

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
5 changing Sections 3-100.1, 3-100.2, 3-104, 3-104.5, 3-112.1,
6 3-113, 3-209, 3-403, 3-405.1, 3-506, 3-802, 3-805, 3-806.1,
7 3-806.5, 5-100, 5-101, 5-101.1, 5-101.2, 5-102, 5-102.8, and
8 5-301 and by adding Sections 1-213.8 and 5-505 as follows:

9 (625 ILCS 5/1-213.8 new)

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

14 (625 ILCS 5/3-100.1)

15 Sec. 3-100.1. Use of electronic records.

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

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

1 form.

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

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

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

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

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

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

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

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

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

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

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

1 (625 ILCS 5/3-100.2)

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

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

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

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

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

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

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

26 (f) The Secretary may contract with a private contractor

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

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

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

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

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

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

10 2. A description of the vehicle including, so far as
11 the following data exists: Its make, year-model,
12 identifying number, type of body, whether new or used, as
13 to house trailers as defined in Section 1-128 of this
14 Code, and as to manufactured homes as defined in Section
15 1-144.03 of this Code, the square footage based upon the
16 outside dimensions excluding the length of the tongue and
17 hitch, and, as to vehicles of the second division, whether
18 for-hire, not-for-hire, or both for-hire and not-for-hire;

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

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

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

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

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

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

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

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

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

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

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

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

9 (f) An application for a certificate of title for any
10 vehicle, whether purchased in Illinois or outside Illinois,
11 and even if previously registered in another State, must be
12 accompanied by either an exemption determination from the
13 Department of Revenue showing that no tax imposed pursuant to
14 the Use Tax Act or the vehicle use tax imposed by Section
15 3-1001 of the Illinois Vehicle Code is owed by anyone with
16 respect to that vehicle, or a receipt from the Department of
17 Revenue showing that any tax so imposed has been paid. An
18 application for a certificate of title for any vehicle
19 purchased outside Illinois, even if previously registered in
20 another state, must be accompanied by either an exemption
21 determination from the Department of Revenue showing that no
22 tax imposed pursuant to the Municipal Use Tax Act or the County
23 Use Tax Act is owed by anyone with respect to that vehicle, or
24 a receipt from the Department of Revenue showing that any tax
25 so imposed has been paid. In the absence of such a receipt for
26 payment or determination of exemption from the Department, no

1 certificate of title shall be issued to the applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (625 ILCS 5/3-104.5)

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

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

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

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

3 (c) Any motor vehicle application for a certificate of
4 title or a salvage certificate that is returned with a NMVTIS
5 warning or error indicating that another state has previously
6 issued a title or brand indicating the status of the motor
7 vehicle is equivalent to a junk vehicle, as defined in Section
8 1-134.1 of this Code, shall be issued a junk certificate that
9 reflects the motor vehicle's structural history, if the
10 previously issued title or brand from another state was issued
11 less than 120 months before the date of the submission of the
12 current application for title.

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

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

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

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

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

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

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

18 (625 ILCS 5/3-112.1) (from Ch. 95 1/2, par. 3-112.1)

19 Sec. 3-112.1. Odometer.

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

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

1
2

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

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

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

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

14 (2) The date of transfer;

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

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

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

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

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

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

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

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

1 older; or

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

3 older;

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

6 (5) A vehicle manufactured without an odometer.

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

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

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

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

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

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

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

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

13 (625 ILCS 5/3-113) (from Ch. 95 1/2, par. 3-113)

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

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

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

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

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

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

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

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

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

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

14 (625 ILCS 5/3-209) (from Ch. 95 1/2, par. 3-209)

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

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

20 (b) The Secretary of State may:

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

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

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

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

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

12 (625 ILCS 5/3-403) (from Ch. 95 1/2, par. 3-403)

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

14 (a) The Secretary of State may issue a short-term permit
15 to operate a nonregistered first or second division vehicle
16 within the State of Illinois for a period of not more than 7
17 days. Any second division vehicle operating on such permit may
18 operate only on empty weight. The fee for the short-term
19 permit shall be \$6 for permits purchased on or before June 30,
20 2003 and \$10 for permits purchased on or after July 1, 2003.
21 For short-term permits purchased on or after July 1, 2003, \$4
22 of the fee collected for the purchase of each permit shall be
23 deposited into the General Revenue Fund.

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

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

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

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

17 Three-month ~~One Month~~ permits. A registration permit for
18 90 ~~30~~ days may be provided for a fee of \$13 for registration
19 plus 1/10 of the flat weight tax. ~~The minimum fee for such~~
20 ~~permit shall be \$31.~~

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

26 Illinois Temporary Apportionment Authorization Permits. An

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

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

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

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

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

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

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

12 (625 ILCS 5/3-405.1) (from Ch. 95 1/2, par. 3-405.1)

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

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

1 license plates mean any license plates, assigned to a
2 passenger motor vehicle of the first division, to a motor
3 vehicle of the second division registered at not more than
4 8,000 pounds, to a trailer weighing 8,000 pounds or less
5 paying the flat weight tax, to a funeral home vehicle, an
6 electric vehicle, or ~~to~~ a recreational vehicle, which display
7 a registration number containing one of the following
8 combinations of letters and numbers, as requested by the owner
9 of the vehicle:

10 Standard Passenger Plates

11 First Division Vehicles

12 1 letter plus 0-99

13 2 letters plus 0-99

14 3 letters plus 0-99

15 4 letters plus 0-99

16 5 letters plus 0-99

17 6 letters plus 0-9

18 Second Division Vehicles

19 8,000 pounds or less, Trailers

20 8,000 pounds or less paying the flat

21 weight tax, and Recreation Vehicles

22 0-999 plus 1 letter

1 0-999 plus 2 letters

2 0-999 plus 3 letters

3 0-99 plus 4 letters

4 0-9 plus 5 letters

5 (b) For any registration period commencing after December
6 31, 2003, any person who is the registered owner of a passenger
7 motor vehicle of the first division, of a motor vehicle of the
8 second division registered at not more than 8,000 pounds, of a
9 trailer weighing 8,000 pounds or less paying the flat weight
10 tax, of a funeral home vehicle, of an electric vehicle, or of a
11 recreational vehicle registered with the Secretary of State or
12 who makes application for an original registration of such a
13 motor vehicle or renewal registration of such a motor vehicle
14 may, upon payment of a fee prescribed in Section 3-806.1 or
15 Section 3-806.5, apply to the Secretary of State for vanity or
16 personalized license plates.

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

1 (d) Vanity and personalized license plates shall be issued
2 only to the registered owner of the vehicle on which they are
3 to be displayed, except as provided in Sections 3-611 and
4 3-616 for special registration plates for vehicles operated by
5 or for persons with disabilities.

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

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

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

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

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

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

1 (625 ILCS 5/3-506)

2 Sec. 3-506. Transfer of plates to spouses of military
3 service members. Upon the death of a military service member
4 who has been issued a special plate under Section 3-609.1,
5 3-620, 3-621, 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638,
6 3-642, 3-645, 3-647, 3-650, 3-651, 3-666, 3-667, 3-668, 3-669,
7 3-676, 3-677, 3-680, 3-681, 3-683, 3-686, 3-688, 3-693, 3-698,
8 3-699.12, 3-699.15, 3-699.16, ~~or~~ 3-699.17, 3-699.19, or
9 3-699.20 of this Code, the surviving spouse of that service
10 member may retain the plate so long as that spouse is a
11 resident of Illinois and transfers the registration to his or
12 her name within 180 days of the death of the service member.

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

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

19 (625 ILCS 5/3-802) (from Ch. 95 1/2, par. 3-802)

20 Sec. 3-802. Reclassifications and upgrades.

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

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

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

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

9 (b-5) Beginning with the 2019 registration year, any
10 individual who has a registration issued under either Section
11 3-405 or 3-405.1 that qualifies for a special license plate
12 under Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623,
13 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650,
14 3-651, 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680,
15 3-681, 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, 3-699.15,
16 3-699.16, 3-699.17, 3-699.19, or 3-699.20 ~~or 3-699.17~~ may
17 reclass his or her registration upon acquiring a special
18 license plate listed in this subsection (b-5) without a
19 replacement plate or digital plate fee or registration sticker
20 or digital registration sticker cost.

21 (b-10) Beginning with the 2019 registration year, any
22 individual who has a special license plate issued under
23 Section 3-609, 3-609.1, 3-620, 3-621, 3-622, 3-623, 3-624,
24 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, 3-651,
25 3-664, 3-666, 3-667, 3-668, 3-669, 3-676, 3-677, 3-680, 3-681,
26 3-683, 3-686, 3-688, 3-693, 3-698, 3-699.12, or 3-699.17 may

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

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

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

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

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

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

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

4 (h) Certain special interest plates may be displayed on
5 first division vehicles, second division vehicles weighing
6 8,000 pounds or less, and recreational vehicles. Those plates
7 can be transferred within those vehicle groups.

8 (i) Plates displayed on second division vehicles weighing
9 8,000 pounds or less and passenger vehicle plates may be
10 reclassified from one division to the other.

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

15 (Source: P.A. 100-246, eff. 1-1-18; 100-450, eff. 1-1-18;
16 100-863, eff. 8-14-18; 101-51, eff. 7-12-19; 101-395, eff.
17 8-16-19; revised 9-24-19.)

18 (625 ILCS 5/3-805) (from Ch. 95 1/2, par. 3-805)

19 Sec. 3-805. Electric vehicles.

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

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

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

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

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

6 (625 ILCS 5/3-806.1) (from Ch. 95 1/2, par. 3-806.1)

7 Sec. 3-806.1. Additional fees for vanity license plates.

8 In addition to the regular registration fee or electric
9 vehicle registration fee, an applicant for a vanity license
10 plate, other than a vanity plate in any military series or a
11 vanity plate issued under Section 3-664, shall be charged \$94
12 for each set of vanity license plates issued to a vehicle of
13 the first division or a vehicle of the second division
14 registered at not more than 8,000 pounds or to a recreational
15 vehicle and \$50 for each set of vanity plates issued to an
16 autocycle or motorcycle. In addition to the regular renewal
17 fee or electric vehicle registration renewal fee, an applicant
18 for a vanity plate, other than a vanity plate in any military
19 series or a vanity plate issued under Section 3-664, shall be
20 charged \$13 for the renewal of each set of vanity license
21 plates. There shall be no additional fees for a vanity license
22 plate in any military series of plates or a vanity plate issued
23 under Section 3-664.

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

1 (625 ILCS 5/3-806.5)

2 Sec. 3-806.5. Additional fees for personalized license
3 plates. For registration periods commencing after December 31,
4 2003, in addition to the regular registration fee or electric
5 vehicle registration fee, an applicant for a personalized
6 license plate, other than a personalized plate in any military
7 series or a personalized plate issued under Section 3-664,
8 shall be charged \$47 for each set of personalized license
9 plates issued to a vehicle of the first division or a vehicle
10 of the second division registered at not more than 8,000
11 pounds or to a recreational vehicle and \$25 for each set of
12 personalized plates issued to an autocyycle or motorcycle. In
13 addition to the regular renewal fee or electric vehicle
14 registration renewal fee, an applicant for a personalized
15 plate other than a personalized plate in any military series
16 or a personalized plate issued under Section 3-664, shall be
17 charged \$7 for the renewal of each set of personalized license
18 plates. There shall be no additional fees charged for a
19 personalized plate in any military series of plates or a
20 personalized plate issued under Section 3-664. Of the money
21 received by the Secretary of State as additional fees for
22 personalized license plates, 50% shall be deposited into the
23 Secretary of State Special License Plate Fund and 50% shall be
24 deposited into the General Revenue Fund.

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

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

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

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

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

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

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

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

1 dealers. The motor vehicle financing affiliate must be
2 incorporated or organized solely to purchase new or used
3 vehicles on behalf of the new or used motor vehicle dealer or
4 group of dealers with which it has contracted, shall not sell
5 motor vehicles at retail, shall perform only those business
6 functions related to the purchasing of motor vehicles and
7 selling, transferring, or assigning those motor vehicles to
8 the dealer or group of dealers. The motor vehicle financing
9 affiliate must be licensed under the provisions of Section
10 5-101.1 and must not be licensed as a new or used motor vehicle
11 dealer.

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

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

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

1 5-102.1, at a location at which no vehicles are offered for
2 sale that is conducted at a place other than the dealer's
3 established and additional places of business. In order for a
4 display exhibition to be considered a trade show exhibition,
5 it must be participated in by at least 3 dealers, 2 of which
6 must be licensed under Section 5-101 or 5-102; and a trade show
7 exhibition of new vehicles shall only be participated in by
8 licensed new vehicle dealers at least 2 of which must be
9 licensed under Section 5-101.

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

11 (625 ILCS 5/5-101) (from Ch. 95 1/2, par. 5-101)

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

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

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

25 1. The name and type of business organization of the

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

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

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

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

1 manufacturer and second stage manufacturer.

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

12 6. A statement that the applicant has complied with
13 the appropriate liability insurance requirement. A
14 Certificate of Insurance in a solvent company authorized
15 to do business in the State of Illinois shall be included
16 with each application covering each location at which he
17 proposes to act as a new vehicle dealer. The policy must
18 provide liability coverage in the minimum amounts of
19 \$100,000 for bodily injury to, or death of, any person,
20 \$300,000 for bodily injury to, or death of, two or more
21 persons in any one accident, and \$50,000 for damage to
22 property. Such policy shall expire not sooner than
23 December 31 of the year for which the license was issued or
24 renewed. The expiration of the insurance policy shall not
25 terminate the liability under the policy arising during
26 the period for which the policy was filed. Trailer and

1 mobile home dealers are exempt from this requirement.

2 If the permitted user has a liability insurance policy
3 that provides automobile liability insurance coverage of
4 at least \$100,000 for bodily injury to or the death of any
5 person, \$300,000 for bodily injury to or the death of any 2
6 or more persons in any one accident, and \$50,000 for
7 damage to property, then the permitted user's insurer
8 shall be the primary insurer and the dealer's insurer
9 shall be the secondary insurer. If the permitted user does
10 not have a liability insurance policy that provides
11 automobile liability insurance coverage of at least
12 \$100,000 for bodily injury to or the death of any person,
13 \$300,000 for bodily injury to or the death of any 2 or more
14 persons in any one accident, and \$50,000 for damage to
15 property, or does not have any insurance at all, then the
16 dealer's insurer shall be the primary insurer and the
17 permitted user's insurer shall be the secondary insurer.

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

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

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

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

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

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

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

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

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

1 for the applicant's established place of business plus
2 \$25 for each additional place of business, if any, to
3 which the application pertains. For a license renewal
4 application, the fee shall be based on the amount of
5 automobiles sold in the past year according to the
6 following formula:

7 (1) \$0 for dealers selling 25 or less
8 automobiles;

9 (2) \$150 for dealers selling more than 25 but
10 less than 200 automobiles;

11 (3) \$300 for dealers selling 200 or more
12 automobiles but less than 300 automobiles; and

13 (4) \$500 for dealers selling 300 or more
14 automobiles.

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

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

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

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

11 (ii) Except as provided in subsection (h) of
12 Section 5-102.7 of this Code, an Annual Dealer
13 Recovery Fund Fee in the amount of \$500 for the
14 applicant's established place of business, and \$50 for
15 each additional place of business, if any, to which
16 the application pertains; but if the application is
17 made after June 15 of any year, the fee shall be \$250
18 for the applicant's established place of business plus
19 \$25 for each additional place of business, if any, to
20 which the application pertains. License fees shall be
21 returnable only in the event that the application is
22 denied by the Secretary of State. Moneys received
23 under this subparagraph (ii) shall be deposited into
24 the Dealer Recovery Trust Fund.

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

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

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

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

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

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

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

19 (F) The Retailers' Occupation Tax Act.

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

1 following Acts:

2 (A) The Consumer Finance Act;

3 (B) The Consumer Installment Loan Act;

4 (C) The Retail Installment Sales Act;

5 (D) The Motor Vehicle Retail Installment Sales
6 Act;

7 (E) The Interest Act;

8 (F) The Illinois Wage Assignment Act;

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

11 (H) The Consumer Fraud Act.

12 9.5. A statement that, within 10 years of application,
13 each officer, director, shareholder having a 10% or
14 greater ownership interest therein, proprietor, partner,
15 member, officer, director, trustee, manager, or other
16 principal in the business of the applicant has not
17 committed, as determined in any civil, criminal, or
18 administrative proceeding, in any calendar year one or
19 more forcible felonies under the Criminal Code of 1961 or
20 the Criminal Code of 2012, or a violation of either or both
21 Article 16 or 17 of the Criminal Code of 1961 or a
22 violation of either or both Article 16 or 17 of the
23 Criminal Code of 2012, Article 29B of the Criminal Code of
24 1961 or the Criminal Code of 2012, or a similar
25 out-of-state offense. For the purposes of this paragraph,
26 "forcible felony" has the meaning provided in Section 2-8

1 of the Criminal Code of 2012.

2 10. A bond or certificate of deposit in the amount of
3 \$50,000 for each location at which the applicant intends
4 to act as a new vehicle dealer. The bond shall be for the
5 term of the license, or its renewal, for which application
6 is made, and shall expire not sooner than December 31 of
7 the year for which the license was issued or renewed. The
8 bond shall run to the People of the State of Illinois, with
9 surety by a bonding or insurance company authorized to do
10 business in this State. It shall be conditioned upon the
11 proper transmittal of all title and registration fees and
12 taxes (excluding taxes under the Retailers' Occupation Tax
13 Act) accepted by the applicant as a new vehicle dealer.

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

17 12. A statement that the applicant understands Chapter
18 1 through Chapter 5 of this Code.

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

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

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

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

6 1. He is authorized by contract in writing between
7 himself and the manufacturer or franchised distributor of
8 such make of vehicle to so sell the same in this State, and

9 2. Such person shall maintain an established place of
10 business as defined in this Act.

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

22 1. The name of the person licensed;

23 2. If a corporation, the name and address of its
24 officers or if a sole proprietorship, a partnership, an
25 unincorporated association or any similar form of business
26 organization, the name and address of the proprietor or of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 This amendatory Act of 1983 shall be applicable to the
12 1984 registration year and thereafter.

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

1 handles certificate of title and registration documents and
2 applications.

3 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;
4 101-505, eff. 1-1-20.)

5 (625 ILCS 5/5-101.1)

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

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

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

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

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

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

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

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

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

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

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

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

10 (8) A license fee of \$1,000 for the applicant's
11 established place of business and \$250 for each additional
12 place of business, if any, to which the application
13 pertains. However, if the application is made after June
14 15 of any year, the license fee shall be \$500 for the
15 applicant's established place of business and \$125 for
16 each additional place of business, if any, to which the
17 application pertains. These license fees shall be
18 returnable only in the event that the application is
19 denied by the Secretary of State.

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

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

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

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

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

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

9 (d) If a new vehicle dealer is not listed on the
10 application, pursuant to paragraph (2) of subsection (b), the
11 motor vehicle financing affiliate shall not receive, possess,
12 or transfer any new vehicle. If a new motor vehicle dealer is
13 listed on the application, pursuant to paragraph (2) of
14 subsection (b), the new motor vehicle dealer can only receive
15 those new cars it is permitted to receive under its franchise
16 agreement. If both a new and used motor vehicle dealer are
17 listed on the application, pursuant to paragraph (2) of
18 subsection (b), only the new motor vehicle dealer may receive
19 new motor vehicles. If a used motor vehicle is listed on the
20 application, pursuant to paragraph (2) of subsection (b), the
21 used motor vehicle dealer shall not receive any new motor
22 vehicles.

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

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

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

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

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

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

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

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

1 this Section and, unless it is determined that the application
2 does not conform with the requirements of this Section or that
3 grounds exist for a denial of the application under Section
4 5-501, grant the applicant a motor vehicle financing affiliate
5 license in writing for the applicant's established place of
6 business and a supplemental license in writing for each
7 additional place of business in a form prescribed by the
8 Secretary, which shall include all of the following:

9 (1) The name of the business licensed;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (5) In the case of a rebuilt vehicle, a copy of the
13 Disclosure of Rebuilt Vehicle Status pursuant to Section
14 5-104.3.

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

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

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

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

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

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

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

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

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

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

8 (625 ILCS 5/5-101.2)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 director, trustee, or manager.

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

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

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

23 (6) An application for:

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

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

14 (B) a community-based manufactured home dealer's
15 license, when the applicant is selling new
16 manufactured homes or park models on behalf of a
17 manufacturer of manufactured homes or park models, or
18 5 or more used manufactured homes or park models
19 during the calendar year, but within a community
20 setting, shall be accompanied by a license fee of \$500
21 for the applicant's established place of business, and
22 \$50 for each additional place of business within a
23 50-mile radius of the established place of business,
24 if any to which the application pertains. If the
25 application is made after June 15 in any year, the
26 license fee shall be \$250 for the applicant's

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

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

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

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

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

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

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

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

3 (F) the Retailers Occupation Tax Act;

4 (G) the Consumer Finance Act;

5 (H) the Consumer Installment Loan Act;

6 (I) the Retail Installment Sales Act;

7 (J) the Motor Vehicle Retail Installment Sales
8 Act;

9 (K) the Interest Act;

10 (L) the Illinois Wage Assignment Act;

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

13 (N) the Consumer Fraud Act.

14 (8) A bond or certificate of deposit in the amount of
15 \$20,000 for each license holder applicant intending to act
16 as a manufactured home dealer or community-based
17 manufactured home dealer under this Section. The bond
18 shall be for the term of the license, for which
19 application is made, and shall expire not sooner than
20 December 31 of the year for which the license was issued.
21 The bond shall run to the People of the State of Illinois,
22 with surety by a bonding or insurance company authorized
23 to do business in this State. It shall be conditioned upon
24 the proper transmittal of all title and registration fees
25 and taxes (excluding taxes under the Retailers' Occupation
26 Tax Act) accepted by the applicant as a manufactured home

1 dealer.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 the dealership.

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

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

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

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

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

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

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

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

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

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

18 (i) This Section shall not apply to a (i) seller who
19 privately owns his or her manufactured home or park model as
20 his or her main residence and is selling the manufactured home
21 or park model to another individual or to a licensee; (ii) a
22 retailer or entity licensed under either Section 5-101 or
23 5-102 of this Code; or (iii) an individual or entity licensed
24 to sell truck campers, travel trailers, motor homes, or mini
25 motor homes as defined by this Code. Any vehicle not covered by
26 this Section that requires an individual or entity to obtain a

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

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

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

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

8 (625 ILCS 5/5-102) (from Ch. 95 1/2, par. 5-102)

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

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

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

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

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

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

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

1 with each application covering each location at which he
2 proposes to act as a used vehicle dealer. The policy must
3 provide liability coverage in the minimum amounts of
4 \$100,000 for bodily injury to, or death of, any person,
5 \$300,000 for bodily injury to, or death of, two or more
6 persons in any one accident, and \$50,000 for damage to
7 property. Such policy shall expire not sooner than
8 December 31 of the year for which the license was issued or
9 renewed. The expiration of the insurance policy shall not
10 terminate the liability under the policy arising during
11 the period for which the policy was filed. Trailer and
12 mobile home dealers are exempt from this requirement.

13 If the permitted user has a liability insurance policy
14 that provides automobile liability insurance coverage of
15 at least \$100,000 for bodily injury to or the death of any
16 person, \$300,000 for bodily injury to or the death of any 2
17 or more persons in any one accident, and \$50,000 for
18 damage to property, then the permitted user's insurer
19 shall be the primary insurer and the dealer's insurer
20 shall be the secondary insurer. If the permitted user does
21 not have a liability insurance policy that provides
22 automobile liability insurance coverage of at least
23 \$100,000 for bodily injury to or the death of any person,
24 \$300,000 for bodily injury to or the death of any 2 or more
25 persons in any one accident, and \$50,000 for damage to
26 property, or does not have any insurance at all, then the

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

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

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

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

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

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

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

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

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

1 the application pertains; but if the application is
2 made after June 15 of any year, the fee shall be \$250
3 for the applicant's established place of business plus
4 \$25 for each additional place of business, if any, to
5 which the application pertains. For a license renewal
6 application, the fee shall be based on the amount of
7 automobiles sold in the past year according to the
8 following formula:

9 (1) \$0 for dealers selling 25 or less
10 automobiles;

11 (2) \$150 for dealers selling more than 25 but
12 less than 200 automobiles;

13 (3) \$300 for dealers selling 200 or more
14 automobiles but less than 300 automobiles; and

15 (4) \$500 for dealers selling 300 or more
16 automobiles.

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

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

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

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

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

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

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

13 (E) Section 21-2 of the Illinois Criminal Code of
14 1961 or the Criminal Code of 2012, Criminal Trespass
15 to Vehicles; or

16 (F) The Retailers' Occupation Tax Act.

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

25 (A) The Consumer Finance Act;

26 (B) The Consumer Installment Loan Act;

- 1 (C) The Retail Installment Sales Act;
- 2 (D) The Motor Vehicle Retail Installment Sales
- 3 Act;
- 4 (E) The Interest Act;
- 5 (F) The Illinois Wage Assignment Act;
- 6 (G) Part 8 of Article XII of the Code of Civil
- 7 Procedure; or
- 8 (H) The Consumer Fraud and Deceptive Business
- 9 Practices Act.

10 7.5. A statement that, within 10 years of application,

11 each officer, director, shareholder having a 10% or

12 greater ownership interest therein, proprietor, partner,

13 member, officer, director, trustee, manager, or other

14 principal in the business of the applicant has not

15 committed, as determined in any civil, criminal, or

16 administrative proceeding, in any calendar year one or

17 more forcible felonies under the Criminal Code of 1961 or

18 the Criminal Code of 2012, or a violation of either or both

19 Article 16 or 17 of the Criminal Code of 1961 or a

20 violation of either or both Article 16 or 17 of the

21 Criminal Code of 2012, Article 29B of the Criminal Code of

22 1961 or the Criminal Code of 2012, or a similar

23 out-of-state offense. For the purposes of this paragraph,

24 "forcible felony" has the meaning provided in Section 2-8

25 of the Criminal Code of 2012.

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

1 \$50,000 for each location at which the applicant intends
2 to act as a used vehicle dealer. The bond shall be for the
3 term of the license, or its renewal, for which application
4 is made, and shall expire not sooner than December 31 of
5 the year for which the license was issued or renewed. The
6 bond shall run to the People of the State of Illinois, with
7 surety by a bonding or insurance company authorized to do
8 business in this State. It shall be conditioned upon the
9 proper transmittal of all title and registration fees and
10 taxes (excluding taxes under the Retailers' Occupation Tax
11 Act) accepted by the applicant as a used vehicle dealer.

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

15 10. A statement that the applicant understands Chapter
16 1 through Chapter 5 of this Code.

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

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

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

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

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

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

18 1. The name of the person licensed;

19 2. If a corporation, the name and address of its
20 officers or if a sole proprietorship, a partnership, an
21 unincorporated association or any similar form of business
22 organization, the name and address of the proprietor or of
23 each partner, member, officer, director, trustee or
24 manager;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (2) the date of sale,

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

3 (4) the Illinois certificate of title number.

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

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

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

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

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

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

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

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

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

1 handles certificate of title and registration documents and
2 applications.

3
4 (Source: P.A. 100-450, eff. 1-1-18; 100-956, eff. 1-1-19;
5 101-505, eff. 1-1-20.)

6 (625 ILCS 5/5-102.8)

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

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

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

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

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

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

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

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

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

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

14 If the permitted user has a liability insurance policy
15 that provides automobile liability insurance coverage of
16 at least \$100,000 for bodily injury to or the death of any
17 person, \$300,000 for bodily injury to or the death of any 2
18 or more persons in any one accident, and \$50,000 for
19 damage to property, then the permitted user's insurer
20 shall be the primary insurer and the dealer's insurer
21 shall be the secondary insurer. If the permitted user does
22 not have a liability insurance policy that provides
23 automobile liability insurance coverage of at least
24 \$100,000 for bodily injury to or the death of any person,
25 \$300,000 for bodily injury to or the death of any 2 or more
26 persons in any one accident, and \$50,000 for damage to

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

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

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

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

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

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

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

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

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

1 Recovery Fund Fee in the amount of \$500 for the
2 applicant's established place of business, and \$50 for
3 each additional place of business, if any, to which
4 the application pertains; but if the application is
5 made after June 15 of any year, the fee shall be \$250
6 for the applicant's established place of business plus
7 \$25 for each additional place of business, if any, to
8 which the application pertains. For a license renewal
9 application, the fee shall be based on the amount of
10 automobiles sold in the past year according to the
11 following formula:

12 (1) \$0 for dealers selling 25 or less
13 automobiles;

14 (2) \$150 for dealers selling more than 25 but
15 less than 200 automobiles;

16 (3) \$300 for dealers selling 200 or more
17 automobiles but less than 300 automobiles; and

18 (4) \$500 for dealers selling 300 or more
19 automobiles.

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

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

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

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

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

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

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

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

23 (F) the Retailers' Occupation Tax Act.

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

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

6 (A) the Consumer Finance Act;

7 (B) the Consumer Installment Loan Act;

8 (C) the Retail Installment Sales Act;

9 (D) the Motor Vehicle Retail Installment Sales
10 Act;

11 (E) the Interest Act;

12 (F) the Illinois Wage Assignment Act;

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

15 (H) the Consumer Fraud and Deceptive Business
16 Practices Act.

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

1 violation of either or both Article 16 or 17 of the
2 Criminal Code of 2012, Article 29B of the Criminal Code of
3 1961 or the Criminal Code of 2012, or a similar
4 out-of-state offense. For the purposes of this paragraph,
5 "forcible felony" has the meaning provided in Section 2-8
6 of the Criminal Code of 2012.

7 (9) A bond or Certificate of Deposit in the amount of
8 \$50,000 for each location at which the applicant intends
9 to act as a Buy Here, Pay Here used vehicle dealer. The
10 bond shall be for the term of the license. The bond shall
11 run to the People of the State of Illinois, with surety by
12 a bonding or insurance company authorized to do business
13 in this State. It shall be conditioned upon the proper
14 transmittal of all title and registration fees and taxes
15 (excluding taxes under the Retailers' Occupation Tax Act)
16 accepted by the applicant as a Buy Here, Pay Here used
17 vehicle dealer.

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

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

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

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

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

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

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

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

24 (1) The name of the person licensed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (3) the date of acquisition of the vehicle;

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

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

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

3 (6) the purchase price of the vehicle.

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

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

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

24 (625 ILCS 5/5-301) (from Ch. 95 1/2, par. 5-301)

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

1 repairers and rebuilders must be licensed.

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

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

26 1. The name and type of business organization of the

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

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

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

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

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

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

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

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

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

9 (f) the Retailers Occupation Tax Act.

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

18 (a) the Consumer Finance Act;

19 (b) the Consumer Installment Loan Act;

20 (c) the Retail Installment Sales Act;

21 (d) the Motor Vehicle Retail Installment Sales
22 Act;

23 (e) the Interest Act;

24 (f) the Illinois Wage Assignment Act;

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

1 (h) the Consumer Fraud Act.

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

13 7. A statement that the applicant understands Chapter
14 1 through Chapter 5 of this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 classification;

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

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

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

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

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

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

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

1 Section, meet the following licensing requirements:

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

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

8 3. provide proof that applicant complies with the
9 proper workers' compensation rate code or classification,
10 and listing the code of classification; and

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

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

16 (625 ILCS 5/5-505 new)

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