



Sen. Terry Link

Filed: 4/21/2005

09400HB1195sam001

LRB094 08648 RLC 44737 a

1 AMENDMENT TO HOUSE BILL 1195

2 AMENDMENT NO. _____. Amend House Bill 1195 on page 1, by
3 replacing line 5 with the following:

4 "Sections 5-100 and 5-301 as follows:

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

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

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

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

22 "Established place of business" means the place owned or
23 leased and occupied by any person duly licensed or required to
24 be licensed as a dealer for the purpose of engaging in selling,
25 buying, bartering, displaying, exchanging or dealing in, on

1 consignment or otherwise, vehicles and their essential parts
2 and for such other ancillary purposes as may be permitted by
3 the Secretary by rule. It shall include an office in which the
4 dealer's records shall be separate and distinct from any other
5 business or tenant which may occupy space in the same building
6 except as provided in Section 5-101.1. This office shall not be
7 located in a house trailer, residence, tent, temporary stand,
8 temporary address, room or rooms in a hotel or rooming house,
9 nor the premises occupied by a single or multiple unit
10 residence. The established place of business of a scrap
11 processor shall be the fixed location where the scrap processor
12 maintains its principal place of business. The Secretary of
13 State shall, by rule and regulation, adopt guidelines for the
14 administration and enforcement of this definition, such as, but
15 not limited to issues concerning the required hours of
16 operation, describing where vehicles are displayed and offered
17 for sale, where books and records are maintained and
18 requirements for the fulfillment of warranties. A dealer may
19 have an additional place of business as defined under this
20 Section.

21 "Motor vehicle financing affiliate" means a business
22 organization registered to do business in Illinois that,
23 pursuant to a written contract with either (1) a single new or
24 used motor vehicle dealer or (2) a single group of new or used
25 motor vehicle dealers that share a common ownership within the
26 group, purchases new or used motor vehicles on behalf of the
27 dealer or group of dealers and then sells, transfers, or
28 assigns those motor vehicles to the dealer or group of dealers.
29 The motor vehicle financing affiliate must be incorporated or
30 organized solely to purchase new or used vehicles on behalf of
31 the new or used motor vehicle dealer or group of dealers with
32 which it has contracted, shall not sell motor vehicles at
33 retail, shall perform only those business functions related to
34 the purchasing of motor vehicles and selling, transferring, or

1 assigning those motor vehicles to the dealer or group of
2 dealers. The motor vehicle financing affiliate must be licensed
3 under the provisions of Section 5-101.1 and must not be
4 licensed as a new or used motor vehicle dealer.

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

10 "Relevant market area", for a new vehicle dealer licensed
11 under Section 5-101, ~~and~~ for a used vehicle dealer licensed
12 under Section 5-102, and for an automotive collision repairer
13 licensed under Section 5-301, means the area within 10 miles of
14 the established or additional place of business of the dealer
15 located in a county with a population of 300,000 or more, or
16 within 15 miles if the established place of business is located
17 in a county with a population of less than 300,000.

18 "Trade show exhibition" means a temporary display of
19 vehicles, by dealers licensed under Section 5-101 or 5-102, or
20 any other person as defined in subsection (c) of Section
21 5-102.1, at a location at which no vehicles are offered for
22 sale that is conducted at a place other than the dealer's
23 established and additional places of business. In order for a
24 display exhibition to be considered a trade show exhibition, it
25 must be participated in by at least 3 dealers, 2 of which must
26 be licensed under Section 5-101 or 5-102; and a trade show
27 exhibition of new vehicles shall only be participated in by
28 licensed new vehicle dealers at least 2 of which must be
29 licensed under Section 5-101.

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

31 on page 6, line 10, by inserting after the period the
32 following:

33 "This paragraph 7 does not apply to rebuilders as defined in

1 Section 1-168.05."; and

2 on page 6, by inserting immediately below line 27 the
3 following:

4 "Section 10. The Automotive Collision Repair Act is amended
5 by changing Sections 10 and 40 and by adding Section 76 as
6 follows:

7 (815 ILCS 308/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Automotive collision and body repair" means all repairs
10 that are commonly performed by a body repair technician to
11 restore a motor vehicle damaged in an accident or collision to
12 a condition similar to the motor vehicle condition prior to the
13 damage or deterioration including, but not limited to, the
14 diagnosis, installation, exchange, repair, or refinishing of
15 exterior body panels, trim, lighting, and structural chassis.
16 The term does not include commercial fleet repair or
17 maintenance transactions involving 2 or more motor vehicles or
18 ongoing service or maintenance contracts involving motor
19 vehicles used primarily for business purposes.

20 "Automotive collision and body repair facility" means a
21 person, firm, association, or corporation that for
22 compensation engages in the business of cosmetic repair,
23 structural repair, or refinishing of motor vehicles with defect
24 related to accident or collision.

25 "New part" means a part or component manufactured or
26 supplied by the original motor vehicle manufacturer in an
27 unused condition.

28 "Used part" means an original motor vehicle manufacturer
29 part or component removed from a motor vehicle of similar make,
30 model, and condition without the benefit of being rebuilt or
31 remanufactured.

1 "Rebuilt part" or "reconditioned part" means a used part
2 that has been inspected and remanufactured to restore
3 functionality and performance.

4 "Aftermarket part" means a new part that is not
5 manufactured or supplied by the original motor vehicle
6 manufacturer for addition to, or replacement of, exterior body
7 panel or trim.

8 "Relevant market area", for an automotive collision
9 repairer licensed under Section 5-301 of the Illinois Vehicle
10 Code, means the area within 10 miles of the established place
11 of business of the repairer if that place of business is
12 located in a county with a population of 300,000 or more, or
13 the area within 15 miles of the established place of business
14 of the repairer if that place of business is located in a
15 county with a population of less than 300,000.

16 (Source: P.A. 93-565, eff. 1-1-04.)

17 (815 ILCS 308/40)

18 Sec. 40. Disclosures to consumers; invoices.

19 (a) On completion of repairs, the collision repair facility
20 shall provide the consumer with an accurate record in the form
21 of a final estimate or invoice. An estimate that is stamped
22 "invoice" may be deemed the same as an itemized invoice. The
23 final estimate or invoice shall accurately record in writing
24 all of the items set forth in this Section.

25 (b) The invoice shall show the collision repair facility's
26 business name and address, the date of the invoice, the
27 odometer reading at the time the final estimate or invoice was
28 prepared, the name of the consumer, and the description of the
29 motor vehicle including the motor vehicle identification
30 number (VIN). In addition, the invoice shall describe all
31 repair work done by the collision repair facility, including
32 all warranty work, and shall separately identify (i) each major
33 part supplied in a manner so that the consumer can identify the

1 part as one described in Section 10 of this Act, and (ii) the
2 total price charged for all charges including, but not limited
3 to, parts, labor, and sales tax. The invoice or final estimate
4 shall itemize any additional charges and include those charges
5 in the total presented to the consumer.

6 (c) A legible copy of the invoice or final estimate shall
7 be given to the consumer and a legible copy shall be retained
8 by the collision repair facility for a period of 2 years from
9 the date of repair as a part of the collision repair facility's
10 records, which may be retained in electronic format. Records
11 may be stored at a separate location.

12 (d) All licensed repair shops that have agreed orally or in
13 writing with an insurer to discounts or concessions in parts,
14 labor, materials, or procedures that are not transferable to
15 the claimant must notify the claimant of the existence of the
16 agreement.

17 (Source: P.A. 93-565, eff. 1-1-04.)

18 (815 ILCS 308/76 new)

19 Sec. 76. Compliance with Act. If a person is engaged in
20 activities associated with automotive collision repair as
21 covered in this Act, that person shall comply with the
22 provisions of this Act."