



Sen. Andy Manar

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LRB101 08765 TAE 59033 a

1 AMENDMENT TO SENATE BILL 1934

2 AMENDMENT NO. _____. Amend Senate Bill 1934, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Vehicle Code is amended by
6 changing Sections 5-301 and 5-803 as follows:

7 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

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

10 (a) No person in this State shall, except as an incident to
11 the servicing of vehicles, carry on or conduct the business of
12 an automotive parts recycler, a scrap processor, a repairer, or
13 a rebuilder, unless licensed to do so in writing by the
14 Secretary of State under this Section. No person shall rebuild
15 a salvage vehicle unless such person is licensed as a rebuilder
16 by the Secretary of State under this Section. No person shall

1 engage in the business of acquiring 5 or more previously owned
2 vehicles in one calendar year for the primary purpose of
3 disposing of those vehicles in the manner described in the
4 definition of a "scrap processor" in this Code unless the
5 person is licensed as an automotive parts recycler by the
6 Secretary of State under this Section. No person shall engage
7 in the act of dismantling, crushing, or altering a vehicle into
8 another form using machinery or equipment unless licensed to do
9 so and only from the fixed location identified on the license
10 issued by the Secretary. Each license shall be applied for and
11 issued separately, except that a license issued to a new
12 vehicle dealer under Section 5-101 of this Code shall also be
13 deemed to be a repairer license.

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

17 1. The name and type of business organization of the
18 applicant and his principal or additional places of
19 business, if any, in this State.

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

23 3. If the applicant is a corporation, a list of its
24 officers, directors, and shareholders having a ten percent
25 or greater ownership interest in the corporation, setting
26 forth the residence address of each; if the applicant is a

1 sole proprietorship, a partnership, an unincorporated
2 association, a trust, or any similar form of business
3 organization, the names and residence address of the
4 proprietor or of each partner, member, officer, director,
5 trustee or manager.

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

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

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

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

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

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

26 (f) the Retailers Occupation Tax Act.

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

9 (a) the Consumer Finance Act;

10 (b) the Consumer Installment Loan Act;

11 (c) the Retail Installment Sales Act;

12 (d) the Motor Vehicle Retail Installment Sales
13 Act;

14 (e) the Interest Act;

15 (f) the Illinois Wage Assignment Act;

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

18 (h) the Consumer Fraud Act.

19 6. An application for a license shall be accompanied by
20 the following fees: \$50 for applicant's established place
21 of business; \$25 for each additional place of business, if
22 any, to which the application pertains; provided, however,
23 that if such an application is made after June 15 of any
24 year, the license fee shall be \$25 for applicant's
25 established place of business plus \$12.50 for each
26 additional place of business, if any, to which the

1 application pertains. License fees shall be returnable
2 only in the event that such application shall be denied by
3 the Secretary of State.

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

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

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

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

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

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

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

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

11 1. the name of the person licensed;

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

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

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

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

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

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

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

1 made during the month of December, such effective license shall
2 remain in force until such application is granted or denied by
3 the Secretary of State.

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

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

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

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

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

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

26 6. provide proof that the applicant has obtained or

1 applied for the proper State sales tax classification and
2 federal identification tax number, and listing the actual
3 numbers if available.

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

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

10 1. provide a statement that the applicant purchases 5
11 vehicles per year or has 5 hulks or chassis in stock;

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

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

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

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

24 (625 ILCS 5/5-803)

25 Sec. 5-803. Administrative penalties. Instead of filing a

1 criminal complaint against a new or used vehicle dealer, or
2 against any other entity licensed by the Secretary under this
3 Code, or any other unlicensed entity acting in violation of
4 this Code, a Secretary of State Police investigator may issue
5 administrative citations for violations of any of the
6 provisions of this Code or any administrative rule adopted by
7 the Secretary under this Code. A party receiving a citation
8 shall have the right to contest the citation in proceedings
9 before the Secretary of State Department of Administrative
10 Hearings. Penalties imposed by issuance of an administrative
11 citation shall not exceed \$50 per violation. A penalty may not
12 be imposed unless, during the course of a single investigation
13 or upon review of the party's records, the party is found to
14 have committed at least 3 separate violations of one or more of
15 the provisions of this Code or any administrative rule adopted
16 by the Secretary under this Code. Penalties paid as a result of
17 the issuance of administrative citations shall be deposited in
18 the Secretary of State Police Services Fund.

19 (Source: P.A. 97-838, eff. 7-20-12; 98-177, eff. 1-1-14.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."