



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB2953

Introduced 2/23/2011, by Rep. Chapin Rose

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-301

from Ch. 95 1/2, par. 5-301

Amends the Illinois Vehicle Code. Provides that an automotive repairer is not required to be open for business for any minimum number of hours and days. Provides that an automotive repairer must: (1) maintain a schedule of regular hours and days in which the automotive repairer is open for business; (2) file a notice with the Secretary of State setting forth that schedule and a list of any periods of the year during which the automotive repairer is closed; and (3) file an updated notice with the Secretary whenever there is any change in the information in the schedule or periods of closure. Provides that the Secretary shall adopt rules to implement the new requirements. Effective immediately.

LRB097 10812 HEP 51266 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 5-301 as follows:

6 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

7 Sec. 5-301. Automotive parts recyclers, scrap processors,
8 repairers and rebuilders must be licensed.

9 (a) No person in this State shall, except as an incident to
10 the servicing of vehicles, carry on or conduct the business of
11 a automotive parts recyclers, a scrap processor, a repairer, or
12 a rebuilder, unless licensed to do so in writing by the
13 Secretary of State under this Section. No person shall rebuild
14 a salvage vehicle unless such person is licensed as a rebuilder
15 by the Secretary of State under this Section. Each license
16 shall be applied for and issued separately, except that a
17 license issued to a new vehicle dealer under Section 5-101 of
18 this Code shall also be deemed to be a repairer license.

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

22 1. The name and type of business organization of the
23 applicant and his principal or additional places of

1 business, if any, in this State.

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

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

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

22 (a) The Anti Theft Laws of the Illinois Vehicle
23 Code;

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

26 (c) The "Offenses against Registration and

1 Certificates of Title Laws" of the Illinois Vehicle
2 Code;

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

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

7 (f) The Retailers Occupation Tax Act.

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

16 (a) The Consumer Finance Act;

17 (b) The Consumer Installment Loan Act;

18 (c) The Retail Installment Sales Act;

19 (d) The Motor Vehicle Retail Installment Sales
20 Act;

21 (e) The Interest Act;

22 (f) The Illinois Wage Assignment Act;

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

25 (h) The Consumer Fraud Act.

26 6. An application for a license shall be accompanied by

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

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

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

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

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

25 (e) The Secretary of State shall within a reasonable time
26 after receipt thereof, examine an application submitted to him

1 under this Section and unless he makes a determination that the
2 application submitted to him does not conform with the
3 requirements of this Section or that grounds exist for a denial
4 of the application, as prescribed in Section 5-501 of this
5 Chapter, grant the applicant an original license as applied for
6 in writing for his established place of business and a
7 supplemental license in writing for each additional place of
8 business in such form as he may prescribe by rule or regulation
9 which shall include the following:

10 1. The name of the person licensed;

11 2. If a corporation, the name and address of its
12 officers or if a sole proprietorship, a partnership, an
13 unincorporated association or any similar form of business
14 organization, the name and address of the proprietor or of
15 each partner, member, officer, director, trustee or
16 manager;

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

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

22 5. In the case of a supplemental license, the
23 established place of business of the licensee and the
24 additional place of business to which such supplemental
25 license pertains.

26 (f) The appropriate instrument evidencing the license or a

1 certified copy thereof, provided by the Secretary of State
2 shall be kept, posted, conspicuously in the established place
3 of business of the licensee and in each additional place of
4 business, if any, maintained by such licensee. The licensee
5 also shall post conspicuously in the established place of
6 business and in each additional place of business a notice
7 which states that such business is required to be licensed by
8 the Secretary of State under Section 5-301, and which provides
9 the license number of the business and the license expiration
10 date. This notice also shall advise the consumer that any
11 complaints as to the quality of service may be brought to the
12 attention of the Attorney General. The information required on
13 this notice also shall be printed conspicuously on all
14 estimates and receipts for work by the licensee subject to this
15 Section. The Secretary of State shall prescribe the specific
16 format of this notice.

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

22 (h) Any license granted under this Section may be renewed
23 upon application and payment of the fee required herein as in
24 the case of an original license, provided, however, that in
25 case an application for the renewal of an effective license is
26 made during the month of December, such effective license shall

1 remain in force until such application is granted or denied by
2 the Secretary of State.

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

6 1. Provide proof that the property on which first time
7 applicants plan to do business is in compliance with local
8 zoning laws and regulations, and a listing of zoning
9 classification;

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

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

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

22 5. Provide proof that applicant has proper liability
23 insurance, and listing the name of the insurer and the
24 policy number; and

25 6. Provide proof that the applicant has obtained or
26 applied for the proper State sales tax classification and

1 federal identification tax number, and listing the actual
2 numbers if available.

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

6 (j) All automotive parts recyclers shall, in addition to
7 the requirements of subsections (a) through (h) of this
8 Section, meet the following licensing requirements:

9 1. A statement that the applicant purchases 5 vehicles
10 per year or has 5 hulks or chassis in stock;

11 2. Provide proof that the property on which all first
12 time applicants will do business does comply to the proper
13 local zoning laws in existence, and a listing of zoning
14 classifications;

15 3. Provide proof that applicant complies with the
16 proper workers' compensation rate code or classification,
17 and listing the code of classification; and

18 4. Provide proof that applicant has obtained or applied
19 for the proper State sales tax classification and federal
20 identification tax number, and listing the actual numbers
21 if available.

22 (k) An automotive repairer is not required to be open for
23 business for any minimum number of hours and days; however, an
24 automotive repairer must, as a condition of licensure:

25 (1) maintain a schedule of regular hours and days in
26 which the automotive repairer is open for business;

1 (2) file a notice with the Secretary of State setting
2 forth that schedule and a list of any periods of the year
3 during which the automotive repairer is closed; and

4 (3) file an updated notice with the Secretary of State
5 whenever there is any change in the information in the
6 schedule or periods of closure.

7 The Secretary shall adopt rules to implement this
8 subsection (k).

9 (Source: P.A. 94-784, eff. 1-1-07.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.