



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

SB2629

Introduced 12/3/2013, by Sen. Jim Oberweis

#### SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-100	from Ch. 95 1/2, par. 5-100
625 ILCS 5/5-102.1	from Ch. 95 1/2, par. 5-102.1
625 ILCS 5/5-106 rep.	

Amends the Illinois Vehicle Code. Repeals the prohibition on businesses buying, selling, bartering, exchanging, or leasing for a period of 1 year or more, or offering for sale, barter, exchange, or lease for a period of 1 year or more, any motor vehicle, whether new or used, on Sundays. Effective immediately.

LRB098 14803 MLW 49748 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 Sections 5-100 and 5-102.1 as follows:

6 (625 ILCS 5/5-100) (from Ch. 95 1/2, par. 5-100)

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

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

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

23 "Established place of business" means the place owned or

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

24 "Motor vehicle financing affiliate" means a business  
25 organization registered to do business in Illinois that,  
26 pursuant to a written contract with either (1) a single new or

1 used motor vehicle dealer or (2) a single group of new or used  
2 motor vehicle dealers that share a common ownership within the  
3 group, purchases new or used motor vehicles on behalf of the  
4 dealer or group of dealers and then sells, transfers, or  
5 assigns those motor vehicles to the dealer or group of dealers.  
6 The motor vehicle financing affiliate must be incorporated or  
7 organized solely to purchase new or used vehicles on behalf of  
8 the new or used motor vehicle dealer or group of dealers with  
9 which it has contracted, shall not sell motor vehicles at  
10 retail, shall perform only those business functions related to  
11 the purchasing of motor vehicles and selling, transferring, or  
12 assigning those motor vehicles to the dealer or group of  
13 dealers. The motor vehicle financing affiliate must be licensed  
14 under the provisions of Section 5-101.1 and must not be  
15 licensed as a new or used motor vehicle dealer.

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

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

1 in a county with a population of less than 300,000.

2 "Trade show exhibition" means a temporary display of  
3 vehicles, by dealers licensed under Section 5-101 or 5-102, or  
4 any other person as defined in subsection (c) of Section  
5 5-102.1, at a location at which no vehicles are offered for  
6 sale that is conducted at a place other than the dealer's  
7 established and additional places of business. In order for a  
8 display exhibition to be considered a trade show exhibition, it  
9 must be participated in by at least 3 dealers, 2 of which must  
10 be licensed under Section 5-101 or 5-102; and a trade show  
11 exhibition of new vehicles shall only be participated in by  
12 licensed new vehicle dealers at least 2 of which must be  
13 licensed under Section 5-101.

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

15 (625 ILCS 5/5-102.1) (from Ch. 95 1/2, par. 5-102.1)

16 Sec. 5-102.1. Permits for off site sales and exhibitions.

17 (a) A licensed new or used motor vehicle dealer licensed  
18 under Section 5-101 or 5-102 shall not engage in any off site  
19 sale without an off site sale permit issued by the Secretary  
20 under this Section.

21 The Secretary shall issue an off site sale permit to a  
22 dealer if:

23 (1) an application therefor is received by the  
24 Secretary prior to the beginning date of the proposed off  
25 site sale, accompanied by a fee of \$25;

1           (2) the applicant is a licensed new vehicle dealer or  
2           used vehicle dealer in good standing; and

3           (3) the Secretary determines that the proposed off site  
4           sale will conform with the requirements imposed by law.

5           However, in no event shall an off site sale permit be  
6           issued to any licensed new or used vehicle dealer for any off  
7           site sale to be conducted outside that dealer's relevant market  
8           area, as that term is defined in this Chapter, except that this  
9           restriction shall not apply to off site sales of motor homes or  
10          recreational vehicles.

11          The provisions of this subsection shall not apply to  
12          self-contained motor homes, mini motor homes, van campers, and  
13          recreational trailers, including trailers designed and used to  
14          transport vessels or watercraft.

15          ~~An off site sale permit does not authorize the sale of~~  
16          ~~vehicles on a Sunday.~~

17          (b) Only a new or used vehicle dealer licensed under  
18          Section 5-101 or 5-102 may participate in a display exhibition  
19          and shall obtain a display exhibition permit issued by the  
20          Secretary under this Section.

21          The Secretary shall issue a display exhibition permit to a  
22          dealer if:

23                 (1) an application therefor is received by the  
24                 Secretary prior to the beginning date of the proposed  
25                 exhibition, accompanied by a fee of \$10;

26                 (2) the applicant is a licensed new vehicle dealer or

1 used vehicle dealer in good standing; and

2 (3) the Secretary determines that the proposed  
3 exhibition will conform with the requirements imposed by  
4 law.

5 A display exhibition permit shall be valid for a period of  
6 no longer than 30 days.

7 (c) A licensed new or used motor vehicle dealer under  
8 Section 5-101 or 5-102, or any other person as defined in this  
9 Section, may participate in a trade show exhibition and must  
10 obtain a trade show exhibition permit issued by the Secretary  
11 under this Section.

12 The Secretary shall issue a trade show exhibition permit  
13 if:

14 (1) an application is received by the Secretary before  
15 the beginning date of the proposed trade show exhibition,  
16 accompanied by a fee of \$10;

17 (2) the applicant is a licensed new vehicle dealer or  
18 used vehicle dealer in good standing; and

19 (3) the Secretary determines that the proposed trade  
20 show exhibition shall conform with the requirements  
21 imposed by law.

22 A trade show exhibition permit shall be valid for a period  
23 of no longer than 30 days.

24 The provisions of this subsection shall not apply to  
25 self-contained motor homes, mini motor homes, van campers, and  
26 recreational trailers, including trailers designed and used to

1 transport vessels or watercraft.

2 The term "any other person" shall mean new or used vehicle  
3 dealers licensed by other states; provided however, a trade  
4 show exhibition of new vehicles shall only be participated in  
5 by licensed new vehicle dealers, at least 2 of which must be  
6 licensed under Section 5-101.

7 (d) An Illinois or out-of-state licensed new or used  
8 trailer dealer, manufactured home dealer, motor home dealer,  
9 mini motor home dealer, or van camper dealer shall not engage  
10 in any off site sale or trade show exhibition without first  
11 acquiring a permit issued by the Secretary under this  
12 subsection. However, the provisions of this Section shall not  
13 apply to a licensed trailer dealer selling a mobile home or  
14 manufactured housing, as defined in the Illinois Manufactured  
15 Housing and Mobile Home Safety Act, if the manufactured housing  
16 or mobile home has utilities permanently attached. The  
17 Secretary shall issue a permit to an Illinois dealer if:

18 (1) an application is received by the Secretary before  
19 the beginning date of the proposed off site sale or trade  
20 show exhibition, accompanied by a fee of \$25;

21 (2) the applicant is a licensed new or used vehicle  
22 dealer in good standing; and

23 (3) the Secretary determines that the proposed off site  
24 sale or trade show exhibition will conform with the  
25 requirements imposed by law.

26 The Secretary shall issue a permit to an out-of-state



1 dealer if the requirements of subdivisions (1), (2), and (3) of  
2 this subsection (d) are met and at least 2 licensed Illinois  
3 dealers will participate in the off site sale or trade show  
4 exhibition.

5 A permit issued pursuant to this subsection shall allow for  
6 the sale of vehicles at either an off site sale or at a trade  
7 show exhibition. The permit shall be valid for a period not to  
8 exceed 30 days.

9 (e) The Secretary of State may adopt rules regulating the  
10 conduct of off site sales and exhibitions, and governing the  
11 issuance and enforcement of the permits authorized under this  
12 Section.

13 (Source: P.A. 90-718, eff. 1-1-99; 90-774, eff. 8-14-98;  
14 91-357, eff. 7-29-99.)

15 (625 ILCS 5/5-106 rep.)

16 Section 10. The Illinois Vehicle Code is amended by  
17 repealing Section 5-106.

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.