



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

SB3325

Introduced 2/19/2016, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/5-101.2 new
625 ILCS 5/5-401.2

from Ch. 95 1/2, par. 5-401.2

Amends the Illinois Vehicle Code. Requires dealers of manufactured homes and community-based manufactured homes to be licensed in this State for the purpose of selling manufactured homes or park models. Provides that an application for a manufactured home dealer's license or a community-based manufactured home dealer's license shall be filed with the Secretary of State, duly verified by oath on a form prescribed by the Secretary, and shall contain certain required information concerning the dealer's business and the fees to be paid for the license. Requires the Secretary to grant the manufactured home or community-based manufactured home dealer's license in writing within a reasonable period of time after receipt of the application for the license, if the license application meets the proper requirements. Provides that the instrument evidencing the license, or a certified copy of the instrument, shall be posted in the established place of business of the dealer. Provides that dealer's licenses shall expire on December 31 of the calendar year for which they are granted, unless sooner revoked or cancelled. Defines "community-based manufactured home dealer", "established place of business", "manufactured home", "manufactured home dealer", "park model", and "supplemental license". Makes conforming changes. Effective immediately.

LRB099 17121 AXK 41479 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 5-401.2 and by adding Section 5-101.2 as follows:

6 (625 ILCS 5/5-101.2 new)

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

8 (a) As used in this Section:

9 "Community-based manufactured home dealer" means an
10 operator of a tract of land or 2 or more contiguous tracts
11 of land that contain sites with the necessary utilities for
12 5 or more independent manufactured homes for permanent
13 habitation, either free of charge or for revenue purposes,
14 and including any building, structure, vehicle, and
15 enclosure used or intended for use as a part of the
16 equipment of the manufactured home park, who may,
17 incidental to the operation of the manufactured home
18 community, sell, trade, or buy a manufactured home or park
19 model that is located within the manufactured home
20 community or is located in a different manufactured home
21 community that is owned or managed by the community-based
22 manufactured home dealer.

23 "Established place of business" means the place owned

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

18 "Manufactured home" means a factory assembled
19 structure built on a permanent chassis, transportable in
20 one or more sections in the travel mode, incapable of
21 self-propulsion, bears a label indicating the
22 manufacturer's compliance with the United States
23 Department of Housing and Urban Development standards, as
24 applicable, is without a permanent foundation, and is
25 designed for year round occupancy as a single-family
26 residence when connected to approved water, sewer, and

1 electrical utilities.

2 "Manufactured home dealer" means an individual or
3 entity that engages in the business of acquiring or
4 disposing of a manufactured home or park model, either new
5 manufactured homes or park models pursuant to a franchise
6 agreement with a manufacturer or used manufactured homes or
7 park models, and that has an established place of business
8 that is not in a residential community-based setting.

9 "Park model" means a vehicle that is incapable of
10 self-propulsion, has less than 400 square feet of habitable
11 space, is built to American National Standards Institute
12 standards, prohibits occupancy on a permanent basis, and is
13 built on a vehicle chassis.

14 "Supplemental license" means a license that a
15 community-based manufactured home dealer receives and
16 displays at locations other than the established place of
17 business of the licensee in which the licensee is
18 authorized to sell, buy, barter, display, exchange, or deal
19 in, on consignment or otherwise, manufactured homes or park
20 models.

21 (b) No person shall engage in this State in the business of
22 selling or dealing in, on consignment or otherwise,
23 manufactured homes or park models of any make, or act as an
24 intermediary, agent, or broker for any manufactured home or
25 park model purchaser, other than as a salesperson or to
26 represent or advertise that he or she is so engaged or intends

1 to so engage in the business, unless licensed to do so by the
2 Secretary of State under this Section.

3 (c) An applicant for a manufactured home dealer's license
4 or a community-based manufactured home dealer's license shall
5 file an application with the Secretary of State. The
6 application shall be duly verified by oath, on such form as the
7 Secretary of State may by rule prescribe, and contain all of
8 the following:

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

12 (2) If the applicant is a corporation, a list of its
13 officers, directors, and shareholders having a 10% or
14 greater ownership interest in the corporation. If the
15 applicant is a sole proprietorship, a partnership, a
16 limited liability company, an unincorporated association,
17 a trust, or any similar form of business organization, the
18 name and residential address of the proprietor, or the name
19 and residential address of each partner, member, officer,
20 director, trustee, or manager.

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

24 (4) The name of each manufacturer or franchised
25 distributor, if any, of new manufactured homes or park
26 models with whom the applicant has contracted for the sale

1 of new manufactured homes or park models. As evidence of
2 this fact, the application shall be accompanied by a signed
3 statement from each manufacturer or franchised
4 distributor.

5 (5) A statement that the applicant has been approved
6 for registration under the Retailers' Occupation Tax Act by
7 the Department of Revenue, except that this requirement
8 does not apply to a manufactured home dealer who is already
9 licensed with the Secretary of State and who is merely
10 applying for a renewal of a manufactured home dealer
11 license. As evidence of this fact, the application shall be
12 accompanied by a certification from the Department of
13 Revenue showing that the Department has approved the
14 applicant for registration under the Retailers' Occupation
15 Tax Act.

16 (6) In the case of an application for a manufactured
17 home dealer's license, when the applicant is selling new
18 manufactured homes or park models on behalf of a
19 manufacturer of manufactured homes or park models, or 5 or
20 more used manufactured homes or park models during the
21 calendar year, a \$1,000 license fee for the applicant's
22 established place of business, and \$100 for each additional
23 place of business, if any, to which the application
24 pertains. If the application is made after June 15 in any
25 year, the license fee shall be \$500 for the applicant's
26 established place of business, and \$50 for each additional

1 place of business, if any, to which the application
2 pertains. License fees shall be returnable only in the
3 event that the application is denied by the Secretary of
4 State.

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

9 (7) In the case of an application for a community-based
10 manufactured home dealer's license, when the applicant is
11 selling 5 or more manufactured homes during the calendar
12 year not on behalf of a manufacturer of manufactured homes,
13 but within a community setting, a license fee of \$500 for
14 the applicant's established place of business, and \$50 for
15 each additional place of business, if any to which the
16 application pertains. If the application is made after June
17 15 in any year, the license fee shall be \$250 for the
18 applicant's established place of business, and \$50 for each
19 additional place of business, if any, to which the
20 application pertains. License fees shall be returnable
21 only in the event that the application is denied by the
22 Secretary of State.

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

1 (8) A statement that the applicant's officers,
2 directors, shareholders having a 10% or greater ownership
3 interest, proprietors, partners, members, officers,
4 directors, trustees, managers, or other principals in the
5 business have not committed in the past 3 years any one
6 violation, as determined in any civil, criminal, or
7 administrative hearing proceeding, of any one of the
8 following:

9 (A) Article I of Chapter 4 of this Code;

10 (B) Chapter 3 of this Code;

11 (C) Chapter 5 of this Code;

12 (D) Section 21-2 of the Criminal Code of 2012;

13 (E) the Retailers' Occupation Tax Act;

14 (F) the Consumer Finance Act;

15 (G) the Consumer Installment Loan Act;

16 (H) the Retail Installment Sales Act;

17 (I) the Motor Vehicle Retail Installment Sales
18 Act;

19 (J) the Interest Act;

20 (K) the Illinois Wage Assignment Act;

21 (L) Part 8 of Article XII of the Code of Civil
22 Procedure; or

23 (M) the Consumer Fraud and Deceptive Business
24 Practices Act.

25 (9) A bond or certificate of deposit in the amount of
26 \$20,000 for each license holder applicant intending to act

1 as a manufactured home dealer or community-based
2 manufactured home dealer under this Section. The bond shall
3 be for the term of the license for which application is
4 made and shall expire not sooner than December 31 of the
5 year for which the license was issued. The bond shall run
6 to the People of the State of Illinois, with surety by a
7 bonding or insurance company authorized to do business in
8 this State. It shall be conditioned upon the proper
9 transmittal of all title and registration fees and taxes
10 (excluding taxes under the Retailers' Occupation Tax Act)
11 accepted by the applicant as a manufactured home dealer.

12 (10) For dealers in business for over 5 years, of the
13 option of the dealer, a certificate of insurance in lieu of
14 the bond or certificate of deposit upon renewing a license
15 under this Section.

16 (11) Any other information concerning the business of
17 the applicant as the Secretary of State may by rule
18 prescribe.

19 (12) A statement that the applicant has read and
20 understands Chapters 1 through 5 of this Code.

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

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

1 after receipt, examine an application submitted to him or her
2 under this Section, and unless he or she makes a determination
3 that the application submitted to him or her does not conform
4 with the requirements of this Section or that grounds exist for
5 a denial of the application under Section 5-501 of this
6 Chapter, grant the applicant an initial manufactured home
7 dealer's license or a community-based manufactured home
8 dealer's license in writing for his or her established place of
9 business and a supplemental license in writing for each
10 additional place of business in a form the Secretary may
11 prescribe by rule. The license shall include the following:

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

13 (2) if a corporation, the name and address of its
14 officers; if a sole proprietorship, a partnership, an
15 unincorporated association, or any similar form of
16 business organization, the name and address of the
17 proprietor, or the name and address of each partner,
18 member, officer, director, trustee or manager; or if a
19 limited liability company, the name and address of the
20 general partner or partners or managing member or members;

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

23 (4) in the case of a supplemental license, the
24 established place of business of the licensee and the
25 additional place of business to which the supplemental
26 license pertains; and

1 (5) if applicable, the make or makes of new
2 manufactured homes or park models the manufactured home
3 dealer is licensed to sell.

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

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

19 (h) A person licensed as a manufactured home dealer or a
20 community-based manufactured home dealer is required to
21 furnish each purchaser of a manufactured home or park model:

22 (1) in the case of a new manufactured home or park
23 model, a manufacturer's statement of origin, and in the
24 case of a previously owned manufactured home or park model,
25 a certificate of title, in either case properly assigned to
26 the purchaser;

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

5 (3) a bill of sale properly executed on behalf of the
6 purchaser;

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

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

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

26 (j) This Section does not apply to any person licensed

1 under the Real Estate License Act of 2000.

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

4 (625 ILCS 5/5-401.2) (from Ch. 95 1/2, par. 5-401.2)

5 Sec. 5-401.2. Licensees required to keep records and make
6 inspections.

7 (a) Every person licensed or required to be licensed under
8 Section 5-101, 5-101.1, 5-101.2, 5-102, 5-301 or 5-302 of this
9 Code, shall, with the exception of scrap processors, maintain
10 for 3 years, in a form as the Secretary of State may by rule or
11 regulation prescribe, at his established place of business,
12 additional place of business, or principal place of business if
13 licensed under Section 5-302, the following records relating to
14 the acquisition or disposition of vehicles and their essential
15 parts possessed in this State, brought into this State from
16 another state, territory or country, or sold or transferred to
17 another person in this State or in another state, territory, or
18 country.

19 (1) The following records pertaining to new or used
20 vehicles shall be kept:

21 (A) the year, make, model, style and color of the
22 vehicle;

23 (B) the vehicle's manufacturer's identification
24 number or, if applicable, the Secretary of State or
25 Illinois Department of State Police identification

1 number;

2 (C) the date of acquisition of the vehicle;

3 (D) the name and address of the person from whom
4 the vehicle was acquired and, if that person is a
5 dealer, the Illinois or out-of-state dealer license
6 number of such person;

7 (E) the signature of the person making the
8 inspection of a used vehicle as required under
9 subsection (d) of this Section, if applicable;

10 (F) the purchase price of the vehicle, if
11 applicable;

12 (G) the date of the disposition of the vehicle;

13 (H) the name and address of the person to whom any
14 vehicle was disposed, and if that person is a dealer,
15 the Illinois or out-of-State dealer's license number
16 of that dealer;

17 (I) the uniform invoice number reflecting the
18 disposition of the vehicle, if applicable; and

19 (J) The sale price of the vehicle, if applicable.

20 (2) (A) The following records pertaining to used
21 essential parts other than quarter panels and
22 transmissions of vehicles of the first division shall be
23 kept:

24 (i) the year, make, model, color and type of such
25 part;

26 (ii) the vehicle's manufacturer's identification

1 number, derivative number, or, if applicable, the
2 Secretary of State or Illinois Department of State
3 Police identification number of such part;

4 (iii) the date of the acquisition of each part;

5 (iv) the name and address of the person from whom
6 the part was acquired and, if that person is a dealer,
7 the Illinois or out-of-state dealer license number of
8 such person; if the essential part being acquired is
9 from a person other than a dealer, the licensee shall
10 verify and record that person's identity by recording
11 the identification numbers from at least two sources of
12 identification, one of which shall be a drivers license
13 or State identification card;

14 (v) the uniform invoice number or out-of-state
15 bill of sale number reflecting the acquisition of such
16 part;

17 (vi) the stock number assigned to the essential
18 part by the licensee, if applicable;

19 (vii) the date of the disposition of such part;

20 (viii) the name and address of the person to whom
21 such part was disposed of and, if that person is a
22 dealer, the Illinois or out-of-state dealer license
23 number of that person;

24 (ix) the uniform invoice number reflecting the
25 disposition of such part.

26 (B) Inspections of all essential parts shall be

1 conducted in accordance with Section 5-402.1.

2 (C) A separate entry containing all of the information
3 required to be recorded in subparagraph (A) of paragraph
4 (2) of subsection (a) of this Section shall be made for
5 each separate essential part. Separate entries shall be
6 made regardless of whether the part was a large purchase
7 acquisition. In addition, a separate entry shall be made
8 for each part acquired for immediate sale or transfer, or
9 for placement into the overall inventory or stock to be
10 disposed of at a later time, or for use on a vehicle to be
11 materially altered by the licensee, or acquired for any
12 other purpose or reason. Failure to make a separate entry
13 for each essential part acquired or disposed of, or a
14 failure to record any of the specific information required
15 to be recorded concerning the acquisition or disposition of
16 each essential part as set forth in subparagraph (A) of
17 paragraph (2) of subsection (a) shall constitute a failure
18 to keep records.

19 (D) The vehicle's manufacturer's identification number
20 or Secretary of State or Illinois Department of State
21 Police identification number for the essential part shall
22 be ascertained and recorded even if such part is acquired
23 from a person or dealer located in a State, territory, or
24 country which does not require that such information be
25 recorded. If the vehicle's manufacturer's identification
26 number or Secretary of State or Illinois Department of

1 State Police identification number for an essential part
2 cannot be obtained, that part shall not be acquired by the
3 licensee or any of his agents or employees. If such part or
4 parts were physically acquired by the licensee or any of
5 his agents or employees while the licensee or agent or
6 employee was outside this State, that licensee or agent or
7 employee was outside the State, that licensee, agent or
8 employee shall not bring such essential part into this
9 State or cause it to be brought into this State. The
10 acquisition or disposition of an essential part by a
11 licensee without the recording of the vehicle
12 identification number or Secretary of State identification
13 number for such part or the transportation into the State
14 by the licensee or his agent or employee of such part or
15 parts shall constitute a failure to keep records.

16 (E) The records of essential parts required to be kept
17 by this Section shall apply to all hulks, chassis, frames
18 or cowls, regardless of the age of those essential parts.
19 The records required to be kept by this Section for
20 essential parts other than hulks, chassis, frames or cowls,
21 shall apply only to those essential parts which are 6 model
22 years of age or newer. In determining the model year of
23 such an essential part it may be presumed that the
24 identification number of the vehicle from which the
25 essential part came or the identification number affixed to
26 the essential part itself acquired by the licensee denotes

1 the model year of that essential part. This presumption,
2 however, shall not apply if the gross appearance of the
3 essential part does not correspond to the year, make or
4 model of either the identification number of the vehicle
5 from which the essential part is alleged to have come or
6 the identification number which is affixed to the essential
7 part itself. To determine whether an essential part is 6
8 years of age or newer within this paragraph, the model year
9 of the essential part shall be subtracted from the calendar
10 year in which the essential part is acquired or disposed of
11 by the licensee. If the remainder is 6 or less, the record
12 of the acquisition or disposition of that essential part
13 shall be kept as required by this Section.

14 (F) The requirements of paragraph (2) of subsection (a)
15 of this Section shall not apply to the disposition of an
16 essential part other than a cowl which has been damaged or
17 altered to a state in which it can no longer be returned to
18 a usable condition and which is being sold or transferred
19 to a scrap processor or for delivery to a scrap processor.

20 (3) the following records for vehicles on which junking
21 certificates are obtained shall be kept:

22 (A) the year, make, model, style and color of the
23 vehicle;

24 (B) 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 (C) the date the vehicle was acquired;

2 (D) the name and address of the person from whom the
3 vehicle was acquired and, if that person is a dealer, the
4 Illinois or out-of-state dealer license number of that
5 person;

6 (E) the certificate of title number or salvage
7 certificate number for the vehicle, if applicable;

8 (F) the junking certificate number obtained by the
9 licensee; this entry shall be recorded at the close of
10 business of the fifth business day after receiving the
11 junking certificate;

12 (G) the name and address of the person to whom the
13 junking certificate has been assigned, if applicable, and
14 if that person is a dealer, the Illinois or out-of-state
15 dealer license number of that dealer;

16 (H) if the vehicle or any part of the vehicle is
17 dismantled for its parts to be disposed of in any way, or
18 if such parts are to be used by the licensee to materially
19 alter a vehicle, those essential parts shall be recorded
20 and the entries required by paragraph (2) of subsection (a)
21 shall be made.

22 (4) The following records for rebuilt vehicles shall be
23 kept:

24 (A) the year, make, model, style and color of the
25 vehicle;

26 (B) the vehicle's manufacturer's identification number

1 of the vehicle or, if applicable, the Secretary of State or
2 Illinois Department of State Police identification number;

3 (C) the date the vehicle was acquired;

4 (D) the name and address of the person from whom the
5 vehicle was acquired, and if that person is a dealer, the
6 Illinois or out-of-state dealer license number of that
7 person;

8 (E) the salvage certificate number for the vehicle;

9 (F) the newly issued certificate of title number for
10 the vehicle;

11 (G) the date of disposition of the vehicle;

12 (H) the name and address of the person to whom the
13 vehicle was disposed, and if a dealer, the Illinois or
14 out-of-state dealer license number of that dealer;

15 (I) The sale price of the vehicle.

16 (a-1) A person licensed or required to be licensed under
17 Section 5-101 or Section 5-102 of this Code who issues
18 temporary registration permits as permitted by this Code and by
19 rule must electronically file the registration with the
20 Secretary and must maintain records of the registration in the
21 manner prescribed by the Secretary.

22 (b) A failure to make separate entries for each vehicle
23 acquired, disposed of, or assigned, or a failure to record any
24 of the specific information required to be recorded concerning
25 the acquisition or disposition of each vehicle as set forth in
26 paragraphs (1), (3) and (4) of subsection (a) shall constitute

1 a failure to keep records.

2 (c) All entries relating to the acquisition of a vehicle or
3 essential part required by subsection (a) of this Section shall
4 be recorded no later than the close of business on the seventh
5 calendar day following such acquisition. All entries relating
6 to the disposition of a vehicle or an essential part shall be
7 made at the time of such disposition. If the vehicle or
8 essential part was disposed of on the same day as its
9 acquisition or the day thereafter, the entries relating to the
10 acquisition of the vehicle or essential part shall be made at
11 the time of the disposition of the vehicle or essential part.
12 Failure to make the entries required in or at the times
13 prescribed by this subsection following the acquisition or
14 disposition of such vehicle or essential part shall constitute
15 a failure to keep records.

16 (d) Every person licensed or required to be licensed shall,
17 before accepting delivery of a used vehicle, inspect the
18 vehicle to determine whether the manufacturer's public vehicle
19 identification number has been defaced, destroyed, falsified,
20 removed, altered, or tampered with in any way. If the person
21 making the inspection determines that the manufacturer's
22 public vehicle identification number has been altered,
23 removed, defaced, destroyed, falsified or tampered with he
24 shall not acquire that vehicle but instead shall promptly
25 notify law enforcement authorities of his finding.

26 (e) The information required to be kept in subsection (a)

1 of this Section shall be kept in a manner prescribed by rule or
2 regulation of the Secretary of State.

3 (f) Every person licensed or required to be licensed shall
4 have in his possession a separate certificate of title, salvage
5 certificate, junking certificate, certificate of purchase,
6 uniform invoice, out-of-state bill of sale or other acceptable
7 documentary evidence of his right to the possession of every
8 vehicle or essential part.

9 (g) Every person licensed or required to be licensed as a
10 transporter under Section 5-201 shall maintain for 3 years, in
11 such form as the Secretary of State may by rule or regulation
12 prescribe, at his principal place of business a record of every
13 vehicle transported by him, including numbers of or other marks
14 of identification thereof, the names and addresses of persons
15 from whom and to whom the vehicle was delivered and the dates
16 of delivery.

17 (h) No later than 15 days prior to going out of business,
18 selling the business, or transferring the ownership of the
19 business, the licensee shall notify the Secretary of State that
20 he is going out of business or that he is transferring the
21 ownership of the business. Failure to notify under this
22 paragraph shall constitute a failure to keep records.

23 (i) (Blank).

24 (j) A person who knowingly fails to comply with the
25 provisions of this Section or knowingly fails to obey, observe,
26 or comply with any order of the Secretary or any law

1 enforcement agency issued in accordance with this Section is
2 guilty of a Class B misdemeanor for the first violation and a
3 Class A misdemeanor for the second and subsequent violations.
4 Each violation constitutes a separate and distinct offense and
5 a separate count may be brought in the same indictment or
6 information for each vehicle or each essential part of a
7 vehicle for which a record was not kept as required by this
8 Section.

9 (k) Any person convicted of failing to keep the records
10 required by this Section with intent to conceal the identity or
11 origin of a vehicle or its essential parts or with intent to
12 defraud the public in the transfer or sale of vehicles or their
13 essential parts is guilty of a Class 2 felony. Each violation
14 constitutes a separate and distinct offense and a separate
15 count may be brought in the same indictment or information for
16 each vehicle or essential part of a vehicle for which a record
17 was not kept as required by this Section.

18 (l) A person may not be criminally charged with or
19 convicted of both a knowing failure to comply with this Section
20 and a knowing failure to comply with any order, if both
21 offenses involve the same record keeping violation.

22 (m) The Secretary shall adopt rules necessary for
23 implementation of this Section, which may include the
24 imposition of administrative fines.

25 (Source: P.A. 91-415, eff. 1-1-00; 92-773, eff. 8-6-02.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.