the date on which the vehicle was transferred to another person.

(b) The Secretary of State may decline to process any application for a transfer of an interest in a vehicle if any fees or taxes due under this Code from the transferor or the transferee have not been paid upon reasonable notice and demand.

(c) Any person who violates this Section shall be guilty of a petty offense.

(d) Beginning January 1, 2014, the Secretary of State is authorized to impose a delinquent vehicle dealer transfer fee of \$20 if the certificate of title is received by the Secretary from the dealer 30 days but less than 60 days after the date of sale. If the certificate of title is received by the Secretary from the dealer 60 days but less than 90 days after the date of sale, the delinquent dealer transfer fee shall be \$35. If the certificate of title is received by the Secretary from the dealer 90 days but less than 120 days after the date of sale, the delinquent vehicle dealer transfer fee shall be \$65. If the certificate of title is received by the Secretary from the dealer 120 days or more after the date of the sale, the delinquent vehicle dealer transfer fee shall be \$100. All

monies collected under this subsection shall be deposited into the CDLIS/AAMVAnet/NMVTIS Trust Fund.

(e) Beginning January 1, 2022, the Secretary of State is authorized to issue a certificate of title in the name of the dealership to a licensed dealer under Chapter 5 for \$20 if the surrendered certificate of title has no space to assign the certificate of title again.

(f) Any licensee under Chapter 5 who sells, transfers, or wholesales a vehicle out of State shall mail the certificate of title to the physical business address in the requisite jurisdiction in lieu of transferring title at the time of sale.

(Source: P.A. 98-177, eff. 1-1-14.)

(625 ILCS 5/3-209) (from Ch. 95 1/2, par. 3-209)

Sec. 3-209. Powers of Secretary of State.

(a) The Secretary of State shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of this chapter.

(b) The Secretary of State may:

1. Make necessary investigations to procure information required to carry out the provisions of this Act.†

2. Assign a new identifying number to a vehicle if it has none, or its identifying number is destroyed or obliterated, or its motor is changed, and shall either issue a new

certificate of title showing the new identifying number or make an appropriate endorsement on the original certificate.

3. Remove a franchise affiliate's lien so that the franchise affiliate may pursue the balance of the lien with the defunct dealership instead of the constituent. This item applies if a franchise dealer neglects to pay off a trade-in vehicle's lien, and that lien is held by the franchise affiliate. The Secretary shall make this determination pursuant to an investigation by the Secretary of State Department of Police.

(Source: P.A. 76-1586.)

(625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

Sec. 3-403. Trip and Short-term permits.

(a) The Secretary of State may issue a short-term permit to operate a nonregistered first or second division vehicle within the State of Illinois for a period of not more than 7 days. Any second division vehicle operating on such permit may operate only on empty weight. The fee for the short-term permit shall be \$6 for permits purchased on or before June 30, 2003 and \$10 for permits purchased on or after July 1, 2003. For short-term permits purchased on or after July 1, 2003, \$4 of the fee collected for the purchase of each permit shall be deposited into the General Revenue Fund.

This permit may also be issued to operate an unladen registered vehicle which is suspended under the Vehicle

Emissions Inspection Law and allow it to be driven on the roads and highways of the State in order to be repaired or when traveling ~~travelling~~ to and from an emissions inspection station.

(b) The Secretary of State may, subject to reciprocal agreements, arrangements or declarations made or entered into pursuant to Section 3-402, 3-402.4 or by rule, provide for and issue registration permits for the use of Illinois highways by vehicles of the second division on an occasional basis or for a specific and special short-term use, in compliance with rules and regulations promulgated by the Secretary of State, and upon payment of the prescribed fee as follows:

One-trip permits. A registration permit for one trip, or one round-trip into and out of Illinois, for a period not to exceed 72 consecutive hours or 3 calendar days may be provided, for a fee as prescribed in Section 3-811.

Three-month ~~One Month~~ permits. A registration permit for 90 ~~30~~ days may be provided for a fee of \$13 for registration plus 1/10 of the flat weight tax. ~~The minimum fee for such permit shall be \$31.~~

In-transit permits. A registration permit for one trip may be provided for vehicles in transit by the driveaway or towaway method and operated by a transporter in compliance with the Illinois Motor Carrier of Property Law, for a fee as prescribed in Section 3-811.

Illinois Temporary Apportionment Authorization Permits. An

apportionment authorization permit for forty-five days for the immediate operation of a vehicle upon application for and prior to receiving apportioned credentials or interstate credentials from the State of Illinois. The fee for such permit shall be \$3.

Illinois Temporary Prorate Authorization Permit. A prorate authorization permit for forty-five days for the immediate operation of a vehicle upon application for and prior to receiving prorate credentials or interstate credentials from the State of Illinois. The fee for such permit shall be \$3.

(c) The Secretary of State shall promulgate by such rule or regulation, schedules of fees and taxes for such permits and in computing the amount or amounts due, may round off such amount to the nearest full dollar amount.

(d) The Secretary of State shall further prescribe the form of application and permit and may require such information and data as necessary and proper, including confirming the status or identity of the applicant and the vehicle in question.

(e) Rules or regulations promulgated by the Secretary of State under this Section shall provide for reasonable and proper limitations and restrictions governing the application for and issuance and use of permits, and shall provide for the number of permits per vehicle or per applicant, so as to preclude evasion of annual registration requirements as may be required by this Act.

(f) Any permit under this Section is subject to suspension or revocation under this Act, and in addition, any such permit is subject to suspension or revocation should the Secretary of State determine that the vehicle identified in any permit should be properly registered in Illinois. In the event any such permit is suspended or revoked, the permit is then null and void, may not be re-instated, nor is a refund therefor available. The vehicle identified in such permit may not thereafter be operated in Illinois without being properly registered as provided in this Chapter.

(Source: P.A. 92-680, eff. 7-16-02; 93-32, eff. 7-1-03.)

(625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

Sec. 3-405.1. Application for vanity and personalized license plates.

(a) Vanity license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds, to a trailer weighing 8,000 pounds or less paying the flat weight tax, to a funeral home vehicle, an electric vehicle, or ~~to~~ a recreational vehicle, which display a registration number containing 1 to 7 letters and no numbers or 1, 2, or 3 numbers and no letters as requested by the owner of the vehicle and license plates issued to retired members of Congress under Section 3-610.1 or to retired members of the General Assembly as provided in Section 3-606.1. Personalized

license plates mean any license plates, assigned to a passenger motor vehicle of the first division, to a motor vehicle of the second division registered at not more than 8,000 pounds, to a trailer weighing 8,000 pounds or less paying the flat weight tax, to a funeral home vehicle, an electric vehicle, or ~~to~~ a recreational vehicle, which display a registration number containing one of the following combinations of letters and numbers, as requested by the owner of the vehicle:

Standard Passenger Plates

First Division Vehicles

1 letter plus 0-99

2 letters plus 0-99

3 letters plus 0-99

4 letters plus 0-99

5 letters plus 0-99

6 letters plus 0-9

Second Division Vehicles

8,000 pounds or less, Trailers

8,000 pounds or less paying the flat weight tax, and Recreation Vehicles

0-999 plus 1 letter

0-999 plus 2 letters

0-999 plus 3 letters

0-99 plus 4 letters

0-9 plus 5 letters

(b) For any registration period commencing after December 31, 2003, any person who is the registered owner of a passenger motor vehicle of the first division, of a motor vehicle of the second division registered at not more than 8,000 pounds, of a trailer weighing 8,000 pounds or less paying the flat weight tax, of a funeral home vehicle, of an electric vehicle, or of a recreational vehicle registered with the Secretary of State or who makes application for an original registration of such a motor vehicle or renewal registration of such a motor vehicle may, upon payment of a fee prescribed in Section 3-806.1 or Section 3-806.5, apply to the Secretary of State for vanity or personalized license plates.

(c) Except as otherwise provided in this Chapter 3, vanity and personalized license plates as issued under this Section shall be the same color and design as other passenger vehicle license plates or electric vehicle license plates and shall not in any manner conflict with any other existing passenger, commercial, trailer, motorcycle, or special license plate series. However, special registration plates issued under Sections 3-611 and 3-616 for vehicles operated by or for persons with disabilities may also be vanity or personalized license plates.

(d) Vanity and personalized license plates shall be issued only to the registered owner of the vehicle on which they are to be displayed, except as provided in Sections 3-611 and 3-616 for special registration plates for vehicles operated by or for persons with disabilities.

(e) An applicant for the issuance of vanity or personalized license plates or subsequent renewal thereof shall file an application in such form and manner and by such date as the Secretary of State may, in his discretion, require.

No vanity nor personalized license plates shall be approved, manufactured, or distributed that contain any characters, symbols other than the international accessibility symbol for vehicles operated by or for persons with disabilities, foreign words, or letters of punctuation.

(f) Vanity and personalized license plates as issued pursuant to this Act may be subject to the Staggered Registration System as prescribed by the Secretary of State.

(g) For purposes of this Section, "funeral home vehicle" means any motor vehicle of the first division or motor vehicle of the second division weighing 8,000 pounds or less that is owned or leased by a funeral home.

(h) As used in this Section, "electric vehicle" means any vehicle that is required to be registered under Section 3-805.

(Source: P.A. 100-956, eff. 1-1-19.)

(625 ILCS 5/3-506)

Sec. 3-506. Transfer of plates to spouses of military service members. Upon the death of a military service member who has been issued a special plate under Section 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.15, 3-699.16, ~~or~~ 3-699.17, 3-699.19, or 3-699.20 of this Code, the surviving spouse of that service member may retain the plate so long as that spouse is a resident of Illinois and transfers the registration to his or her name within 180 days of the death of the service member.

For the purposes of this Section, "service member" means any individual who is serving or has served in any branch of the United States Armed Forces, including the National Guard or other reserve components of the Armed Forces, and has been issued a special plate listed in this Section.

(Source: P.A. 100-201, eff. 8-18-17; 101-51, eff. 7-12-19.)

(625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

Sec. 3-802. Reclassifications and upgrades.

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

"Reclassification" means changing the registration of a vehicle from one plate category to another.

"Upgrade" means increasing the registered weight of a vehicle within the same plate category.

(b) When reclassing the registration of a vehicle from one plate category to another, the owner shall receive credit for the unused portion of the present plate and be charged the current portion fees for the new plate. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed.

(b-5) Beginning with the 2019 registration year, any individual who has a registration issued under either Section 3-405 or 3-405.1 that qualifies for a special license plate under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.15, 3-699.16, 3-699.17, 3-699.19, or 3-699.20 ~~or 3-699.17~~ may reclass his or her registration upon acquiring a special license plate listed in this subsection (b-5) without a replacement plate or digital plate fee or registration sticker or digital registration sticker cost.

(b-10) Beginning with the 2019 registration year, any individual who has a special license plate issued under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, or 3-699.17 may

reclass his or her special license plate upon acquiring a new registration under Section 3-405 or 3-405.1 without a replacement plate or digital plate fee or registration sticker or digital registration sticker cost.

(c) When upgrading the weight of a registration within the same plate category, the owner shall pay the difference in current period fees between the 2 ~~two~~ plates. In addition, the appropriate replacement plate and replacement sticker fees shall be assessed. In the event new plates are not required, the corrected registration card fee shall be assessed.

(d) In the event the owner of the vehicle desires to change the registered weight and change the plate category, the owner shall receive credit for the unused portion of the registration fee of the current plate and pay the current portion of the registration fee for the new plate, and in addition, pay the appropriate replacement plate and replacement sticker fees.

(e) Reclassing from one plate category to another plate category can be done only once within any registration period.

(f) No refunds shall be made in any of the circumstances found in subsection (b), subsection (c), or subsection (d); however, when reclassing from a flat weight plate to an apportioned plate, a refund may be issued if the credit amounts to an overpayment.

(g) In the event the registration of a vehicle registered under the mileage tax option is revoked, the owner shall be

required to pay the annual registration fee in the new plate category and shall not receive any credit for the mileage plate fees.

(h) Certain special interest plates may be displayed on first division vehicles, second division vehicles weighing 8,000 pounds or less, and recreational vehicles. Those plates can be transferred within those vehicle groups.

(i) Plates displayed on second division vehicles weighing 8,000 pounds or less and passenger vehicle plates may be reclassified from one division to the other.

(j) Other than in subsection (i), reclassing from one division to the other division is prohibited. In addition, a reclass from a motor vehicle to a trailer or a trailer to a motor vehicle is prohibited.

(Source: P.A. 100-246, eff. 1-1-18; 100-450, eff. 1-1-18; 100-863, eff. 8-14-18; 101-51, eff. 7-12-19; 101-395, eff. 8-16-19; revised 9-24-19.)

(625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

Sec. 3-805. Electric vehicles.

(a) ~~The~~ ~~Until January 1, 2020, the~~ owner of a motor vehicle of the first division or a motor vehicle of the second division weighing 8,000 pounds or less propelled by an electric engine and not utilizing motor fuel, may register such vehicle for a fee not to exceed \$35 for a 2-year registration period. The Secretary may, in his discretion, prescribe that electric

~~vehicle registration plates be issued for an indefinite term, such term to correspond to the term of registration plates issued generally, as provided in Section 3-414.1. In no event may the registration fee for electric vehicles exceed \$18 per registration year. Beginning on January 1, 2020, the registration fee for these vehicles shall be equal to the fee set forth in Section 3-806 for motor vehicles of the first division, other than Autocycles, Motorcycles, Motor Driven Cycles, and Pedalcycles. In addition to the registration fees, the Secretary shall assess an additional \$100 per year in lieu of the payment of motor fuel taxes. \$1 of the additional fees shall be deposited into the Secretary of State Special Services Fund and the remainder of the additional fees shall be deposited into the Road Fund.~~

(b) Beginning with the 2023 registration year, upon the request of the vehicle owner, an electric vehicle owner may register an electric vehicle with any qualifying registration issued under this Chapter, and an additional \$100 surcharge shall be collected in addition to the applicable registration fee. The \$100 additional fee is to identify the vehicle as an electric vehicle. The \$100 additional fee is an annual, flat fee that shall be based on an applicant's new or existing registration year for the vehicle's corresponding weight category. A designation as an electric vehicle under this subsection shall not alter a vehicle's registration. Of the additional fees, \$1 shall be deposited into the Secretary of

State Special Services Fund, and the remainder of the additional fees shall be deposited into the Road Fund. The Secretary shall adopt any rules necessary to implement this subsection (b).

(Source: P.A. 101-32, eff. 6-28-19.)

(625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

Sec. 3-806.1. Additional fees for vanity license plates. In addition to the regular registration fee or electric vehicle registration fee, an applicant for a vanity license plate, other than a vanity plate in any military series or a vanity plate issued under Section 3-664, shall be charged \$94 for each set of vanity license plates issued to a vehicle of the first division or a vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and \$50 for each set of vanity plates issued to an autocycle or motorcycle. In addition to the regular renewal fee or electric vehicle registration renewal fee, an applicant for a vanity plate, other than a vanity plate in any military series or a vanity plate issued under Section 3-664, shall be charged \$13 for the renewal of each set of vanity license plates. There shall be no additional fees for a vanity license plate in any military series of plates or a vanity plate issued under Section 3-664.

(Source: P.A. 98-777, eff. 1-1-15.)

(625 ILCS 5/3-806.5)

Sec. 3-806.5. Additional fees for personalized license plates. For registration periods commencing after December 31, 2003, in addition to the regular registration fee or electric vehicle registration fee, an applicant for a personalized license plate, other than a personalized plate in any military series or a personalized plate issued under Section 3-664, shall be charged \$47 for each set of personalized license plates issued to a vehicle of the first division or a vehicle of the second division registered at not more than 8,000 pounds or to a recreational vehicle and \$25 for each set of personalized plates issued to an autocycle or motorcycle. In addition to the regular renewal fee or electric vehicle registration renewal fee, an applicant for a personalized plate other than a personalized plate in any military series or a personalized plate issued under Section 3-664, shall be charged \$7 for the renewal of each set of personalized license plates. There shall be no additional fees charged for a personalized plate in any military series of plates or a personalized plate issued under Section 3-664. Of the money received by the Secretary of State as additional fees for personalized license plates, 50% shall be deposited into the Secretary of State Special License Plate Fund and 50% shall be deposited into the General Revenue Fund.

(Source: P.A. 98-777, eff. 1-1-15.)

(625 ILCS 5/5-100) (from Ch. 95 1/2, par. 5-100)

Sec. 5-100. Definitions. For the purposes of this Chapter, the following words shall have the meanings ascribed to them as follows:

"Additional place of business" means a place owned or leased and occupied by the dealer in addition to its established place of business, at which the dealer conducts or intends to conduct business on a permanent or long term basis. The term does not include an area where an off site sale or exhibition is conducted. The Secretary of State shall adopt guidelines for the administration and enforcement of this definition by rule.

"Display exhibition" means a temporary display of vehicles by a dealer licensed under Section 5-101 or 5-102, at a location at which no vehicles are offered for sale, that is conducted at a place other than the dealer's established and additional places of business.

"Established place of business" means the place owned or leased and occupied by any person duly licensed or required to be licensed as a dealer for the purpose of engaging in selling, buying, bartering, displaying, exchanging or dealing in, on consignment or otherwise, vehicles and their essential parts and for such other ancillary purposes as may be permitted by the Secretary by rule. It shall include an office in which the dealer's records shall be separate and distinct from any other business or tenant which may occupy space in the same building

except as provided in Section 5-101.1. This office shall not be located in a house trailer, residence, tent, temporary stand, temporary address, room or rooms in a hotel or rooming house, nor the premises occupied by a single or multiple unit residence. "Established place of business" only includes a place with an outdoor lot capable of parking at least 5 vehicles or an indoor lot with space for a minimum of one vehicle to be parked in its indoor showroom. The established place of business of a scrap processor shall be the fixed location where the scrap processor maintains its principal place of business. The Secretary of State shall, by rule and regulation, adopt guidelines for the administration and enforcement of this definition, such as, but not limited to issues concerning the required hours of operation, describing where vehicles are displayed and offered for sale, where books and records are maintained and requirements for the fulfillment of warranties. A dealer may have an additional place of business as defined under this Section.

"Motor vehicle financing affiliate" means a business organization registered to do business in Illinois that, pursuant to a written contract with either (1) a single new or used motor vehicle dealer or (2) a single group of new or used motor vehicle dealers that share a common ownership within the group, purchases new or used motor vehicles on behalf of the dealer or group of dealers and then sells, transfers, or assigns those motor vehicles to the dealer or group of

dealers. The motor vehicle financing affiliate must be incorporated or organized solely to purchase new or used vehicles on behalf of the new or used motor vehicle dealer or group of dealers with which it has contracted, shall not sell motor vehicles at retail, shall perform only those business functions related to the purchasing of motor vehicles and selling, transferring, or assigning those motor vehicles to the dealer or group of dealers. The motor vehicle financing affiliate must be licensed under the provisions of Section 5-101.1 and must not be licensed as a new or used motor vehicle dealer.

"Off site sale" means the temporary display and sale of vehicles, for a period of not more than 7 calendar days (excluding Sundays), by a dealer licensed under Section 5-101 or 5-102 at a place other than the dealer's established and additional places of business.

"Relevant market area", for a new vehicle dealer licensed under Section 5-101 and for a used vehicle dealer licensed under Section 5-102, means the area within 10 miles of the established or additional place of business of the dealer located in a county with a population of 300,000 or more, or within 15 miles if the established place of business is located in a county with a population of less than 300,000.

"Trade show exhibition" means a temporary display of vehicles, by dealers licensed under Section 5-101 or 5-102, or any other person as defined in subsection (c) of Section

5-102.1, at a location at which no vehicles are offered for sale that is conducted at a place other than the dealer's established and additional places of business. In order for a display exhibition to be considered a trade show exhibition, it must be participated in by at least 3 dealers, 2 of which must be licensed under Section 5-101 or 5-102; and a trade show exhibition of new vehicles shall only be participated in by licensed new vehicle dealers at least 2 of which must be licensed under Section 5-101.

(Source: P.A. 90-89, eff. 1-1-98; 91-415, eff. 1-1-00.)

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

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

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

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

1. The name and type of business organization of the

applicant and his established and additional places of business, if any, in this State.

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

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

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

manufacturer and second stage manufacturer.

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

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

mobile home dealers are exempt from this requirement.

If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and \$50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and \$50,000 for damage to property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer.

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

As used in this paragraph 6, a "permitted user" is a person who, with the permission of the new vehicle dealer or an employee of the new vehicle dealer, drives a vehicle owned and held for sale or lease by the new vehicle dealer which the person is considering to purchase or lease, in

order to evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a person who, with the permission of the new vehicle dealer, drives a vehicle owned or held for sale or lease by the new vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated.

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

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

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

(i) \$1,000 for applicant's established place of business, and \$100 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the license fee shall be \$500 for applicant's

established place of business plus \$50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. All moneys received by the Secretary of State as license fees under this subparagraph (i) prior to applications for the 2004 licensing year shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act. Of the money received by the Secretary of State as license fees under this subparagraph (i) for the 2004 licensing year and thereafter, 10% shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act and 90% shall be deposited into the General Revenue Fund.

(ii) Except for dealers selling 25 or fewer automobiles or as provided in subsection (h) of Section 5-102.7 of this Code, an Annual Dealer Recovery Fund Fee in the amount of \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the fee shall be \$250

for the applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. For a license renewal application, the fee shall be based on the amount of automobiles sold in the past year according to the following formula:

(1) \$0 for dealers selling 25 or less automobiles;

(2) \$150 for dealers selling more than 25 but less than 200 automobiles;

(3) \$300 for dealers selling 200 or more automobiles but less than 300 automobiles; and

(4) \$500 for dealers selling 300 or more automobiles.

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

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

(i) \$1,000 for applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any

year, the license fee shall be \$500 for applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this subparagraph (i) for the 2004 licensing year and thereafter, 95% shall be deposited into the General Revenue Fund.

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

8. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership

interest therein, proprietor, a partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:

(A) The Anti-Theft Laws of the Illinois Vehicle Code;

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

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

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

(E) Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or

(F) The Retailers' Occupation Tax Act.

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

following Acts:

- (A) The Consumer Finance Act;
- (B) The Consumer Installment Loan Act;
- (C) The Retail Installment Sales Act;
- (D) The Motor Vehicle Retail Installment Sales Act;
- (E) The Interest Act;
- (F) The Illinois Wage Assignment Act;
- (G) Part 8 of Article XII of the Code of Civil Procedure; or
- (H) The Consumer Fraud Act.

9.5. A statement that, within 10 years of application, each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed, as determined in any civil, criminal, or administrative proceeding, in any calendar year one or more forcible felonies under the Criminal Code of 1961 or the Criminal Code of 2012, or a violation of either or both Article 16 or 17 of the Criminal Code of 1961 or a violation of either or both Article 16 or 17 of the Criminal Code of 2012, Article 29B of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar out-of-state offense. For the purposes of this paragraph, "forcible felony" has the meaning provided in Section 2-8

of the Criminal Code of 2012.

10. A bond or certificate of deposit in the amount of \$50,000 for each location at which the applicant intends to act as a new vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a new vehicle dealer.

11. Such other information concerning the business of the applicant as the Secretary of State may by rule or regulation prescribe.

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

13. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any information contained in any application for a new vehicle dealer's license shall be amended within 30 days after the occurrence of such change on such form as the Secretary of

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

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

1. He is authorized by contract in writing between himself and the manufacturer or franchised distributor of such make of vehicle to so sell the same in this State, and
2. Such person shall maintain an established place of business as defined in this Act.

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

1. The name of the person licensed;
2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of

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

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

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

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

6. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

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

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

(h) A new vehicle dealer's license may be renewed upon application and payment of the fee required herein, and

submission of proof of coverage under an approved bond under the Retailers' Occupation Tax Act or proof that applicant is not subject to such bonding requirements, as in the case of an original license, but in case an application for the renewal of an effective license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

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

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

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

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

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

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

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

(j) Except at the time of sale or repossession of the

vehicle, no person licensed as a new vehicle dealer may issue any other person a newly created key to a vehicle unless the new vehicle dealer makes a color photocopy or electronic scan of the driver's license or State identification card of the person requesting or obtaining the newly created key. The new vehicle dealer must retain the photocopy or scan for 30 days.

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

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

(k) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a license under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who

handles certificate of title and registration documents and applications.

(Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19; 101-505, eff. 1-1-20.)

(625 ILCS 5/5-101.1)

Sec. 5-101.1. Motor vehicle financing affiliates; licensing.

(a) In this State no business shall engage in the business of a motor vehicle financing affiliate without a license to do so in writing from the Secretary of State.

(b) An application for a motor vehicle financing affiliate's license must be filed with the Secretary of State, duly verified by oath, on a form prescribed by the Secretary of State and shall contain all of the following:

(1) The name and type of business organization of the applicant and the applicant's established place of business and any additional places of business in this State.

(2) The name and address of the licensed new or used vehicle dealer to which the applicant will be selling, transferring, or assigning new or used motor vehicles pursuant to a written contract. If more than one dealer is on the application, the applicant shall state in writing the basis of common ownership among the dealers.

(3) A list of the business organization's officers,

directors, members, and shareholders having a 10% or greater ownership interest in the business, providing the residential address for each person listed.

(4) If selling, transferring, or assigning new motor vehicles, the make or makes of new vehicles that it will sell, assign, or otherwise transfer to the contracting new motor vehicle dealer listed on the application pursuant to paragraph (2).

(5) The name of each manufacturer or franchised distributor, if any, of new vehicles with whom the applicant has contracted for the sale of new vehicles and a signed statement from each manufacturer or franchised distributor acknowledging the contract.

(6) A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. This requirement does not apply to a motor vehicle financing affiliate that is already licensed with the Secretary of State and is applying for a renewal of its license.

(7) A statement that the applicant has complied with the appropriate liability insurance requirement and a Certificate of Insurance that shall not expire before December 31 of the year for which the license was issued or renewed with a minimum liability coverage of \$100,000 for the bodily injury or death of any person, \$300,000 for the bodily injury or death of 2 or more persons in any one

accident, and \$50,000 for damage to property. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from the requirements of this paragraph. A motor vehicle financing affiliate is exempt from the requirements of this paragraph if it is covered by the insurance policy of the new or used dealer listed on the application pursuant to paragraph (2).

(8) A license fee of \$1,000 for the applicant's established place of business and \$250 for each additional place of business, if any, to which the application pertains. However, if the application is made after June 15 of any year, the license fee shall be \$500 for the applicant's established place of business and \$125 for each additional place of business, if any, to which the application pertains. These license fees shall be returnable only in the event that the application is denied by the Secretary of State.

(9) A statement incorporating the requirements of paragraphs 8 and 9 of subsection (b) of Section 5-101.

(10) Any other information concerning the business of the applicant as the Secretary of State may prescribe.

(11) A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(12) The full name, address, and contact information

of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any information contained in any application for a motor vehicle financing affiliate's license shall be amended within 30 days after the occurrence of the change on a form prescribed by the Secretary of State, accompanied by an amendatory fee of \$2.

(d) If a new vehicle dealer is not listed on the application, pursuant to paragraph (2) of subsection (b), the motor vehicle financing affiliate shall not receive, possess, or transfer any new vehicle. If a new motor vehicle dealer is listed on the application, pursuant to paragraph (2) of subsection (b), the new motor vehicle dealer can only receive those new cars it is permitted to receive under its franchise agreement. If both a new and used motor vehicle dealer are listed on the application, pursuant to paragraph (2) of subsection (b), only the new motor vehicle dealer may receive new motor vehicles. If a used motor vehicle is listed on the application, pursuant to paragraph (2) of subsection (b), the used motor vehicle dealer shall not receive any new motor vehicles.

(e) The applicant and dealer provided pursuant to paragraph (2) of subsection (b) must be business organizations registered to conduct business in Illinois. Three-fourths of the dealer's board of directors must be members of the motor

vehicle financing affiliate's board of directors, if applicable.

(f) Unless otherwise provided in this Chapter 5, no business organization registered to do business in Illinois shall be licensed as a motor vehicle financing affiliate unless:

(1) The motor vehicle financing affiliate shall only sell, transfer, or assign motor vehicles to the licensed new or used dealer listed on the application pursuant to paragraph (2) of subsection (b).

(2) The motor vehicle financing affiliate sells, transfers, or assigns to the new motor vehicle dealer listed on the application, if any, only those new motor vehicles the motor vehicle financing affiliate has received under the contract set forth in paragraph (5) of subsection (b).

(3) Any new vehicle dealer listed pursuant to paragraph (2) of subsection (b) has a franchise agreement that permits the dealer to receive motor vehicles from the motor vehicle franchise affiliate.

(4) The new or used motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b) has one established place of business or supplemental places of business as referenced in subsection (g).

(g) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted pursuant to

this Section and, unless it is determined that the application does not conform with the requirements of this Section or that grounds exist for a denial of the application under Section 5-501, grant the applicant a motor vehicle financing affiliate license in writing for the applicant's established place of business and a supplemental license in writing for each additional place of business in a form prescribed by the Secretary, which shall include all of the following:

(1) The name of the business licensed;

(2) The name and address of its officers, directors, or members, as applicable;

(3) In the case of an original license, the established place of business of the licensee; ~~and~~

(4) If applicable, the make or makes of new vehicles which the licensee is licensed to sell to the new motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b); ~~and~~.

(5) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(h) The appropriate instrument evidencing the license or a certified copy, provided by the Secretary of State, shall be kept posted conspicuously in the established place of business of the licensee.

(i) Except as provided in subsection (h), all motor

vehicle financing affiliate's licenses granted under this Section shall expired by operation of law on December 31 of the calendar year for which they are granted, unless revoked or canceled at an earlier date pursuant to Section 5-501.

(j) A motor vehicle financing affiliate's license may be renewed upon application and payment of the required fee. However, when an application for renewal of a motor vehicle financing affiliate's license is made during the month of December, the effective license shall remain in force until the application is granted or denied by the Secretary of State.

(k) The contract a motor vehicle financing affiliate has with a manufacturer or franchised distributor, as provided in paragraph (5) of subsection (b), shall only permit the applicant to sell, transfer, or assign new motor vehicles to the new motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b). The contract shall specifically prohibit the motor vehicle financing affiliate from selling motor vehicles at retail. This contract shall not be considered the granting of a franchise as defined in Section 2 of the Motor Vehicle Franchise Act.

(l) When purchasing of a motor vehicle by a new or used motor vehicle dealer, all persons licensed as a motor vehicle financing affiliate are required to furnish all of the following:

(1) For a new vehicle, a manufacturer's statement of

origin properly assigned to the purchasing dealer. For a used vehicle, a certificate of title properly assigned to the purchasing dealer.

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

(3) A bill of sale properly executed on behalf of the purchasing dealer.

(4) A copy of the Uniform Invoice-transaction report pursuant to Section 5-402.

(5) In the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status pursuant to Section 5-104.3.

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

(m) The motor vehicle financing affiliate shall use the established and supplemental place or places of business the new or used vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b) as its established and supplemental place or places of business.

(n) The motor vehicle financing affiliate shall keep all books and records required by this Code with the books and records of the new or used vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b). The motor vehicle financing affiliate may use the books and

records of the new or used motor vehicle dealer listed on the application pursuant to paragraph (2) of subsection (b).

(o) Under no circumstances shall a motor vehicle financing affiliate sell, transfer, or assign a new vehicle to any place of business of a new motor vehicle dealer, unless that place of business is licensed under this Chapter to sell, assign, or otherwise transfer the make of the new motor vehicle transferred.

(p) All moneys received by the Secretary of State as license fees under this Section shall be deposited into the Motor Vehicle Review Board Fund and shall be used to administer the Motor Vehicle Review Board under the Motor Vehicle Franchise Act.

(q) Except as otherwise provided in this Section, a motor vehicle financing affiliate shall comply with all provisions of this Code.

(r) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a licensee under this Section or under this

Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who handles certificate of title and registration documents and applications.

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

(625 ILCS 5/5-101.2)

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

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

"Community-based manufactured home dealer" means an individual or entity that operates a tract of land or 2 or more contiguous tracts of land which contain sites with the necessary utilities for 5 or more independent manufactured homes for permanent habitation, either free of charge or for revenue purposes, and shall include any building, structure, vehicle, or enclosure used or intended for use as a part of the equipment of the manufactured home park who may, incidental to the operation of the manufactured home community, sell, trade, or buy no more than 2 manufactured homes or park models per calendar year that are located within the manufactured home community pursuant to a franchise agreement or similar agreement with a manufacturer, or used

manufactured homes or park models located within the manufactured home community or additional place of business that is owned or managed by the community-based manufactured home dealer.

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

"Manufactured home" means a factory assembled structure built on a permanent chassis, transportable in one or more sections in the travel mode, incapable of

self-propulsion, and bears a label indicating the manufacturer's compliance with the United States Department of Housing and Urban Development standards, as applicable, that is without a permanent foundation and is designed for year round occupancy as a single-family residence when connected to approved water, sewer, and electrical utilities.

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

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

"Supplemental license" means a license that a community-based manufactured home dealer receives and displays at locations in which the licensee is authorized to sell, buy, barter, display, exchange, or deal in, on consignment or otherwise, manufactured homes or park

models, but is not the established place of business of the licensee.

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

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

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

(2) If the applicant is a corporation, a list of its officers, directors, and shareholders having a 10% or greater ownership interest in the corporation. If the applicant is a sole proprietorship, a partnership, a limited liability company, an unincorporated association, a trust, or any similar form of business organization, the name and residence address of the proprietor, or the name and residence address of each partner, member, officer,

director, trustee, or manager.

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

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

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

(6) An application for:

(A) a manufactured home dealer's license, when the applicant is selling new manufactured homes or park models on behalf of a manufacturer of manufactured

homes or park models, or 5 or more used manufactured homes or park models during the calendar year, shall be accompanied by a \$1,000 license fee for the applicant's established place of business, and \$100 for each additional place of business, if any, to which the application pertains. If the application is made after June 15 in any year, the license fee shall be \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State; or

(B) a community-based manufactured home dealer's license, when the applicant is selling new manufactured homes or park models on behalf of a manufacturer of manufactured homes or park models, or 5 or more used manufactured homes or park models during the calendar year, but within a community setting, shall be accompanied by a license fee of \$500 for the applicant's established place of business, and \$50 for each additional place of business within a 50-mile radius of the established place of business, if any to which the application pertains. If the application is made after June 15 in any year, the license fee shall be \$250 for the applicant's

established place of business, and \$50 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only in the event that the application is denied by the Secretary of State.

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

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

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

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

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

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

(E) Section 21-2 of the Criminal Code of 2012
(criminal trespass to vehicles);

(F) the Retailers Occupation Tax Act;

(G) the Consumer Finance Act;

(H) the Consumer Installment Loan Act;

(I) the Retail Installment Sales Act;

(J) the Motor Vehicle Retail Installment Sales
Act;

(K) the Interest Act;

(L) the Illinois Wage Assignment Act;

(M) Part 8 of Article XII of the Code of Civil
Procedure; or

(N) the Consumer Fraud Act.

(8) A bond or certificate of deposit in the amount of \$20,000 for each license holder applicant intending to act as a manufactured home dealer or community-based manufactured home dealer under this Section. The bond shall be for the term of the license, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a manufactured home

dealer.

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

(10) Any other information concerning the business of the applicant as the Secretary of State may by rule prescribe.

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

(12) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

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

(e) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted to him or her under this Section, and unless he or she makes a determination that the application submitted to him or her does not conform with the requirements of this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, grant the applicant an initial manufactured home dealer's license or a community-based manufactured home

dealer's license in writing for his or her established place of business and a supplemental license in writing for each additional place of business in a form the Secretary may prescribe by rule, which shall include the following:

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

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

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

(4) in the case of a supplemental license, the established place of business of the licensee and the distance to each additional place of business to which the supplemental license pertains; ~~and~~

(5) if applicable, the make or makes of new manufactured homes or park models to which a manufactured home dealer is licensed to sell; and.

(6) the full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of

the dealership.

(e-5) A manufactured home dealer may operate a supplemental lot if the lot is located within 50 miles of the manufactured home dealer's principal place of business. Records pertaining to a supplemental lot may be maintained at the principal place of business.

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

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

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

(1) in the case of a new manufactured home or park model, a manufacturer's statement of origin, and in the

case of a previously owned manufactured home or park model, a certificate of title, in either case properly assigned to the purchaser;

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

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

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

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

(i) This Section shall not apply to a (i) seller who privately owns his or her manufactured home or park model as his or her main residence and is selling the manufactured home or park model to another individual or to a licensee; (ii) a retailer or entity licensed under either Section 5-101 or 5-102 of this Code; or (iii) an individual or entity licensed to sell truck campers, travel trailers, motor homes, or mini motor homes as defined by this Code. Any vehicle not covered by this Section that requires an individual or entity to obtain a

license to sell 5 or more vehicles must obtain a license under the relevant provisions of this Code.

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

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

(Source: P.A. 101-407, eff. 8-16-19.)

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

Sec. 5-102. Used vehicle dealers must be licensed.

(a) No person, other than a licensed new vehicle dealer, shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except house trailers as authorized by paragraph (j) of this Section and rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he is so engaged or intends to so engage in such business unless licensed to do so by the Secretary of State under the provisions of this Section.

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

1. The name and type of business organization established and additional places of business, if any, in this State.

2. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager.

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

4. A statement that the applicant has complied with the appropriate liability insurance requirement. A Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included

with each application covering each location at which he proposes to act as a used vehicle dealer. The policy must provide liability coverage in the minimum amounts of \$100,000 for bodily injury to, or death of, any person, \$300,000 for bodily injury to, or death of, two or more persons in any one accident, and \$50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed. Trailer and mobile home dealers are exempt from this requirement.

If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and \$50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and \$50,000 for damage to property, or does not have any insurance at all, then the

dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer.

When a permitted user is "test driving" a used vehicle dealer's automobile, the used vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph 4, a "permitted user" is a person who, with the permission of the used vehicle dealer or an employee of the used vehicle dealer, drives a vehicle owned and held for sale or lease by the used vehicle dealer which the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. The term "permitted user" also includes a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated.

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

As used in this paragraph 4, "loaner purposes" means

when a person who, with the permission of the used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer while the user's vehicle is being repaired or evaluated.

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

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

(B) Except for dealers selling 25 or fewer automobiles or as provided in subsection (h) of Section 5-102.7 of this Code, an Annual Dealer Recovery Fund Fee in the amount of \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which

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

(1) \$0 for dealers selling 25 or less automobiles;

(2) \$150 for dealers selling more than 25 but less than 200 automobiles;

(3) \$300 for dealers selling 200 or more automobiles but less than 300 automobiles; and

(4) \$500 for dealers selling 300 or more automobiles.

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

6. A statement that the applicant's officers, directors, shareholders having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in the past 3 years any one

violation as determined in any civil, criminal or administrative proceedings of any one of the following Acts:

(A) The Anti-Theft Laws of the Illinois Vehicle Code;

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

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

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

(E) Section 21-2 of the Illinois Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or

(F) The Retailers' Occupation Tax Act.

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

(A) The Consumer Finance Act;

(B) The Consumer Installment Loan Act;

(C) The Retail Installment Sales Act;

(D) The Motor Vehicle Retail Installment Sales Act;

(E) The Interest Act;

(F) The Illinois Wage Assignment Act;

(G) Part 8 of Article XII of the Code of Civil Procedure; or

(H) The Consumer Fraud and Deceptive Business Practices Act.

7.5. A statement that, within 10 years of application, each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed, as determined in any civil, criminal, or administrative proceeding, in any calendar year one or more forcible felonies under the Criminal Code of 1961 or the Criminal Code of 2012, or a violation of either or both Article 16 or 17 of the Criminal Code of 1961 or a violation of either or both Article 16 or 17 of the Criminal Code of 2012, Article 29B of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar out-of-state offense. For the purposes of this paragraph, "forcible felony" has the meaning provided in Section 2-8 of the Criminal Code of 2012.

8. A bond or Certificate of Deposit in the amount of

\$50,000 for each location at which the applicant intends to act as a used vehicle dealer. The bond shall be for the term of the license, or its renewal, for which application is made, and shall expire not sooner than December 31 of the year for which the license was issued or renewed. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a used vehicle dealer.

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

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

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

12. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(c) Any change which renders no longer accurate any information contained in any application for a used vehicle dealer's license shall be amended within 30 days after the occurrence of each change on such form as the Secretary of

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

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

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

1. The name of the person licensed;
2. If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;
3. In case of an original license, the established place of business of the licensee;

4. In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains;~~:-~~

5. The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

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

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

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

application for renewal is granted or denied by the Secretary of State.

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

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

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

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

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

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

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

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

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

(2) the date of sale,

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

(4) the Illinois certificate of title number.

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

(k) Except at the time of sale or repossession of the vehicle, no person licensed as a used vehicle dealer may issue any other person a newly created key to a vehicle unless the used vehicle dealer makes a color photocopy or electronic scan of the driver's license or State identification card of the person requesting or obtaining the newly created key. The used vehicle dealer must retain the photocopy or scan for 30 days.

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

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

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

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

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

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

(m) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a license under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who

handles certificate of title and registration documents and applications.

(Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19; 101-505, eff. 1-1-20.)

(625 ILCS 5/5-102.8)

Sec. 5-102.8. Licensure of Buy Here, Pay Here used vehicle dealers.

(a) As used in this Section, "Buy Here, Pay Here used vehicle dealer" means any entity that engages in the business of selling or leasing of vehicles and finances the sale or purchase price of the vehicle to a customer without the customer using a third-party lender.

(b) No person shall engage in the business of selling or dealing in, on consignment or otherwise, 5 or more used vehicles of any make during the year (except rebuilt salvage vehicles sold by their rebuilders to persons licensed under this Chapter), or act as an intermediary, agent, or broker for any licensed dealer or vehicle purchaser (other than as a salesperson) or represent or advertise that he or she is so engaged or intends to so engage in such business of a Buy Here, Pay Here used vehicle dealer unless licensed to do so by the Secretary of State under the provisions of this Section.

(c) An application for a Buy Here, Pay Here used vehicle dealer's license shall be filed with the Secretary of State,

duly verified by oath, in such form as the Secretary of State may by rule or regulation prescribe and shall contain:

(1) The name and type of business organization established and additional places of business, if any, in this State.

(2) If the applicant is a corporation, a list of its officers, directors, and shareholders having a 10% or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee, or manager.

(3) A statement that the applicant has been approved for registration under the Retailers' Occupation Tax Act by the Department of Revenue. However, this requirement does not apply to a dealer who is already licensed hereunder with the Secretary of State, and who is merely applying for a renewal of his or her license. As evidence of this fact, the application shall be accompanied by a certification from the Department of Revenue showing that the Department has approved the applicant for registration under the Retailers' Occupation Tax Act.

(4) A statement that the applicant has complied with the appropriate liability insurance requirement. A

Certificate of Insurance in a solvent company authorized to do business in the State of Illinois shall be included with each application covering each location at which he or she proposes to act as a Buy Here, Pay Here used vehicle dealer. The policy must provide liability coverage in the minimum amounts of \$100,000 for bodily injury to, or death of, any person, \$300,000 for bodily injury to, or death of, 2 or more persons in any one accident, and \$50,000 for damage to property. Such policy shall expire not sooner than December 31 of the year for which the license was issued or renewed. The expiration of the insurance policy shall not terminate the liability under the policy arising during the period for which the policy was filed.

If the permitted user has a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and \$50,000 for damage to property, then the permitted user's insurer shall be the primary insurer and the dealer's insurer shall be the secondary insurer. If the permitted user does not have a liability insurance policy that provides automobile liability insurance coverage of at least \$100,000 for bodily injury to or the death of any person, \$300,000 for bodily injury to or the death of any 2 or more persons in any one accident, and \$50,000 for damage to

property, or does not have any insurance at all, then the dealer's insurer shall be the primary insurer and the permitted user's insurer shall be the secondary insurer.

When a permitted user is "test driving" a Buy Here, Pay Here used vehicle dealer's automobile, the Buy Here, Pay Here used vehicle dealer's insurance shall be primary and the permitted user's insurance shall be secondary.

As used in this paragraph, "permitted user" means a person who, with the permission of the Buy Here, Pay Here used vehicle dealer or an employee of the Buy Here, Pay Here used vehicle dealer, drives a vehicle owned and held for sale or lease by the Buy Here, Pay Here used vehicle dealer that the person is considering to purchase or lease, in order to evaluate the performance, reliability, or condition of the vehicle. "Permitted user" includes a person who, with the permission of the Buy Here, Pay Here used vehicle dealer, drives a vehicle owned or held for sale or lease by the Buy Here, Pay Here used vehicle dealer for loaner purposes while the user's vehicle is being repaired or evaluated.

As used in this paragraph, "test driving" occurs when a permitted user who, with the permission of the Buy Here, Pay Here used vehicle dealer or an employee of the Buy Here, Pay Here used vehicle dealer, drives a vehicle owned and held for sale or lease by a Buy Here, Pay Here used vehicle dealer that the person is considering to purchase

or lease, in order to evaluate the performance, reliability, or condition of the vehicle.

As used in this paragraph, "loaner purposes" means when a person who, with the permission of the Buy Here, Pay Here used vehicle dealer, drives a vehicle owned or held for sale or lease by the used vehicle dealer while the user's vehicle is being repaired or evaluated.

(5) An application for a Buy Here, Pay Here used vehicle dealer's license shall be accompanied by the following license fees:

(A) \$1,000 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; however, if the application is made after June 15 of any year, the license fee shall be \$500 for the applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. License fees shall be returnable only if the application is denied by the Secretary of State. Of the money received by the Secretary of State as license fees under this subparagraph, 95% shall be deposited into the General Revenue Fund.

(B) Except for dealers selling 25 or fewer automobiles or as provided in subsection (h) of Section 5-102.7 of this Code, an Annual Dealer

Recovery Fund Fee in the amount of \$500 for the applicant's established place of business, and \$50 for each additional place of business, if any, to which the application pertains; but if the application is made after June 15 of any year, the fee shall be \$250 for the applicant's established place of business plus \$25 for each additional place of business, if any, to which the application pertains. For a license renewal application, the fee shall be based on the amount of automobiles sold in the past year according to the following formula:

- (1) \$0 for dealers selling 25 or less automobiles;
- (2) \$150 for dealers selling more than 25 but less than 200 automobiles;
- (3) \$300 for dealers selling 200 or more automobiles but less than 300 automobiles; and
- (4) \$500 for dealers selling 300 or more automobiles.

Fees shall be returnable only if the application is denied by the Secretary of State. Money received under this subparagraph shall be deposited into the Dealer Recovery Trust Fund. A Buy Here, Pay Here used vehicle dealer shall pay into the Dealer Recovery Trust Fund for every vehicle that is financed, sold, or otherwise transferred to an individual or entity

other than the Buy Here, Pay Here used vehicle dealer even if the individual or entity to which the Buy Here, Pay Here used vehicle dealer transfers the vehicle is unable to continue to adhere to the terms of the transaction by the Buy Here, Pay Here used vehicle dealer.

(6) A statement that each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed in the past 3 years any one violation as determined in any civil, criminal, or administrative proceedings of any one of the following:

(A) the Anti-Theft Laws of this Code;

(B) the Certificate of Title Laws of this Code;

(C) the Offenses against Registration and Certificates of Title Laws of this Code;

(D) the Dealers, Transporters, Wreckers and Rebuilders Laws of this Code;

(E) Section 21-2 of the Illinois Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or

(F) the Retailers' Occupation Tax Act.

(7) A statement that each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director,

trustee, manager, or other principal in the business of the applicant has not committed in any calendar year 3 or more violations, as determined in any civil, criminal, or administrative proceedings, of any one or more of the following:

- (A) the Consumer Finance Act;
- (B) the Consumer Installment Loan Act;
- (C) the Retail Installment Sales Act;
- (D) the Motor Vehicle Retail Installment Sales Act;
- (E) the Interest Act;
- (F) the Illinois Wage Assignment Act;
- (G) Part 8 of Article XII of the Code of Civil Procedure; or
- (H) the Consumer Fraud and Deceptive Business Practices Act.

(8) A statement that, within 10 years of application, each officer, director, shareholder having a 10% or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager, or other principal in the business of the applicant has not committed, as determined in any civil, criminal, or administrative proceeding, in any calendar year one or more forcible felonies under the Criminal Code of 1961 or the Criminal Code of 2012, or a violation of either or both Article 16 or 17 of the Criminal Code of 1961, or a

violation of either or both Article 16 or 17 of the Criminal Code of 2012, Article 29B of the Criminal Code of 1961 or the Criminal Code of 2012, or a similar out-of-state offense. For the purposes of this paragraph, "forcible felony" has the meaning provided in Section 2-8 of the Criminal Code of 2012.

(9) A bond or Certificate of Deposit in the amount of \$50,000 for each location at which the applicant intends to act as a Buy Here, Pay Here used vehicle dealer. The bond shall be for the term of the license. The bond shall run to the People of the State of Illinois, with surety by a bonding or insurance company authorized to do business in this State. It shall be conditioned upon the proper transmittal of all title and registration fees and taxes (excluding taxes under the Retailers' Occupation Tax Act) accepted by the applicant as a Buy Here, Pay Here used vehicle dealer.

(10) Such other information concerning the business of the applicant as the Secretary of State may by rule prescribe.

(11) A statement that the applicant understands Chapter 1 through Chapter 5 of this Code.

(12) A copy of the certification from the prelicensing education program.

(13) The full name, address, and contact information of each of the dealer's agents or legal representatives

who is an Illinois resident and liable for the performance of the dealership.

(d) Any change that renders no longer accurate any information contained in any application for a Buy Here, Pay Here used vehicle dealer's license shall be amended within 30 days after the occurrence of each change on such form as the Secretary of State may prescribe by rule, accompanied by an amendatory fee of \$2.

(e) Anything in this Chapter to the contrary notwithstanding, no person shall be licensed as a Buy Here, Pay Here used vehicle dealer unless the person maintains an established place of business as defined in this Chapter.

(f) The Secretary of State shall, within a reasonable time after receipt, examine an application submitted under this Section. Unless the Secretary makes a determination that the application does not conform to this Section or that grounds exist for a denial of the application under Section 5-501 of this Chapter, the Secretary must grant the applicant an original Buy Here, Pay Here used vehicle dealer's license in writing for his or her established place of business and a supplemental license in writing for each additional place of business in such form as the Secretary may prescribe by rule that shall include the following:

(1) The name of the person licensed.

(2) If a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an

unincorporated association, or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee, or manager.

(3) In the case of an original license, the established place of business of the licensee.

(4) In the case of a supplemental license, the established place of business of the licensee and the additional place of business to which the supplemental license pertains.

(5) The full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

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

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

(i) A Buy Here, Pay Here used vehicle dealer's license may be renewed upon application and payment of the fee required

herein, and submission of proof of coverage by an approved bond under the Retailers' Occupation Tax Act or proof that the applicant is not subject to such bonding requirements, as in the case of an original license, but in the case of an application for the renewal of an effective license made during the month of December, the effective license shall remain in force until the application for renewal is granted or denied by the Secretary of State.

(j) Each person licensed as a Buy Here, Pay Here used vehicle dealer is required to furnish each purchaser of a motor vehicle:

(1) a certificate of title properly assigned to the purchaser;

(2) a statement verified under oath that all identifying numbers on the vehicle agree with those on the certificate of title;

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

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

(5) in the case of a rebuilt vehicle, a copy of the Disclosure of Rebuilt Vehicle Status; and

(6) in the case of a vehicle for which the warranty has been reinstated, a copy of the warranty.

(k) Except at the time of sale or repossession of the vehicle, no person licensed as a Buy Here, Pay Here used

vehicle dealer may issue any other person a newly created key to a vehicle unless the Buy Here, Pay Here used vehicle dealer makes a color photocopy or electronic scan of the driver's license or State identification card of the person requesting or obtaining the newly created key. The Buy Here, Pay Here used vehicle dealer must retain the photocopy or scan for 30 days.

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

(1) A Buy Here, Pay Here used vehicle dealer licensed under this Section shall provide the Secretary of State a register for the sale at auction of each salvage or junk certificate vehicle. Each register shall include the following information:

(1) the year, make, model, style, and color of the vehicle;

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

(3) the date of acquisition of the vehicle;

(4) the name and address of the person from whom the vehicle was acquired;

(5) the name and address of the person to whom any vehicle was disposed, the person's Illinois license number or, if the person is an out-of-state salvage vehicle

buyer, the license number from the state or jurisdiction where the buyer is licensed; and

(6) the purchase price of the vehicle.

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

(m) If a licensee under this Section voluntarily surrenders a license to the Illinois Secretary of State Police or a representative of the Secretary of State Vehicle Services Department due to the licensee's inability to adhere to recordkeeping provisions, or the inability to properly issue certificates of title or registrations under this Code, or the Secretary revokes a license under this Section, then the licensee and the licensee's agent, designee, or legal representative, if applicable, may not be named on a new application for a license under this Section or under this Chapter, nor is the licensee or the licensee's agent, designee, or legal representative permitted to work for another licensee under this Chapter in a recordkeeping, management, or financial position or as an employee who handles certificate of title and registration documents and applications.

(Source: P.A. 101-505, eff. 1-1-20.)

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

Sec. 5-301. Automotive parts recyclers, scrap processors,

repairers and rebuilders must be licensed.

(a) No person in this State shall, except as an incident to the servicing of vehicles, carry on or conduct the business of an automotive parts recycler, a scrap processor, a repairer, or a rebuilder, unless licensed to do so in writing by the Secretary of State under this Section. No person shall rebuild a salvage vehicle unless such person is licensed as a rebuilder by the Secretary of State under this Section. No person shall engage in the business of acquiring 5 or more previously owned vehicles in one calendar year for the primary purpose of disposing of those vehicles in the manner described in the definition of a "scrap processor" in this Code unless the person is licensed as an automotive parts recycler by the Secretary of State under this Section. No person shall engage in the act of dismantling, crushing, or altering a vehicle into another form using machinery or equipment unless licensed to do so and only from the fixed location identified on the license issued by the Secretary. Each license shall be applied for and issued separately, except that a license issued to a new vehicle dealer under Section 5-101 of this Code shall also be deemed to be a repairer license.

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

1. The name and type of business organization of the

applicant and his principal or additional places of business, if any, in this State.

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

3. If the applicant is a corporation, a list of its officers, directors, and shareholders having a ten percent or greater ownership interest in the corporation, setting forth the residence address of each; if the applicant is a sole proprietorship, a partnership, an unincorporated association, a trust, or any similar form of business organization, the names and residence address of the proprietor or of each partner, member, officer, director, trustee or manager.

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

(a) the Anti-Theft Laws of the Illinois Vehicle Code;

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

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

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

(e) Section 21-2 of the Criminal Code of 1961 or the Criminal Code of 2012, Criminal Trespass to Vehicles; or

(f) the Retailers Occupation Tax Act.

5. A statement that the applicant's officers, directors, shareholders having a ten percent or greater ownership interest therein, proprietor, partner, member, officer, director, trustee, manager or other principals in the business have not committed in any calendar year 3 or more violations, as determined in any civil or criminal or administrative proceedings, of any one or more of the following Acts:

(a) the Consumer Finance Act;

(b) the Consumer Installment Loan Act;

(c) the Retail Installment Sales Act;

(d) the Motor Vehicle Retail Installment Sales Act;

(e) the Interest Act;

(f) the Illinois Wage Assignment Act;

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

(h) the Consumer Fraud Act.

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

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

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

9. A statement indicating if the applicant, including any of the applicant's affiliates or predecessor corporations, has been subject to the revocation or nonrenewal of a business license by a municipality under Section 5-501.5 of this Code.

10. The applicant's National Motor Vehicle Title Information System number and a statement of compliance if applicable.

11. The full name, address, and contact information of each of the dealer's agents or legal representatives who

is an Illinois resident and liable for the performance of the dealership.

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

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

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

1. the name of the person licensed;
2. if a corporation, the name and address of its officers or if a sole proprietorship, a partnership, an

unincorporated association or any similar form of business organization, the name and address of the proprietor or of each partner, member, officer, director, trustee or manager;

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

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

5. in the case of a supplemental license, the established place of business of the licensee and the additional place of business to which such supplemental license pertains;

6. the full name, address, and contact information of each of the dealer's agents or legal representatives who is an Illinois resident and liable for the performance of the dealership.

(f) The appropriate instrument evidencing the license or a certified copy thereof, provided by the Secretary of State shall be kept, posted, conspicuously in the established place of business of the licensee and in each additional place of business, if any, maintained by such licensee. The licensee also shall post conspicuously in the established place of business and in each additional place of business a notice which states that such business is required to be licensed by the Secretary of State under Section 5-301, and which provides

the license number of the business and the license expiration date. This notice also shall advise the consumer that any complaints as to the quality of service may be brought to the attention of the Attorney General. The information required on this notice also shall be printed conspicuously on all estimates and receipts for work by the licensee subject to this Section. The Secretary of State shall prescribe the specific format of this notice.

(g) Except as provided in subsection (h) hereof, licenses granted under this Section shall expire by operation of law on December 31 of the calendar year for which they are granted unless sooner revoked, nonrenewed, or cancelled under the provisions of Section 5-501 or 5-501.5 of this Chapter.

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

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

1. provide proof that the property on which first time applicants plan to do business is in compliance with local zoning laws and regulations, and a listing of zoning

classification;

2. provide proof that the applicant for a repairer's license complies with the proper workers' compensation rate code or classification, and listing the code of classification for that industry;

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

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

5. provide proof that applicant has proper liability insurance, and listing the name of the insurer and the policy number; and

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

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

(j) All automotive parts recyclers shall, in addition to the requirements of subsections (a) through (h) of this

Section, meet the following licensing requirements:

1. provide a statement that the applicant purchases 5 vehicles per year or has 5 hulks or chassis in stock;
2. provide proof that the property on which all first time applicants will do business does comply to the proper local zoning laws in existence, and a listing of zoning classifications;
3. provide proof that applicant complies with the proper workers' compensation rate code or classification, and listing the code of classification; and
4. provide proof that applicant has obtained or applied for the proper State sales tax classification and federal identification tax number, and listing the actual numbers if available.

(Source: P.A. 100-409, eff. 8-25-17; 101-572, eff. 8-23-19.)

(625 ILCS 5/5-505 new)

Sec. 5-505. License suspension or revocation; penalty. The Secretary shall suspend the license of any licensee under this Chapter who permits an individual who is not an authorized agent or employee of the licensee to use the license of the licensee to purchase a vehicle from an auction. The suspension shall be for a period of no less than 30 days for the first violation. Upon a second or subsequent violation, the Secretary shall revoke the license of the licensee.